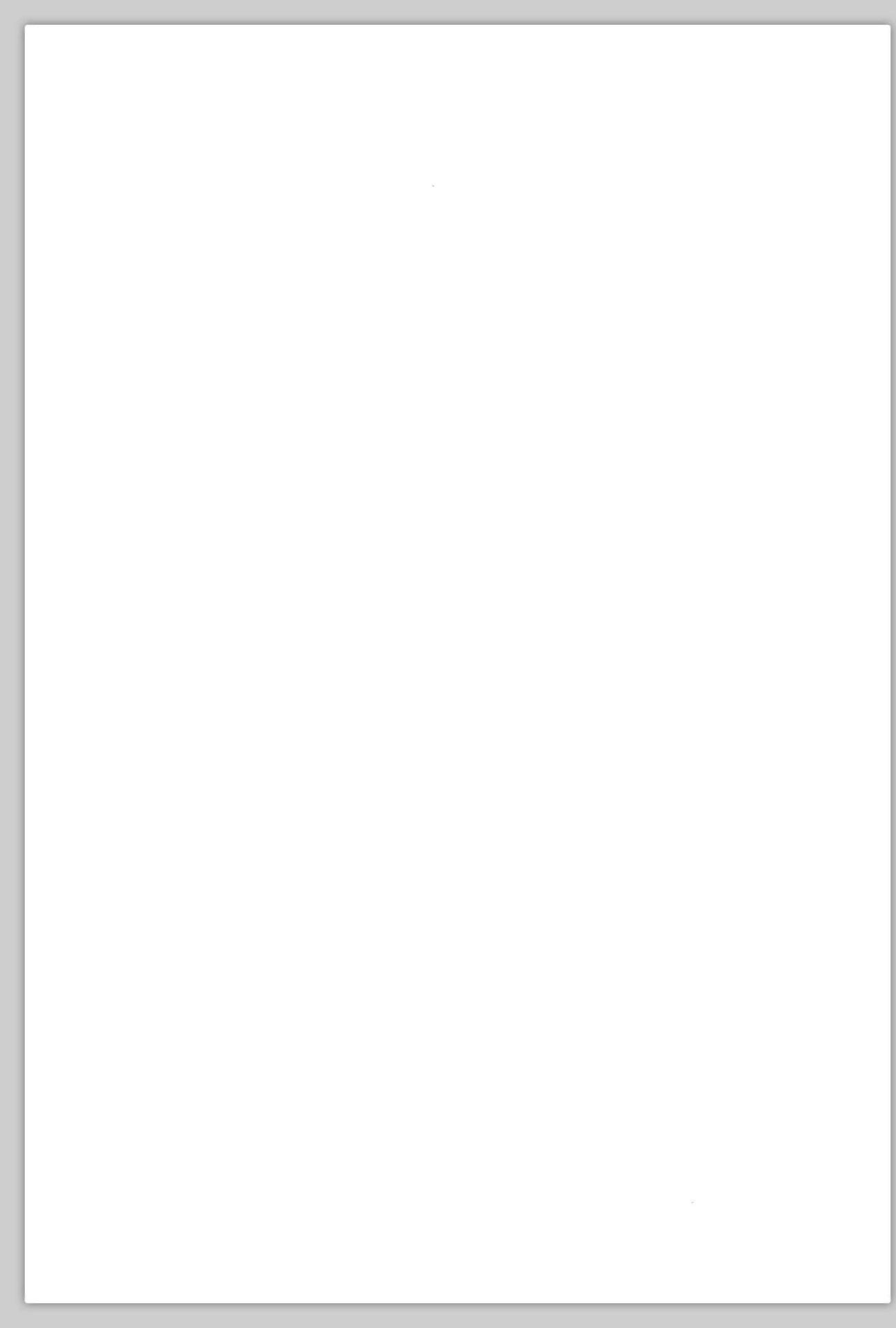


DEPARTMENT
OF THE
ATTORNEY-GENERAL

PROVINCE OF BRITISH COLUMBIA

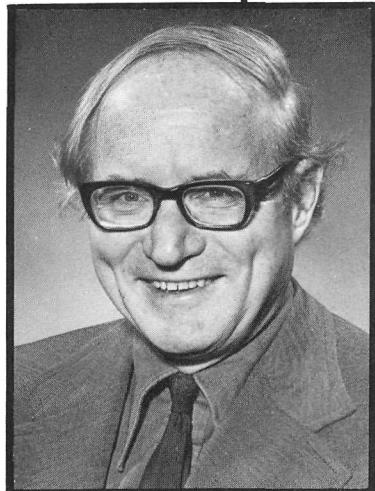
ANNUAL REPORT
FOR THE YEAR ENDED DECEMBER 31
1974



*Colonel the Honourable WALTER S. OWEN, Q.C., LL.D.,
Lieutenant-Governor of the Province of
British Columbia.*

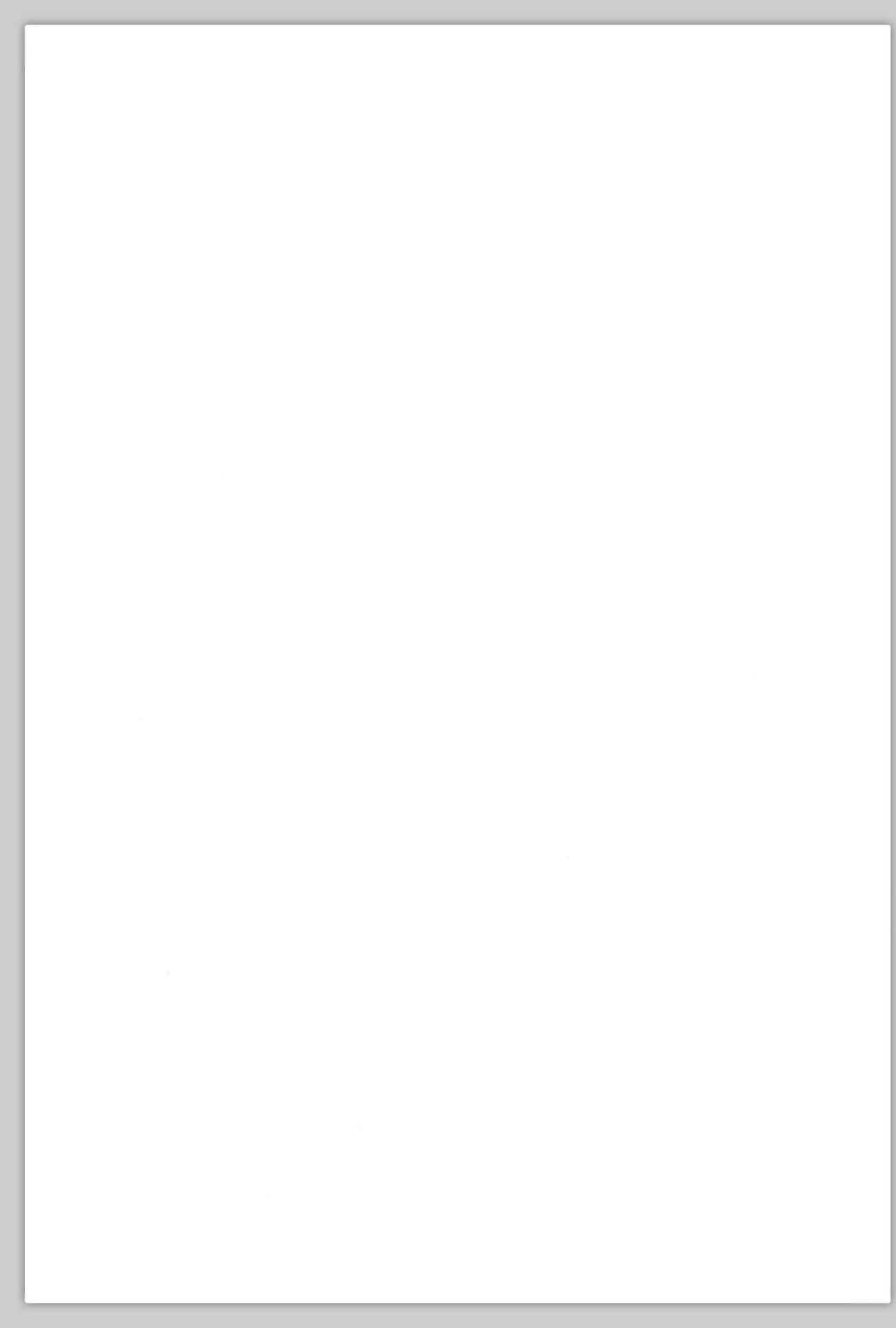
MAY IT PLEASE YOUR HONOUR:

The Annual Report of the Department of the Attorney-General of the Province for the year 1974 is herewith respectfully submitted.



ALEX. MACDONALD, Q.C.
Attorney-General

*Office of the Attorney-General
March 1975.*



*The Honourable Alex. Macdonald, Q.C.
Attorney-General
Parliament Buildings
Victoria, B.C.*

DEAR SIR:

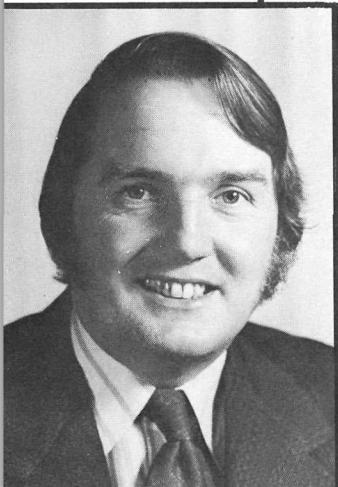
I have the honour to submit to you material which I recommend comprise the first Annual Report of the Attorney-General for the Province of British Columbia pursuant to the provisions of section 5 of the *Attorney-General Act*, R.S.B.C. 1960, chapter 21.

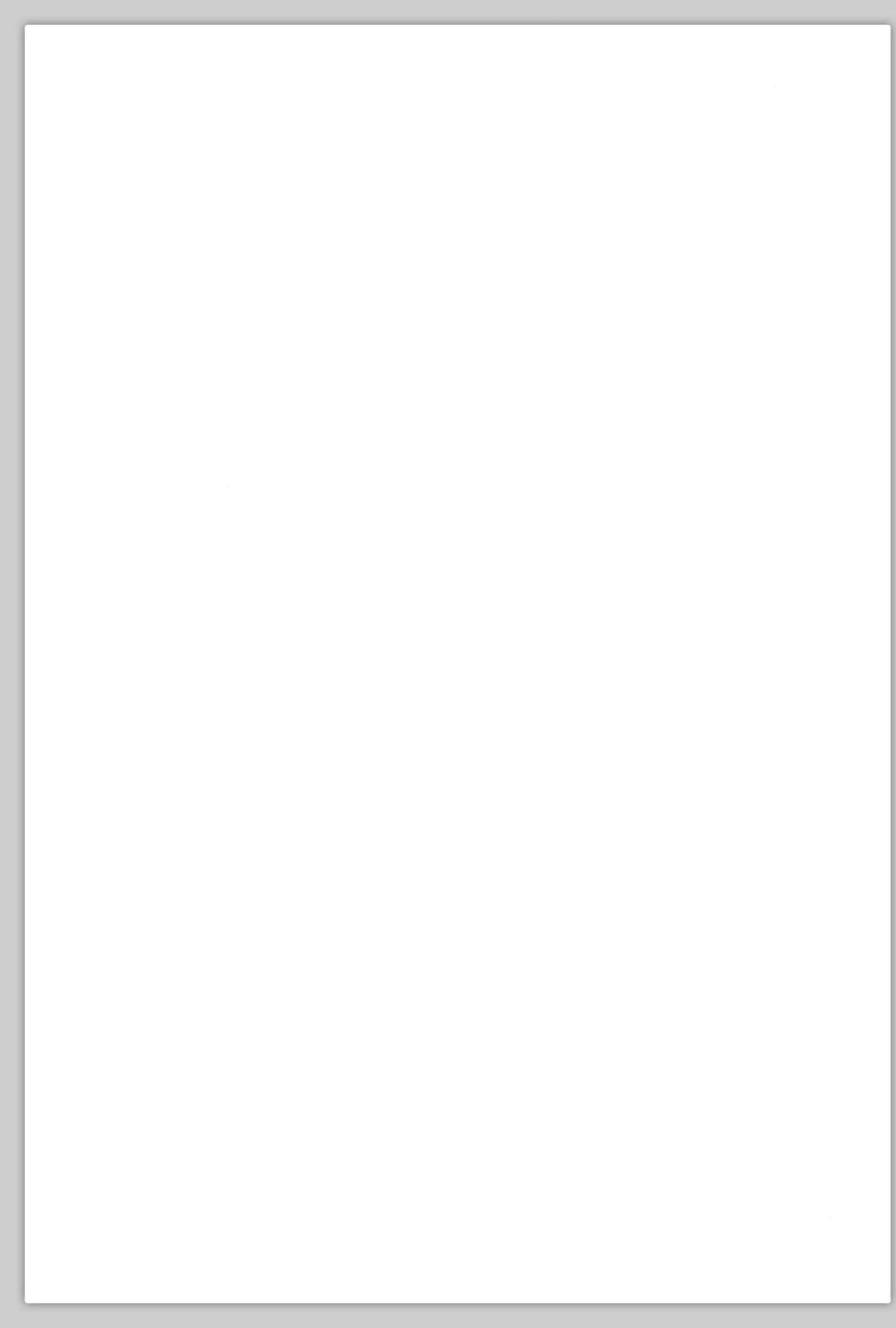
Research indicates that section 5 first appeared in the legislation in 1899. However, efforts have failed to reveal a single Annual Report by any former Attorney-General.

No specific instructions were given to members of staff in connection with the preparation of these reports. In future years, perhaps, an Annual Report style may develop, but in the meantime I feel it important to place no restrictions on the reporting of events that might be of public interest. The reader will be quick to recognize that there is no continuity of style. Many devoted people have worked diligently through a difficult period of change in your Department. They record their individual accomplishments in these reports. I would not want this opportunity to pass without saying how much I have appreciated their loyalty, support, and tireless energy.

All of which is respectfully submitted.

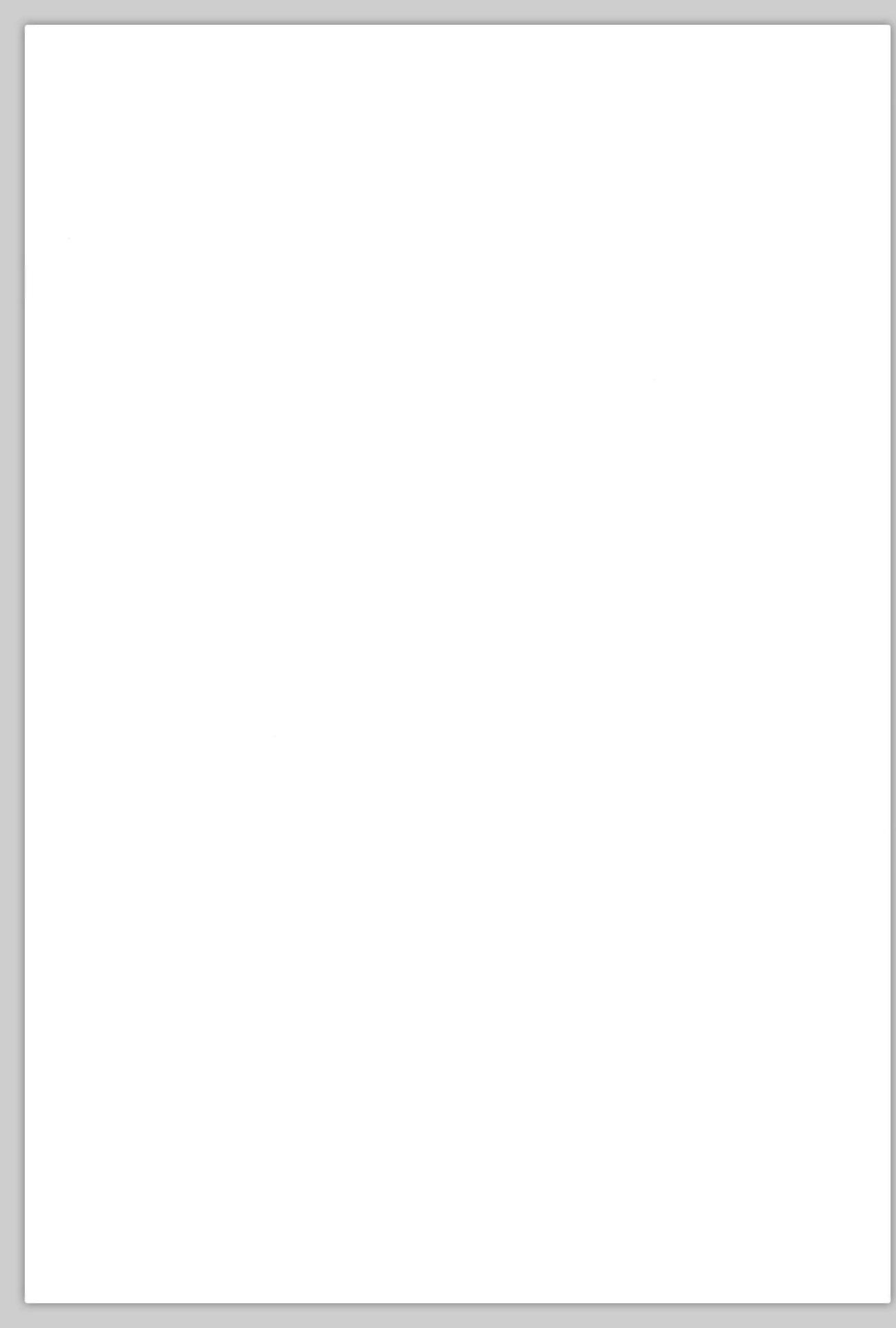
DAVID H. VICKERS
Deputy Attorney-General





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THE ATTORNEY-GENERAL: A HISTORICAL PERSPECTIVE

Introduction by M. H. Smith

The office of the Attorney-General in this Province antedates our entry into Confederation in 1871. In fact, a brief dip into our historic past indicates that the appointment of the first Attorney-General took place very early in the life of the Colony of Vancouver's Island. The Commission of the Imperial Crown issued in London in July 1849 gave to Governor Richard Blanshard the authority to appoint such persons to the Legislative Council "as shall from time to time be named or designated." Similar powers were given subsequently to the first Governor of the Mainland Colony. One George H. Cary was appointed Attorney-General for the Mainland Colony on March 10, 1859, and was appointed Acting Attorney-General for Vancouver Island sometime during October or November 1859.

One looks in vain within the Commission of Appointment for the duties and responsibilities which the Attorney-General of the day was to discharge. Nor did the colonial legislation of the day throw any light on that subject, for it was not until 1899 that the first Attorney-General's Act of the Province spelled out his duties and responsibilities. Where then did the first Attorney-General and his successors look to determine their powers and responsibilities?

The common law and the constitutional law of Great Britain provided the answer.

Because the Sovereign could not appear in his own courts to support his interest in person, by 1770 it was recognized that he could be represented by his Attorney, who bore the title of His Majesty's Attorney-General. The Attorney-General was recognized as being the leader of the Bar with precedence over all King's Counsel but with no greater legal rights than any other member of the Bar in that he, or any person appointed to act for him, was required to conform to the rules of the court with the court exercising over him the same authority which it exercised over every other suitor or advocate.

The Attorney-General was and is not only an officer of the Crown but is in a real sense an officer of the public as well. He represents the Crown in the courts in all matters where rights of a public character come into question, for example, charities, persons of unsound mind, and those cases of a public nature where the use of the Attorney-General's name is necessary to maintain an action, as in cases to abate a public nuisance.

His role also includes that of the legal adviser to all departments of Government and to the Cabinet. In the

exercise of this function, the Attorney-General must show a degree of independence quite different from that required of any other Member of the Cabinet.

In fact, in Britain in 1860 the Attorney-General was not a Member of the Cabinet nor was he a Member of the House of Commons. It was contended that the duties of the office were such that the Attorney-General was required to exercise a degree of independence that would be inconsistent with his being a Member of the Cabinet or a Member of Parliament. (In more recent times in Britain the Attorney-General is a Member of the House of Commons and has in most cases, but not all, been a Member of Cabinet.)

The same battle raged in Canada in the mid 1850's, but the view prevailed that membership in the Cabinet was essential if the Attorney-General was to be head of an administrative department.

However, even today the role of the Attorney-General is quite distinct from that of any other Member of Cabinet. He is not only the head of a department and thereby is obliged to advance the interests of his department among his Cabinet colleagues, in caucus, and in the legislature; he must also be able to advise Government and provide legal opinions irrespective of the political implications and independent of the political consequences that might flow therefrom, either to his department or to the Government generally.

McRuer makes the point in his Royal Commission on Civil Rights of Ontario when he states:

"Notwithstanding that this is so, (i.e. the Attorney-General be a member of Cabinet), the Attorney-General must of necessity occupy a different position politically from all other Ministers of the Crown. As the Queen's Attorney he occupies an office of judicial attributes and in that office he is responsible to the Queen and not responsible to the Government. He must decide when to prosecute, when to discontinue a prosecution. In making such decisions, he is not under the jurisdiction of the Cabinet, nor should such decisions be influenced by political considerations. They are decisions made as the Queen's Attorney not as a Member of the Government of the day. The duty of the Attorney-General to give legal advice on legislation and to advise departments of Government, requires a lesser degree of independence than his decision to prosecute or to discontinue a prosecution. In that capacity he is not in the same sense the advisor to the Queen. Nevertheless, this function requires a substantial degree of independence. The members of the public must be dependent on the vigilance of the Attorney-General for their protection against legislative invasion of civil rights. Departments of Government must realize that in advising on legislation and advising departments, the Attorney-General has a duty that transcends Government policy, in the performance of which he is responsible only to the legislature."

By far the most important responsibility of the Attorney-General is in respect to the administration of justice in the broadest sense of the word.

On the criminal side, the Attorney-General's responsibility includes policing and law enforcement and the adminis-

tration of criminal law, including the conduct of prosecutions; the constitution, maintenance, and organization of the courts (not only the actual physical facilities but also the rules of civil procedure) and all that is necessary for the smooth running of our judicial system. Also, his responsibilities include the whole area of corrections, correctional institutions, probation, and the related services of Sheriffs and Court Reporters.

On the civil side, mention has already been made of the Attorney-General's specific responsibilities both in representing the Crown and in representing the public. In addition, he also is responsible for ensuring that the civil justice system is organized, maintained, and efficiently operated.

Such were the kinds of matters that Mr. Cary would soon have discovered that by law or usage were the powers and duties entrusted to him as first Attorney-General of the Colonies of Vancouver's Island and British Columbia.

British Columbia, as a united colony, entered Confederation in 1871. It is significant to note that of the 16 heads of exclusive jurisdiction assigned to the Province under section 92 of the *British North America Act*, no less than four will fall squarely on the Attorney-General of the Province for implementation. These are:

- 6 The establishment, maintenance, and management of public and reformatory prisons for the Province
- 11 The incorporation of companies with Provincial objects
- 14 The administration of justice in the Province, including the constitution and maintenance and organization of Provincial courts, both civil and criminal jurisdiction, and including procedure in civil matters in those courts
- 15 The imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the Province.

Two others are also of direct concern:

- 13 Property and civil rights within the Province
- 4 The establishment and tenure of Provincial offices and the appointment and payment of Provincial officers.

It is not surprising, therefore, that the first Attorney-General's Act of the Province of 1899 called for the establishment of a department of the Civil Service of British Columbia to be called the Department of the Attorney-General. Section 3 of the Act went on to set out for the first time, in statutory form, the duties and responsibilities of the Attorney-General, to which reference has already been made.

What follows in this Annual Report is an indication as to how these large responsibilities are translated into the administrative structures within the Department of the Attorney-General.



GENERAL ADMINISTRATION

Associate Deputy Attorney-General: A. L. Pearson, Q.C.

HEADQUARTERS

The Headquarters General Administration Division of the Attorney-General's Department has always been the nucleus of the Department. Formed around and constituting the basic support staff for the Attorney-General and his Deputy, it has traditionally provided the legal, financial, research, secretarial, and clerical assistance necessary to enable them to perform their otherwise impossible tasks of administering justice for the whole Province and providing legal advice for all departments of the Provincial Government. Over the past 40 years the numbers of that staff have grown from 12, including two solicitors, to a staff of 112, including 31 solicitors, and it is still growing.

The Headquarters Division is now divided into eight main sections: Civil Law, Constitutional and Administrative Law, Corporate and Financial Law, Criminal Law, Finances and Personnel, General Administration, Legislative Drafting, and Statute Law Revision. These designations indicate in a general way the nature of the matters dealt with in each section.

As one would expect, Headquarters is the repository of the main records of the Department pertaining to each of the sections above referred to and including, additionally, civil litigation affecting the Crown, Coroners' investigations, and policing of the Province.

Nineteen seventy-four was a particularly trying and difficult year for the Department's Headquarters General Administration staff due, in the main, to enforced fragmentation and decentralization of offices into inadequate office accommodation. However, plans are being made to ensure that adequate office space will be provided in the near future. In the meantime, notwithstanding continuing conditions of fragmentation and inadequate accommodation, the staff has adjusted to the situation and is coping effectively in spite of a substantially increased work load resulting from considerable Departmental expansion during the year.

FIRE MARSHAL'S OFFICE

The Fire Marshal for British Columbia has published an annual report each year for the last 50 years outlining the activities of his office and providing statistical information on fire deaths and fire losses for the Province. He will continue that practice and will file a report for the year 1974. His separate annual report should be consulted for a more detailed account.

At the beginning of the year, some useful amendments to the regulation respecting moving-picture theatres, kinemographs, and projectionists, and the storage and use of nitro-cellulose X-ray films came into use which modernized those regulations making them more consistent with today's requirements.

In the month of June the Provincial Legislature made amendments to the *Fire Marshal Act*, improving its enforceability and updating the terminology and references consistent with present-day building requirements.

fire services survey

In the month of September the Canadian Fire Investigation School (Western) was held for the first time in British Columbia, at Parksville, with 100 candidates in attendance representing police, fire, and local authorities from across Canada. At that meeting the Attorney-General announced the appointment of Dr. Hugh Keenleyside as Consultant to survey fire-fighting services in the Province. The survey is to consider the needs of all fire services, full time, part paid, part volunteer, and the volunteer brigades. Some of the matters to be dealt with are the following:

- 1 Standards of service excellence to be set
- 2 Better training programs and facilities beyond the present travelling instructional units
- 3 Upgrading of the status of the Provincial Fire Marshal's office and the question of establishing district offices in a number of the Interior points of the Province
- 4 Improved assistance to local fire forces, particularly those municipal forces with few or no paid officers
- 5 The need to extend fire-protection services to areas of the Province where, at present, the local RCMP officer constitutes the fire brigade
- 6 Following from the last point, the desirability of freeing police officers from fire-fighting duties
- 7 Considering more uniform protection and inspection services throughout the Province and, in particular, upgrading protection in the unorganized territories
- 8 Considering the question of distinctive uniforms and equipment.

Fire-fighting services in the Province anticipate that the results of Dr. Keenleyside's study will bring about constructive improvements in the foreseeable future.

CORONERS

During the year 1974 the interests of the public in the investigation of accidental, sudden, and unnatural deaths were diligently protected by some 166 Coroners throughout the Province. Of that number, 44 were doctors, 15 were lawyers, and 107 were laymen. Sixty-four of them also held appointments as Judges of the Provincial Court of British Columbia.

Approximately 353 inquests were conducted during 1974 and 3,786 Coroners' inquiries without the use of a jury. The cost to the Province of these investigations was approximately \$225,000. Additionally, several hundred deaths were reported to the Coroners in connection with which a Coroner's investigation was deemed unnecessary.

The Coroners make reports to the Attorney-General in respect of all deaths investigated by them and those reports, after being checked and specific recommendations carefully considered, are retained on permanent deposit for future reference.

Formerly, each municipality in the Province was responsible for the cost of Coroner's investigations of deaths occurring within the municipal boundaries. However, by reason of new legislation enacted by the Provincial Legislature in April of 1974, the Province assumed full responsibility for such costs. The new legislation also provides for the appointment of District Coroners with powers of general supervision of Coroners within the district for which they are designated.

With the division of the Province in 1974 into nine regional judicial districts and the appointment of Regional Crown Counsel for each district, there is now a greater availability of counsel to assist the Coroners in conducting some of the more difficult and involved inquests.

During 1974 the Attorney-General caused a committee to be formed consisting of a representative of his Department, the Supervising Coroner, five senior Coroners, and a number of pathologists to review the Coroners' system in the Province with the object of considering its effectiveness and future development. The work of that committee is continuing, and it is anticipated that some improvements will be implemented in 1975.

MOTION PICTURE CLASSIFICATION

The *Motion Pictures Act* requires that the Director of Film Classification and his assistants examine all pictures that are intended for viewing by the public for the purpose of approving and classifying them. There are three classifications—general, mature, and restricted. The advertising material connected with these pictures must also be examined for approval. In practice the classifications are often augmented with informative warning captions as a further indication to the public of certain factors they should pay attention to before making a choice of their entertainment. Occasionally some pictures are found unsuitable and are not approved under the present system of classification.

More than 1,100 pictures were examined in 1974. This number includes both 35-mm and 16-mm film. Fourteen pictures were not approved (rejected). During 1974, no pictures were seized and no prosecutions were initiated under

the *Criminal Code* as in some previous years. The Director was called as a witness in several cases where the exhibitor was charged under the *Criminal Code*, but these were in actions already before the courts.

For many years this office has ordered the use of special filmstrips to be attached to trailers of restricted pictures. Recently it was observed that the negatives used to print these strips had become worn. A new filmstrip is being produced.

The Director is now the senior among his compeers across Canada and he would like to see re-established the custom, which has fallen into disuse, of holding conferences. These conferences are valuable in maintaining good communication among the various Boards of Classification.

The Director believes firmly that the informative function of classification provides the public with an excellent service when they are faced with a choice of motion-picture entertainment. Thus, every effort is made to widen the area of information and to maintain it. For example, a pamphlet has been produced to answer any questions that may arise and a special leaflet is available in theatres for the same purpose. As in previous years this office is often called upon to supply speakers to schools, colleges, universities, and service clubs. Occasionally, appearances are made on radio and television programs. These efforts are made in the interests of keeping the public as well informed as possible.

CONSTITUTIONAL AND ADMINISTRATIVE LAW

Director: M. H. Smith

introduction

The functions performed by this Section of the Department relate directly to at least three of the duties and powers of the Attorney-General as set out in section 3 of the *Attorney-General Act*. The duty to "advise . . . the several departments of the Government upon all matters of law," the duty to have "the regulation and conduct of all litigation for or against the Crown or any public department," and to see "that the administration of public affairs is in accordance with the law" are functions discharged in part by the work of this Section.

functions

1 Constitutional Law

The lawyers in this Section advise on all matters of constitutional law that arise both within the Department and in other departments of Government. Advice of this kind usually concerns the constitutional validity of Provincial or Federal legislation, within the context of section 91 or 92 of the *British North America Act*, but may also raise legal issues of many kinds that have a decidedly historical perspective. A few examples of opinions given during the past year include the constitutional and other legal aspects relating to Provincial prohibition of foreign ownership of land, the constitutional jurisdiction of the Province to pass pollution control legislation, the constitutional validity of Federal mutual fund proposals, aboriginal rights and the application of Provincial statutes to Indians, the constitutional and historic arguments in support of a Federal subsidy for B.C. Ferries operations, and the ownership of the beds of Georgia and Juan de Fuca Straits.

The *Constitutional Questions Determination Act* requires that the Attorney-General be notified of all court proceedings in the Province in which the constitutional validity of Provincial legislation or regulations are questioned. Similar notice requirements apply under the *Supreme Court Act* (Canada) in respect of cases to be heard by the Supreme Court of Canada. In all such cases it is the function of this Section of the Department to examine the legal issues and to recommend to the Attorney-General in each case whether or not he should intervene. If the Attorney-General intervenes, then Counsel is appointed by a member of the Section who also usually assists counsel in the preparation of the case and oftentimes acts as counsel in the case as well. Although during the past year there have been several cases at the Supreme Court of Canada level in which the Attorney-General has intervened, perhaps the most significant case is *Morgan v. PEI* where the constitutional validity of provincial legislation in Prince Edward Island limiting the ownership of land by persons nonresident in that province is being chal-

lenged. The factum and the preparation of the case is being undertaken within this Section and it is expected that the Deputy Attorney-General will appear as counsel on behalf of the Province at the hearing in the spring of 1975. Moreover, during the past year the Attorney-General has intervened several times in cases before the Supreme Court of British Columbia to support such Provincial legislation as the securities regulations under the *Securities Act*, certain of the provisions of the *Bills of Sale Act* and the *Conditional Sales Act*, and several cases challenging the application of Provincial wildlife legislation to Indians. This Section of the Department represented the Attorney-General in cases before the Federal Court of Canada in which important constitutional questions were raised, such as the jurisdiction of the Parliament of Canada in labour matters in the fisheries industry.

The above cases are of a kind in which the Attorney-General is not actually a party to the proceedings but, because he has an interest in maintaining the validity of Provincial legislation, is permitted to be added as an intervenant. There is another kind of case, namely, the declaratory action where a plaintiff sues the Attorney-General directly and seeks a declaration that legislation is ultra vires. The most notable case in this category over the past year is the action of 37 private insurers to have the Government Auto Insurance legislation declared to be beyond the powers of the Province. The trial lasted seven weeks before Mr. Justice Aikins of the Supreme Court of British Columbia, and the Director of the Section assisted Senior Counsel in the preparation for trial extending over a period of some months and in acting as counsel during the trial. On November 18, 1974, His Lordship, Mr. Justice Aikins, in a 145-page judgment, dismissed the plaintiffs' action.

Another function the Section performs is to furnish advice, usually upon request of the Premier's office or the Provincial Secretary's office, on the implications to the Province and to Provincial legislation of treaties and other international obligations not yet implemented by Canada. In a somewhat related area, the Department of Justice seeks a Provincial response through this Section to international conventions and other matters emanating from the Hague Conference on Private International Law, UNIDROIT, and UN agencies.

The Section endeavours to scrutinize pending and proposed legislation before Parliament which may be of questionable constitutional validity or which may warrant Provincial representations being made. One such case in the latter category within the past year involved the preparation of a Provincial submission on the Law of the Sea to the House of Commons Committee on External Affairs and National Defence. Another example recently referred to the Attorney-

General by the Standing Senate Committee on Transport and Communications seeks the Province's view on a Bill presently before the Senate which would establish an aircraft central registry.

2 Administrative Law

There are a great many statutory agencies and tribunals of varying degrees of formality, expertise, and independence which have need for legal services. This Section attempts to meet some of those needs in the area of administrative procedures and problems that may arise, and also to act as or arrange for the appointment of, counsel to represent such agencies. Although the highly developed administrative boards or agencies such as the Labour Relations Board, the Workers' Compensation Board, and the British Columbia Energy Commission have to some degree their legal needs adequately provided for, the majority of the administrative boards and tribunals in the Province are not so well blessed and function with a minimum of legal assistance.

As to be expected, actions of administrative boards are, from time to time, sought to be brought into judicial question by way of appeal to the courts, if the particular statute so provides, or by way of applications for prerogative writs. All applications for prerogative writs are required to be served upon the Attorney-General, and this Section handles such cases, other than prerogative writs in criminal matters, by taking appropriate steps, including the appointment of counsel and assisting in the preparation of the cases. Some examples handled in the past year include applications for prerogative writs against the Motor Carrier Commission, Superintendent of Insurance, Medical Appeal Board, and municipal authorities.

There are matters that come before Federal boards and commissions in which the Provincial Government is likely to have a direct interest. Therefore, the practice of such boards and commissions is to notify the Attorney-General of the Province. Examples include applications for rail abandonment before the Railway Transport Committee of the Canadian Transport Commission, applications for licences before the Canadian Radio and Television Commission, applications for rate increases in interprovincial pipe-line undertakings before the National Energy Board, applications before the International Joint Commission, and applications for rate increases to the Canadian Transport Commission in the case of telephone services.

In all such cases, these matters are directed to this Section for appropriate action. In some it involves appointing counsel to intervene on behalf of the Province and assisting counsel in preparations. One example is the case of the B.C. Telephone Company for a rate increase. In other cases, before a decision is reached by the Attorney-General or the appropriate Minister to intervene, multidepartmental input by those

departments affected takes place and a submission and recommendation to the Attorney-General or appropriate Minister put forward.

In some cases the Provincial intervention is prepared and filed by the lawyers within the Section who also appear as counsel at the hearing, as in the case of the hearing of the Railway Transport Committee commencing in Salmon Arm on January 20, 1975, on the application of the CPR to provide double tracking on a portion of its main line.

3 Federal-Provincial

The functions performed by this Section in this area are of an evolving nature. Prior to August 9, 1974, the Director of this Section assisted the office of the Premier in matters of Federal-Provincial relations. This involved seeing to the preparation of Provincial position papers on most of the subjects discussed at Federal-Provincial meetings of First Ministers, attendance at preparatory meetings of officials for such conferences, providing liaison with other Governments on substantive issues, and preparing the necessary briefing material and sometimes being involved in administrative arrangements. Apart from meetings, tasks included providing advice on day-to-day matters in this general area. Since the establishment of the office and organization of the Planning Adviser to Cabinet in August 1974, many of these functions have been assumed by that office. However, it is readily apparent that there is a continuing need to provide legal advice to that office on a wide range of Federal-Provincial subjects, and this Section of the Department has, over the past few months, been involved in matters of that kind.

CIVIL LAW

Director: Gerald H. Cross, Q.C.

The Civil Law side of the Attorney-General's Department has, during 1974, become an organization quite different from what it was just two years previously. The Government departments in British Columbia have, in most instances, expanded their scope, and therefore their personnel, to a marked degree during a relatively brief period of time. In addition, two departments have been added—Consumer Services and Housing. These developments have required the expansion of legal services, requiring the acquisition and utilization of legal skills not before required in public service, and places increasing responsibility on lawyers in this Department.

This increased responsibility, placed as it must be, in many cases, on the impatient and willing shoulders of lawyers quite recently called to the Bar, has proven to be a welcome challenge. For those others who are new to Government service but somewhat seasoned by longer experience in a demanding profession, it has been an inspiring surprise. More first-class people are attracted to this area than ever before. This is partially attributable to a basic change in the curricula of various law schools and to the growth of our Provincial community, but is also in good part because of the broader scope and quickened pace of Government legal work.

Another factor that cannot be overlooked and which has contributed to Civil Law's new drawing power in the legal community is some improvement in remuneration, particularly for those at the start of their careers. Still more flexibility, however, is needed in this respect in order to enable the Department to attract experienced specialists as required.

Whereas the Civil Law side of the Department comprised six lawyers, including the Director, and four secretaries as recently as 1972, it now comprises 14 lawyers, including the Director, 11 secretaries, and one clerk performing duties of a para-legal nature. In addition there are vacancies for three lawyers at present, with requests from other departments for at least five more.

Some of the lawyers on the Civil Law side, five in number, have their offices at the headquarters of the Department and divide among themselves the responsibility for advising all of those Government departments, boards, and tribunals that do not have available the services of a seconded lawyer or lawyers. The remainder, being nine in all during the latter part of 1974, are seconded to and have their offices at the headquarters of one of the following departments: Consumer Services (2), Highways, Human Resources, Labour, Mines and Petroleum Resources, Water Resources, and Housing. Two

of the seconded legal officers are legal advisers to more than one department.

Thus, the expansion has brought about a change in the framework within which legal services are supplied to Government. Formerly, the Civil side was a self-contained unit made up of lawyers, all but two of whom were located at headquarters of the Department, each of them advising any number of departments and functioning in various legal fields as required from day to day. Those five who remain at Departmental headquarters continue to function in this manner. However, a considerable degree of specialization has been introduced by the addition of those seconded to other departments in the sense that they deal with the legal problems of and give advice to a particular segment of Government. A survey was made by the Director, Civil Law, together with the Director, Constitutional and Administrative Law, and lawyers from each of those divisions late in the year in an attempt to ascertain the views of others in Government service as to the role lawyers should have in Government. One result of this survey may be some reorganization of the Department in order to expand their legislative function to provide more Government-wide co-ordination between operational or regulatory departments and agencies, and to make more effective utilization of lawyers by some functional grouping.

The actual day-to-day tasks undertaken by the Civil Law side of the Department include the formulation and initial drafting of legislation and of regulations, including Orders in Council, the examination of all proposed Orders in Council, the drafting of contracts and advising on contractual arrangements, the interpretation of legislative provisions and advising on the application thereof, providing legal services required with regard to foreclosure proceedings where Government mortgages are involved, the engagement and instruction of counsel for litigation and other hearings involving Government departments or agencies, participation of counsel in hearings before the Pollution Control Board and the Director of Pollution Control, conveyancing of land, advising on and participating in arbitration proceedings, and acting on behalf of the Government in negotiations, financial and otherwise. There are, of course, other tasks that are not amenable to categorization.

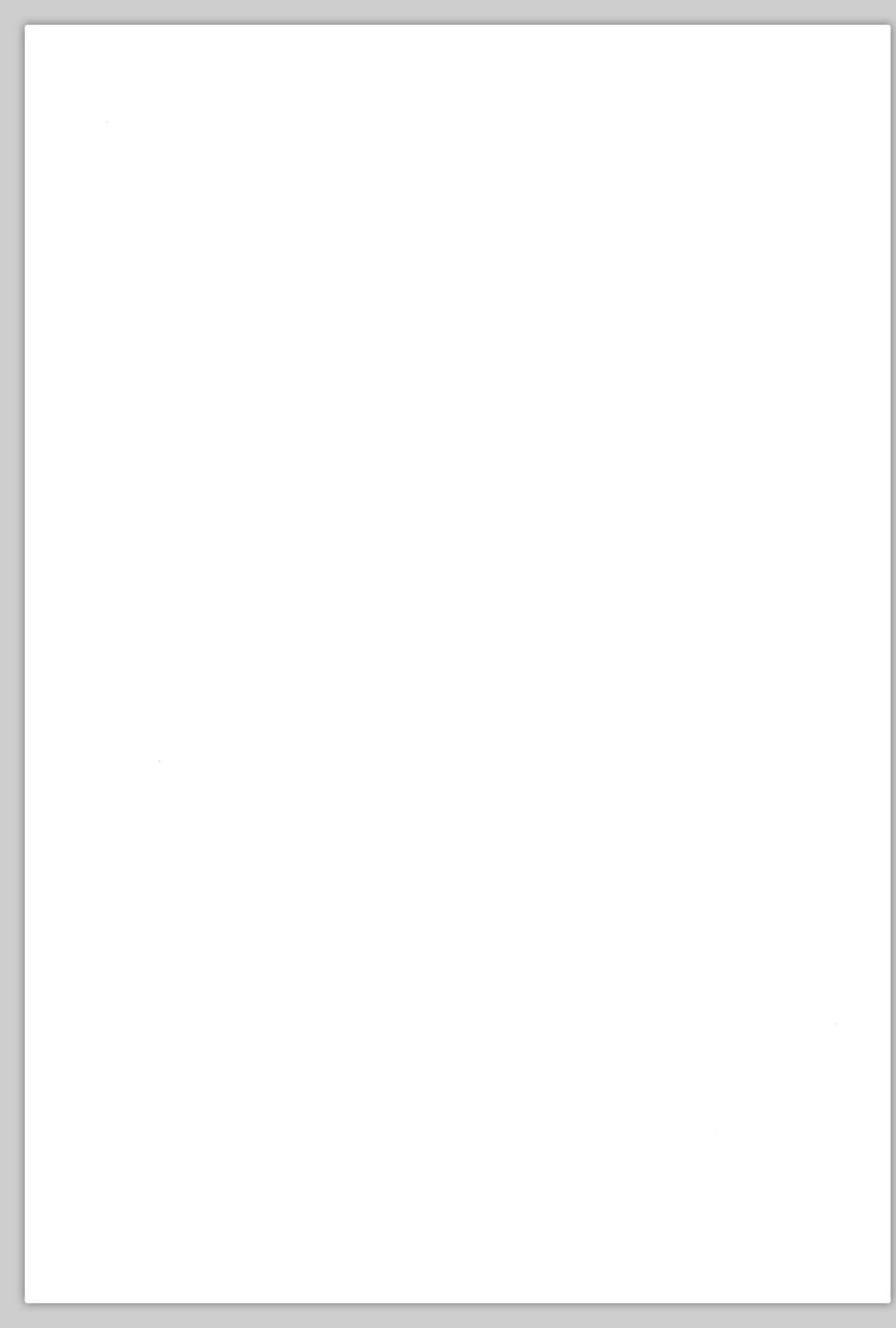
Because of the expansion previously mentioned and the deficiency in the number of lawyers available to fulfil all Departmental requirements, very little time has been given during this year to continuing legal education. There are a great number of valuable courses and seminars given in the Province every year and Government lawyers should be in attendance. A program in this regard will be formulated in the future. The members of the Department on the Civil Law side make every attempt to keep up to date by studying

various legal periodicals and by reading reports on decided cases. However, the type of discussion available in continuing legal education courses and seminars would be valuable.

Each lawyer in the Department has also been participating in the training of law students who have been articled to one or other of the senior officers.

The actions in which the Civil Law side of the Government has been involved, directly or indirectly, during 1974, total approximately 1,200.

The abolition of the requirement of obtaining a fiat before taking action against the Crown has resulted in very little, if any, increase in litigation. This is probably because actions taken against the Crown under the new legislation are those that, in the past, would have been taken against employees of the Crown who were represented by counsel engaged by the Crown. Of perhaps greater significance in this regard is the application of the new *Interpretation Act* which, unlike its predecessor, does not exclude the Crown from the application of other statutes. Except where expressly exempted, the Crown and its agencies now have all of the statutory obligations incumbent upon others. This will very probably lead to an increase in litigation and, in any event, will require a marked increase in the need for legal services.



CRIMINAL LAW

Director: Neil A. McDiarmid, Q.C.

The changes in the office of the Director of Criminal Law over the past two years have been considerable. In 1972 the Director, with two Legal Officers, an Administrative Assistant, and a Clerk 4 were responsible for the administration of criminal justice throughout the Province and for giving instructions to some 225 *ad hoc* legal counsel appointed from time to time to do the criminal work arising out of prosecutions at all court levels. In April of 1974, with the assumption of responsibility for all prosecutions in the Province by the Provincial Government, the office of the Director increased by two Legal Officers and increased in total staff by a further 77 lawyers which were taken on as part of the prosecution team connected with Regional Crown Counsel. In statistical terms this means that from a staff of three in 1972 giving advice to a number of *ad hoc* Crown Counsel, the office of the Director of Criminal Law has grown to five lawyers, an Administrative Assistant, and 77 prosecutors.

The work of the Director consists of responsibility in two major areas—firstly, the general administrative functions of the headquarter staff concerned with the general administration of criminal justice in the Province and, secondly, responsibility for the operation of the Regional Crown Counsel system throughout the Province.

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| functions | In terms of over-all Departmental responsibilities, the Director and his staff are responsible:
<ol style="list-style-type: none">1 For the general administration of criminal justice in the Province2 For giving advice and instructions to the police in connection with investigations throughout the Province3 As a member of and giving advice to the Board of Directors of the Native Courtworkers and Counselling Association of British Columbia4 For Departmental responsibility for the <i>Criminal Injuries Compensation Act</i>5 For the development of policy in connection with the Certificate Program for the collection of criminal fines by civil process. This program, supervised by the Director of Criminal Law, will develop the mechanics of providing a system for the collection of fines under the Certificate Program spelled out in the <i>Summary Convictions Act</i> amendments. It is hoped that a workable scheme will be in operation on or before April 1, 1975. |
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Another major function of the office of the Director of Criminal Law is to provide representation to the following organizations and bodies:

1 Co-ordinated Law Enforcement Unit

The Director and his staff provide counsel for the prosecution of persons arising from investigations initiated by CLEU. This staff will be situated in the office of Regional Crown Counsel, Region 2. It is hoped that two lawyers will be engaged full time in such work in the very near future. It is obvious that further appointments will need to be made and the work load will determine the numbers that will be required.

2 Forensic Psychiatric Service Commission

The administration of criminal justice involves itself with persons who are mentally ill within the criminal law, that is, persons who are not fit to stand trial and those persons who were insane at the time of the commission of the offence, including those persons who are or became mentally ill during the course of proceedings or in the course of remand. Procedures whereby persons who have psychiatric problems may be more justly dealt with is both the concern of the Commission and of the Attorney-General's Department. These procedures help to ensure that a mentally ill person rather than becoming involved in the commission of an offence warranting prosecution is channeled into the civil mental health process.

3 Commissioners of the Uniform Law Conference of Canada

This body represents the Departments of Attorneys-General across Canada, including the Federal Minister of Justice and his staff. In so far as criminal justice is concerned, it provides a forum for the discussion and possible implementation of amendments to the criminal law of Canada and provides the provinces with a means of bringing to the attention of the Federal authorities issues to be considered in such amendments.

4 Motor-vehicle Branch, Department of Transport and Communications

Although the Motor-vehicle Branch of the Department of Transport and Communications no longer functions within the framework of the Department of the Attorney-General, the regulatory and semi-prosecutorial functions of the Motor-vehicle Branch have caused there to be maintained a high degree of communication and assistance rendered by the Criminal Law Section of the Department of the Attorney-General.

5 Justice Development Commission

The major concern of the offices of the Director of Criminal Law with the JDC is one of communication, of having some input into research and planning. Other concerns relate to Regional Crown Counsel as stated later in this Report. The ability to communicate and to have direct dialogue among the various sections of the justice system has been greatly enhanced by a clearer understanding of all persons in the system of the need for such communication.

6 Order in Council Patient Review Board

The Review Board relates to persons who have been found not guilty on account of insanity and require some orderly pattern for their return to society. The Board is headed by District Provincial Court Judge Harold S. Keenlyside with two psychiatrists as the other two Board members. The Department, through the Administrative Assistant, is responsible for seeing to the preparation of the necessary Orders in Council that govern the mentally ill person's re-establishment in society.

7 Lottery Commission

The Lottery Commission was recently taken into the Department of the Provincial Secretary, and the Director has provided legal counsel and legal service to the Commission on all matters relating to lotteries and their implementation. This also involves the provisions of terms and conditions for social clubs which have recently been implemented.

In addition to these specific areas of responsibility, the Director and his staff are responsible for providing advice to all departments of Government in connection with prosecutions and providing counsel for such prosecutions, whether through the office of Regional Crown Counsel or by the appointment of *ad hoc* counsel.

The Director and his staff are involved in taking part in creating lines of communication with all aspects of the justice system. This involves meetings with Regional Court Administrators, Regional Sheriffs, and Regional Court Reporters. It also means creating a proper atmosphere within which these meetings can take place so that communication and understanding of each other's problems are understood and resolved.

In terms of present responsibilities, the Director and his staff have been deeply involved in the creation and development of the Regional Crown Counsel offices throughout the Province.

crown
counsel

On April 1, 1974, the Province was effectively divided into nine justice regions. For the purposes of Crown Counsel, some of the regions were subdivided.

The first meeting of the Regional Crown Counsel with the Director of Criminal Law was held on March 29, 1974, and since then meetings have been held on a regular basis.

With the assumption, on April 1, of the responsibility for providing Crown Counsel in every court in the Province, the following basic objective was established:

"That an accused be brought to trial as expeditiously and fairly as possible."

Stated in another way, Crown Counsel have advised all persons in the justice system that a prosecutor will be provided whenever and wherever required to assist in the prosecution of a case. This means that there should be no delay occa-

sioned by the lack of a prosecutor in bringing an accused person to trial. To date this commitment has been honoured.

During the period from April 1 to the date of this Report, not only has the number of Regional Crown Counsel been increased but the recruitment of local prosecutors has been undertaken to add to the local prosecution staffs. The long-term objective of recruitment is to reduce the need for police prosecutors and to free policemen for other duties.

Recruitment was difficult because of salary constraints and because people were less prepared to serve in certain regions. Salary constraints have been reduced and attempts are being made to encourage qualified lawyers to serve in the remoter areas of the Province.

programs

During the brief existence of the office of the Regional Crown Counsel, a number of programs and pilot programs have been instituted to ensure a better prosecuting service. These include:

1 A new *Crown Brief* to replace the *Case Summary Report* has been drafted. This will be used by the various police forces throughout the Province and sets out certain specific details, including a statement and other related material. The *Crown Brief* will greatly assist Crown Counsel in preparing for a particular prosecution. This brief was first used on an experimental basis and is now in use by the RCMP throughout the Province.

2 In the Burnaby area a unified "information sheet" to provide a better statistical base of court work loads is being set up on a test basis. This form combines the "charge sheet," setting out the particulars of the charges laid against the accused, with a statistical form.

3 A witness management planning project is being undertaken in order to develop a proper witness scheduling procedure which will minimize the inconvenience to witnesses, particularly the time spent in waiting for court appearances.

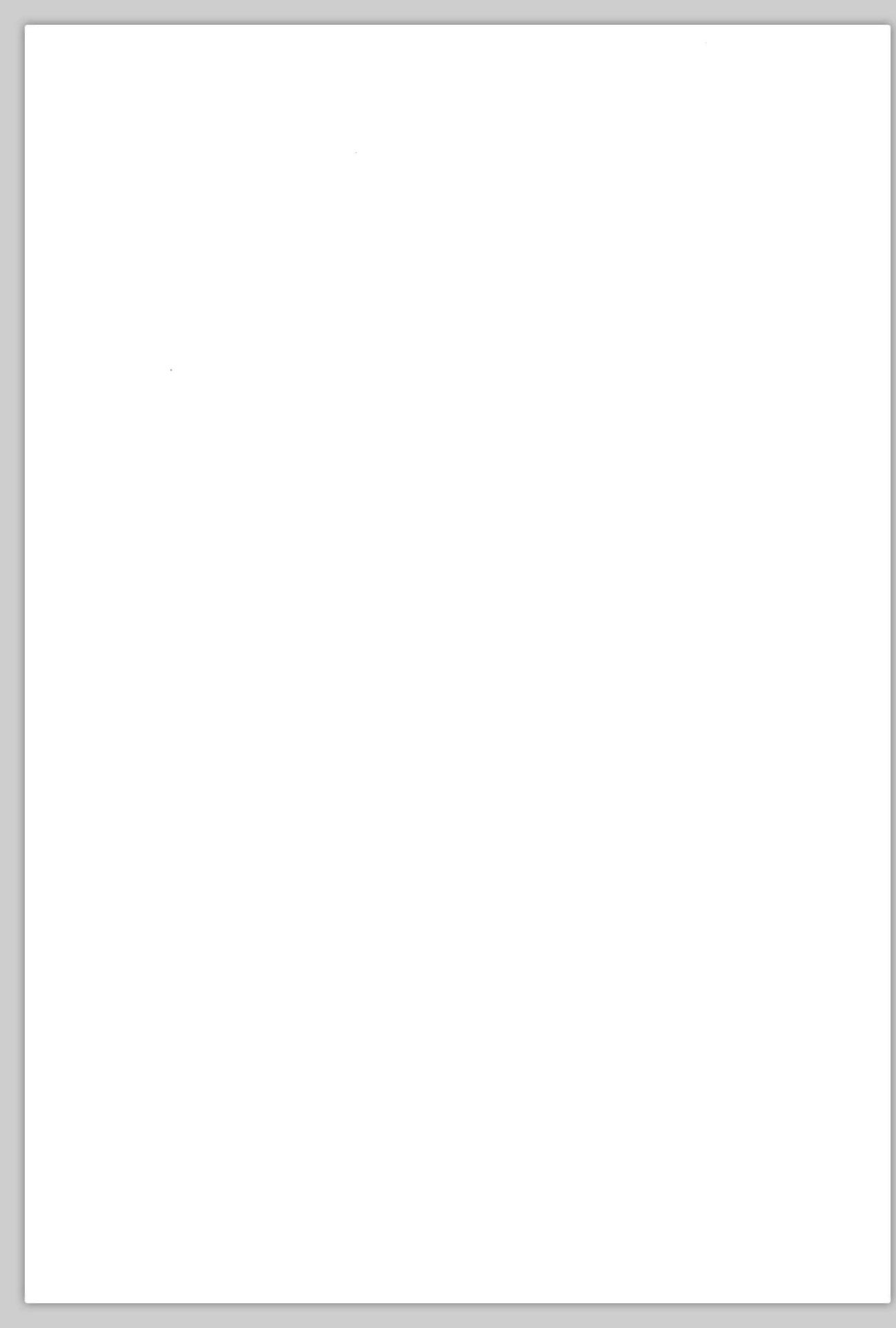
4 A *Manual for Crown Counsel* is being developed by members of the Bar who have had extensive experience as Crown Counsel. Preliminary work has been completed and it is expected in the early part of 1975 the manual will be available for use by all Crown Counsel in the Province.

5 Plans are being made for a yearly seminar to be held in conjunction with the Law Faculty of the University of British Columbia. The purpose of the seminar is to bring to the attention of prosecutors advances in the criminal law and those areas of administrative law and constitutional law that relate to their work in order that Crown Counsel may better carry out their function as representatives of the Crown.

With the development of the Regional Crown Counsel concept and the appointment of permanent local prosecutors, it should be made clear that the intention is not to do away with the *ad hoc* appointment of counsel from the Bar. It is im-

portant that the opportunity to acquire counsel experience be available to lawyers in general. This also tends to bring a fresh outlook to the prosecuting services and the functions and responsibilities of Crown Counsel.

Regional Crown Counsel concepts and the development of these services will be closely co-ordinated with the developments occurring in the areas of Sheriffs' Services, Court Administration, Court Reporters, and Facilities. The efforts of Crown Counsel will be assessed in light of changing demands for their services and changes in law and court procedure.



LEGISLATIVE COUNSEL

Legislative Counsel: G. A. Higenbottam

The functions and purposes of the office of the Legislative Counsel are as follows:

- 1 To receive instructions for legislation from all departments of Government, to research and investigate all aspects of the proposed legislation, to discuss with departmental officials the proposed legislation in all its final stages, and to draft and revise the legislation to its final stages
- 2 To type and record draft legislation in all its stages, arrange the legislation for printing, and co-ordinate with printing processes of the Queen's Printer
- 3 To prepare and revise indices to the printed volumes of the statutes, to prepare and revise the looseleaf consolidation of the statutes, to prepare tables of contents and tables of proclaimed statutes, and to arrange for printing and co-ordinate with printing processes of the Queen's Printer
- 4 To maintain and update a library of Federal, Provincial, and English statutes
- 5 To advise all departments of Government respecting prospective legislation or regulations and give opinions on legal matters arising out of legislation or regulations
- 6 To act as Registrar of Regulations under the *Regulations Act*, to advise on the form and procedure of regulations, to accept regulations for filing and publication, and to arrange printing by the Queen's Printer
- 7 To provide to members of the public information respecting the statutes and the regulations
- 8 To advise the Government and Members of the Legislature on the form of Bills and legislative procedure in respect of public Bills
- 9 To inquire into, study, and research reports of various Law Reform Commissions, reports of Legislative Committees, and the legislation produced by Canada and the other provinces and other states, and make recommendations for improvement in the legislation.

During the year 1974 the Legislature had one continuous sitting which began on January 31, 1974, and, after two adjournments, ended on November 26, 1974. During that period approximately 115 Bills, all drafted by this office, were enacted. A further 25 Bills were in various stages of preparation. The Registrar of Regulations received for filing approximately 850 regulations and prepared for publication and printing 26 issues of *The British Columbia Gazette—Part II*.

As the drafting of legislation is a very specialized branch of law, the difficulty of securing and retaining experienced legislative draftsmen is a constant problem. The objective of the Department to provide high-quality legislation for the Government demands the maintenance of a corps of experienced draftsmen given adequate facilities and time to do the job properly. Present quarters are cramped and inefficient and it is expected that this situation will be improved.

Attorney-General Act

2 There shall be a Department of the Civil Service of British Columbia, to be called the "Department of the Attorney-General," over which the Attorney

General of British Columbia for the time being, appointed by the Lieutenant Governor by Commission under the Great Seal, shall preside; and the Attorney-General is ex officio Her Majesty's Attorney-General in and for the Province, and shall hold office during pleasure, and has the management and direction of the Department. R.S. 1948, c. 21, s. 2.

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REVISION OF STATUTES

Associate Deputy Attorney-General: Gilbert D. Kennedy

The Attorney-General is responsible not only for the drafting of legislation presented to the Legislature but also for its revision into an up-to-date and intelligible form. These revisions of the public general statutes or laws enacted by the Legislature have occurred in the past in 1871, 1877, 1888, 1897, 1911, 1924, 1936, 1948, and 1960. Each revision replaces the public general statutes enacted before it and usually makes reference to earlier statutes unnecessary. (Statute regulations have not yet been revised.)

With various amendments over a number of years following a revision, the statutes become awkward to use, occasionally contradictory, and the law itself difficult to find. In most cases the revisions of the past have been simply consolidations in up-to-date form without any attempt at uniformity or simplicity of language, resolution of absurdities, and without any attempt at making the statutes comprehensible to the general public.

A new revision is now under way. A number of preliminary matters have been completed.

The Canadian Bar Association has appointed a special Statutes Revision Committee; meetings and correspondence have set guidelines for assistance and comment on present Acts and on draft revised Acts, using not only the committee but sections of the Bar.

It is proposed that the Acts be revised by groups of related matters. Lists of Acts in each group have gone to the Committee.

A terminal in the Statutes Revision office has been connected to a computer data base of the British Columbia statutes to year-end 1973. The data base is presently being amended to incorporate the statutes for the 1974 session. The program needs a few adjustments to simplify use, but is otherwise working well.

Drafting rules have been tentatively determined.

The new *Interpretation Act* has been revised; work has progressed to the first two groups of Acts. No revision is final at this stage.

“Revision” includes translation from “legalese” into English, as well as substantive changes. Those beyond the terms of reference in the *Revised Statutes Act* will be submitted to departments for enactment by the Legislature prior to completion of the revision. An attempt will be made to bring together in one place provisions dealing with the same subject. For example, the jurisdiction of local judges of the Supreme Court should not be scattered throughout the statutes, but found in one place. Where possible, historical notes will include a reference back to an older Act where the present new Act does not provide historical references. Long sections

T 34 · revision of statutes

will be broken up as frequently as possible, with a goal of no section to exceed 10 lines.

The usefulness of the computerized data base cannot be over-emphasized. A new one will be built for the revised Acts, to be begun after one or more groups of statutes are ready. When the revision is complete and approved by the Committee of the Legislature, the new data base will be used to print the revision.

CORPORATE AND FINANCIAL SERVICES

Associate Deputy Attorney-General: Dennis Sheppard

HEADQUARTERS

In March of 1974, Attorney-General Alex Macdonald announced the formation of the Corporate and Financial Services Division. The new Division was to bring under one roof all the branches of the Attorney-General's Department which dealt with the commercial sector of British Columbia as well as financial branches which were the responsibilities of the Department. These branches are the Real Estate and Insurance Branch, Securities Branch, Companies Branch, Credit Unions and Co-operatives Branch, and the Public Trustee. The Division is also charged with responsibility for the Official Administrators in the Province.

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| objectives | <p>The Division has set the following as its objectives:</p> <ol style="list-style-type: none">1 To protect the public interest in such areas as securities and investment contracts; insurance; real estate and mortgage brokers; corporate organizations, including credit unions and co-operatives; and partnerships and proprietorships2 To provide a central registry of filed public information such as office addresses, types of organizations, directors, office addresses, types of organizations, directors, officers, promoters, vendors, licensees, and encumbrances pertaining to businesses that are either selling securities in or operating in British Columbia3 To provide for the incorporation of companies, societies, credit unions, and co-operatives4 To provide for the registration of partnerships, proprietorships, and extra-provincial companies5 To assist the sound economic development of the Province by implementing points 2 to 4 as above with as little delay and "red tape" as possible6 To protect the estates and financial interests of minors and mentally disordered persons and to settle the estates of deceased persons where no other person is competent to act by administering estates and trusts for minors, mentally incompetent persons, and deceased persons; seeing that trusts for minors or mentally incompetent persons are properly performed; and investigating the estates, financial affairs, and legal claims of minors and mentally disordered persons reported as being imposed upon or taken financial advantage of and advising those persons7 To provide legal representation for those mentally disordered persons or minors for whom the Public Trustee has or may obtain authority to act8 To recommend legislation relating to the above. |
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articling
students

The Division has the responsibility for administering the articling students' program, which has been enlarged this year to six articling students. Each student spends time with various lawyers and different branches within the Department doing work specifically chosen to provide experience which will assist the student on his call to the Bar.

CORPORATE AND FINANCIAL SERVICES
COMMISSION

Section 4 of the *Securities Amendment Act, 1974*, proclaimed in force on October 1, 1974, by Order in Council 3047/74, provides for the Corporate and Financial Services Commission. The new Commission takes the place of the old Securities Commission.

Under the Act the Commission is empowered to hear appeals from administrative decisions made under the *Securities Act, Investment Contracts Act, Mortgage Brokers Act, and Personal Information Reporting Act*. It also may hear appeals from decisions of the Board of Governors of the Vancouver Stock Exchange.

Unlike its predecessor, the Corporate and Financial Services Commission has no responsibility for the administration of any of the Acts from which appeals may flow to the Commission. Another difference between the new Commission and the Securities Commission lies in the appointees. The Securities Commission was staffed by Civil Service employees. No member of the Public Service has been appointed to the new Commission.

The Division is examining the possibility of enlarging the jurisdiction of the Commission to make it an administrative appeal tribunal for all discretionary administrative decisions made in its branches and inviting other Government departments to consider it as a possible appellate body.

AUDITOR CERTIFICATION BOARD

In the spring session of the House in 1974 the *Companies Act* was amended to provide for the formation of the Auditor Certification Board. On August 15, 1974, the new sections were proclaimed by Orders in Council 2664/74 and 2665/74.

The Board's function is to examine and certify persons who are not chartered accountants or chartered general accountants as auditors of reporting companies. This is a complex task and the Board has been preparing application forms and guidelines for applicants. These should soon be published and the Board will then be able to take applications.

The Division is considering the advisability of widening the effect of a certificate granted by the Board by making section 203 of the *Companies Act* general in its application where audit qualifications are required under a statute.

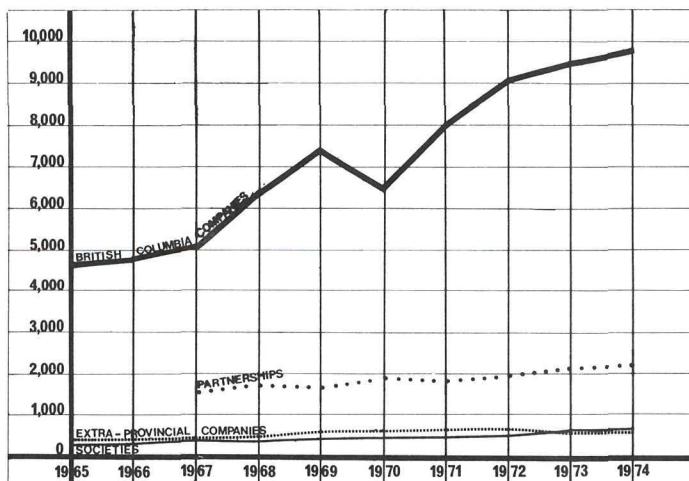
COMPANIES OFFICE

The Registrar of Companies is responsible for the administration of all matters relating to the filing of corporate documents by the British Columbia *Companies Act* and other related statutes. From its location in the Victoria Law Courts Building, the Companies office services the entire Province by telephone, telex, telegram, and mail. The chief administrator, the Registrar of Companies, is assisted by the Deputy Registrar, Administrative Officers, and clerical support staff.

The total number of companies incorporated in 1974 was 9,766, an increase of 354 from 9,412 in 1973. The number of incorporations of British Columbia companies is considered an accurate barometer of business and commercial activity within the Province.

The number of requests for names to be approved for incorporation and registration increased throughout the year. Over 35,000 names were checked for approval in 1974.

COMPANIES OFFICE - INCORPORATIONS & REGISTRATIONS



Registration of extra-provincial companies remains reasonably constant, with a high of 60 in January. Society incorporations have increased during 1974 to 680.

The number of co-operatives incorporated in British Columbia has more than doubled from the 38 incorporated in 1973, to 78 in 1974.

Partnership and firm name registrations have increased slightly, with the 1974 registrations totalling 2,194.

T 38 · corporate and financial services

There were 55 amalgamations of British Columbia companies during the year.

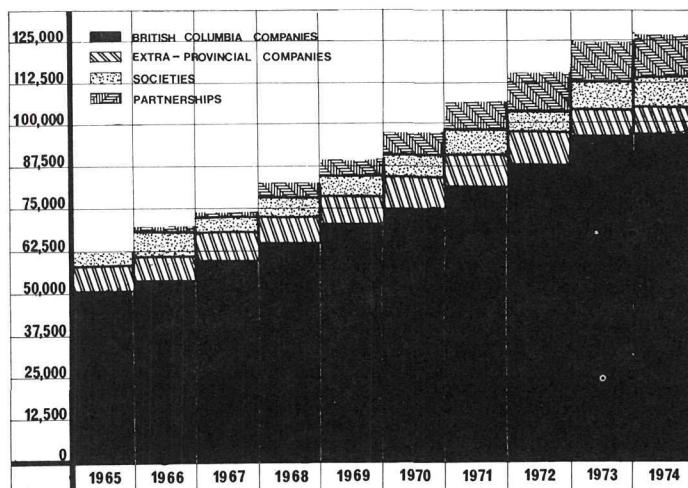
There has been a marked increase in the registration of encumbrances in the Companies office. These registrations include mortgages, debentures, trust deeds, chattel mortgages, bills of sale, conditional sale agreements, and assignment of book accounts. The total encumbrances registered for 1974 was 47,359.

The increases in the filings, registrations, and incorporations have resulted in a corresponding increase of active files.

During 1974 a vigorous program was instituted to strike off defaulting companies. As a result, over 8,000 companies were struck off the register and many hundreds were induced to file reports to date. This program is considered vital in keeping up to date the information required by the public.

The adoption of the new *Companies Act* and increased commercial activity has resulted in a growth in the number of filings to be processed on a day-to-day basis. During 1974, 100,000 filings were received for processing. Searches at the Companies office provide the public with filed information respecting companies, societies, or co-operatives. A search of the company file can be made either in person, by telephone, or telegram. Eighty-five thousand searches were processed in 1974. During the year a telex was installed to further facilitate speedy, accurate searches.

COMPANIES BRANCH - ACTIVE FILES



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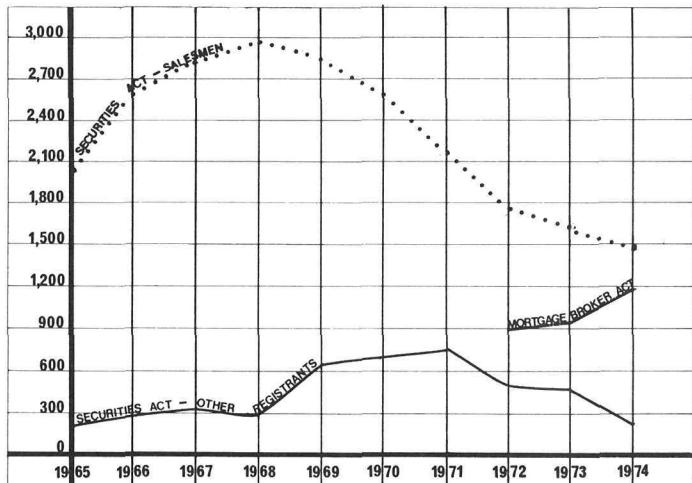
The increase of commercial activity and law enforcement dealing with companies made it desirable to have the information at the Companies office up to date and make it more readily available to the public. A decision was made to investigate the feasibility of a computerized record management system for the Companies office. The resulting report proposed that the Companies office be computerized by development of an on-line interactive information retrieval system.

The Companies office is engaged in a program of education and information. The change to the new *Companies Act* and the complexity of the filings make this program necessary on an ongoing basis to benefit both the Companies office staff and the public. The program covers all matters relating to the operation of the office and services available to the public. To date, information has been presented at seminars and through bulletins giving the filing requirements of the Companies office and rulings on the acceptability of documents presented for filing.

SECURITIES BRANCH

This Branch, under the direction of the Superintendent of Brokers, is charged with the administration of the *Securities Act*, the *Mortgage Brokers Act*, the *Investment Contracts Act*, and the *Pearranged Funeral Services Act*. In carrying out this responsibility the office registers individuals and com-

SECURITIES BRANCH - REGISTRATIONS



panies engaged in trading in securities, dealing in mortgages, or offering investment contracts to the public. It also ensures that the prospectuses and offerings to the public confirm to the *Securities Act* and the regulations.

A large part of the work of the Branch is investigatory in nature and investigation teams of audit accountants, solicitors, and investigators have developed a special expertise in the "white collar crime" areas.

Rather than setting up separate investigation teams to look into alleged breaches of the *Companies Act*, the Securities Branch has taken on the additional task of investigations arising out of the *Companies Act*.

As a result of amendments to the *Securities Act* in 1974 the Branch has been preparing procedures for the examination and approval of Statements of Material Fact filed with the Vancouver Stock Exchange, and these procedures should be ready for implementation early in 1975.

The weekly summary published by the Branch, formerly known as *British Columbia Securities Commission Weekly Summary*, has changed its name to *Corporate and Financial Services Division Weekly Summary*, to reflect the policy of the Division to make the summary an information source for policy and announcements relating to all the branches in the Division. Early in the new year it is planned to include in many of the issues statements of policy from the Companies office.

PUBLIC TRUSTEE

The service of the Public Trustee is to protect the estates and financial interests of minors and mentally disordered persons and to settle the estates of deceased persons, where no other person is competent to act, by:

1 Direct administration of the estates of minors, mentally incompetent persons and deceased persons, as guardian, committee, executor, administrator, and under power of attorney. The Public Trustee now administers throughout the Province over 1,500 deceased persons' estates, the affairs of 4,500 mentally incompetent persons, and 500 infants' estates.

2 Monitoring, seeing that trusts for minors or mentally incompetent persons are properly performed and are thus open for independent review and reasonably secure against loss. Over 2,000 trusts are now monitored by the Public Trustee.

3 Investigating the estates, financial affairs, and legal claims of minors and mentally disordered persons reported as being imposed upon or taken advantage of and advising those persons. At least three or four reports of this kind are received each day.

The Public Trustee provides legal representation for those mentally disordered persons or minors for whom the Public Trustee has or may obtain authority to act.

SUPERVISION OF CO-OPERATIVES AND CREDIT UNIONS

This Branch is responsible for the inspection and chartering of credit unions and the administration of the *Credit Unions Act*. In addition, in December 1973, the Branch was given the added responsibility of the supervision of co-operatives under the *Co-operative Associations Act*.

Branch complement during 1974 has been comprised of the Chief Inspector of Credit Unions, who is also Supervisor of Co-operatives, his Deputy, and five Inspectors, supported by a clerical staff of three.

credit unions Credit unions are inspected at least annually, with interim inspections being carried out from time to time.

As at December 31, 1973, there were 199 credit unions with 70 branches. During the year, 13 mergers took place and expansion of services resulted in the establishment of six additional branches.

The following are 1974 year-end statistics with comparison to the previous year:

	Dec. 31/73	Dec. 31/74
Number of credit unions	199	184
Number of branches	70	76
Total membership	553,638	605,785
Total assets	\$988,502,000	\$1,215,632,223

The Branch maintains liaison and a close working relationship with the central Provincial organization of credit unions, B.C. Central Credit Union, the Credit Union Reserve Board, which administers the Provincial Credit Union Share and Deposit Guarantee Fund, and other persons and organizations relating to credit unions.

Although the credit union movement continues to grow at a rapid pace, relatively few new charters are being issued since most areas of the Province are presently served by one or more credit union offices. During 1974, two new credit unions were chartered, one to serve persons in the real estate industry in Victoria, and another to serve people of Chinese origin in the Greater Vancouver area.

co-operatives The year 1974 saw a sharp increase in co-operative activity in British Columbia with this Branch investigating, processing, and approving documentation for the incorporation of 86 new co-operative associations.

The co-operatives incorporated during 1974 in type and numbers are: Housing, 40; consumer, 18; service, 6; producer, 7; entertainment, 2; manufacture, 4; extra-provincial, 1.

In addition, documentation for eight more co-operatives was being processed at the close of the year.

The total number of co-operatives in British Columbia now stands at 326.

With increasing interest and activity relating to co-operatives and the attendant appointment of a Supervisor of Co-operatives, early in the year consideration was given to the program that this Branch should undertake in order to assist effectively with the further sound development of co-operatives in British Columbia.

On August 9, 1974, the Attorney-General sponsored a one-day seminar for representatives from all co-operatives to meet with him to express their views on the relationship between the co-operative movement and the Provincial Government. The seminar was attended by 173 representatives of 76 co-operatives and provided a useful input for planning purposes.

REAL ESTATE AND INSURANCE BRANCH

This Branch is responsible for the administration of the *Insurance Act* and the *Real Estate Act*, including responsibility for the filing of subdivision prospectuses and, shortly, prospectuses covering strata lots and co-operatives. Its general objective is the protection of the public interest in the fields of insurance and real estate. It carries out its duties in the same general manner as the Securities Branch. The Branch also has extensive responsibility in connection with the filing of strata plans under the *Strata Titles Act*. The Branch keeps a close watch over the real estate and insurance industry and is in close liaison with the Insurance Council, the National Association of Insurance Commissioners, the Real Estate Council, the National Association of Real Estate Licence Law Officials, and various Provincial and national real estate boards and insurance associations.

During 1974, life insurance companies and accident and sickness insurance companies have been seeking to market many new products. Consequently, considerable time has been spent reviewing, criticizing, and even rewriting a variety of insurance contracts to ensure compliance with the *Insurance Act* and equity for the consumer. The work is exacting and time-consuming. Because of the general uniformity of insurance law across the country, its effect is being felt nation-wide. The only other province equipped to perform this service is Ontario, with which the Branch Actuary keeps a close liaison and the remaining provinces are the grateful beneficiaries.

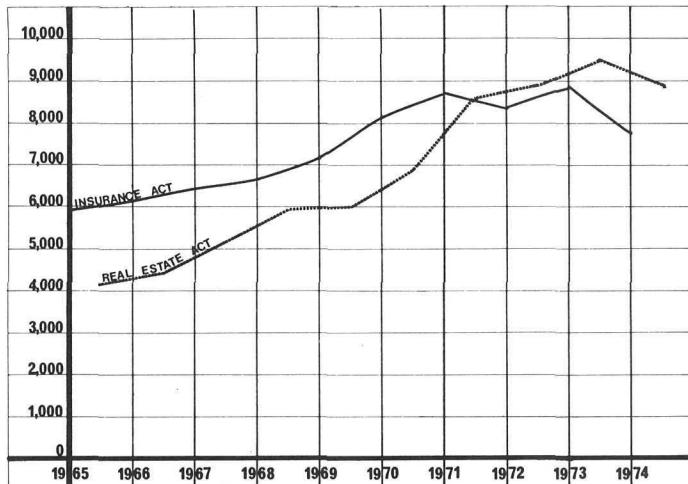
Currently a revision of the *Uniform Life Insurance Act* is under way and the B.C. Superintendent of Insurance is the Chairman of the Revision Committee.

While there was some decrease in numbers of general insurance companies as anticipated because of the Government takeover of automobile insurance, increased activity in

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other lines, including credit life insurance, has resulted in a 16-per-cent increase in number of insurers' licences issued and has contributed to an increasing work load.

INSURANCE & REAL ESTATE BRANCH - REGISTRATIONS

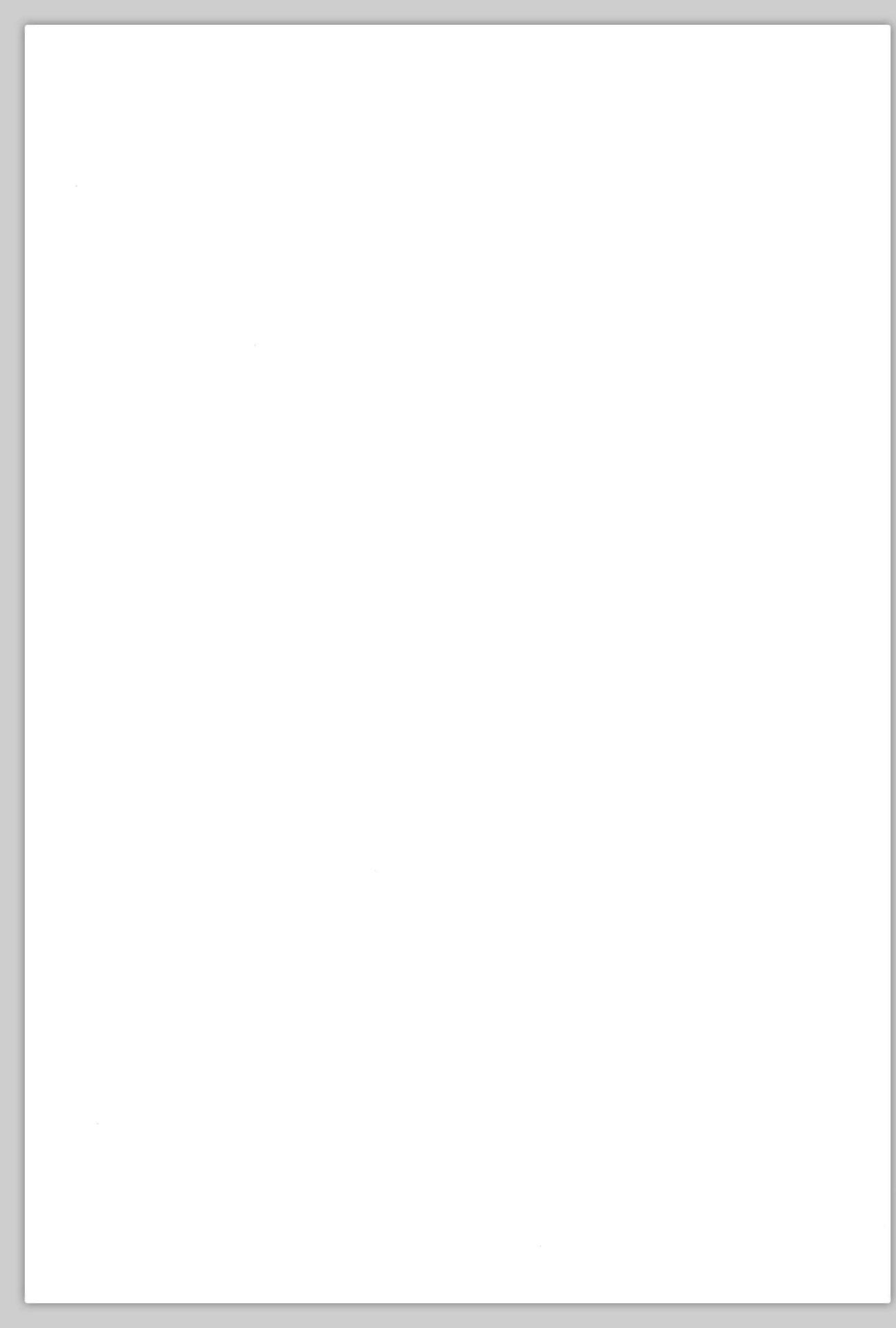


The Branch is currently being geared to cope with recent amendments to the *Real Estate Act*, which will necessitate examination of prospectuses resulting from subdividing by means of a strata plan and by means of a co-operative corporation. In the past year over a thousand prospectuses for ordinary subdivision have been processed and at least that many more are expected for the coming year. The projection is that the new forms of prospectuses will at least treble that work load.

The day-to-day processing of applications for insurance agents and salesmen and real estate agents and salesmen requires time and accuracy. It is interesting to note that, in the year to date, real estate agents' licences issued have increased 10 per cent while salesmen's licences have decreased 6 per cent, compared to a similar period last year.

The Branch still administers the *Debt Collection Act* and the Superintendent is Director of Debt Collections. Hopefully, this responsibility will be transferred to Consumer Services, thus enabling the inspection staff to catch up with the principal work of the Branch under the *Real Estate Act* and the *Insurance Act*.

In summary, the Branch still needs to meet its statutory responsibilities and is actively planning to do so.



FINANCE AND ADMINISTRATION

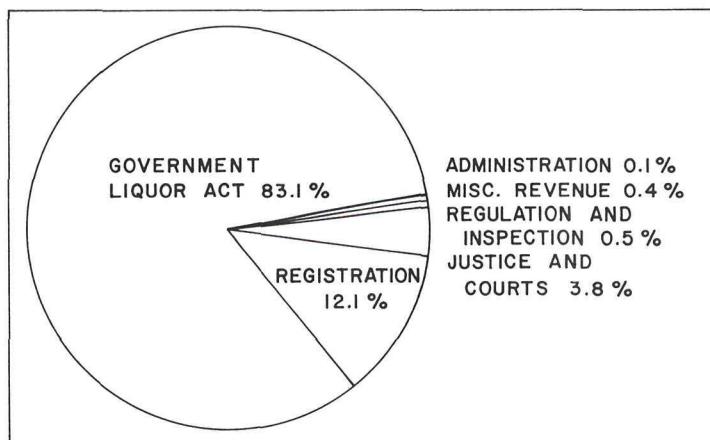
Executive Director: R. M. Baker

The Finance and Administration Division is responsible for the following:

- 1 Preparation of the Budget and Budgetary Control
- 2 Accounting
- 3 Payroll
- 4 Personnel
- 5 Purchasing.

During the 1973/74 fiscal year, revenue received amounted to \$130,814,864 and expenses totalled \$53,809,687, leaving an excess of \$77,005,177. The latter quarter of the 1973/74 fiscal year was highlighted by the provision of an additional \$15 million to the estimates of the Department of the Attorney-General for research and planning involved in the significant policy change which saw the Provincial Government assume the responsibility for the administration and operation of Provincial courts.

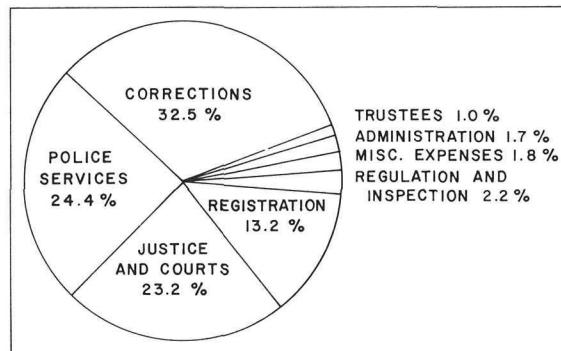
ACTUAL REVENUES 1973-4



	\$	Per Cent
Administration	122,152	0.1
Justice and Courts	4,955,275	3.8
Registration	15,868,528	12.1
Regulation and Inspection	659,336	0.5
<i>Government Liquor Act</i>	108,621,980	83.1
Miscellaneous revenue	547,593	0.4
	130,814,864	100.0

T 46 · finance and administration

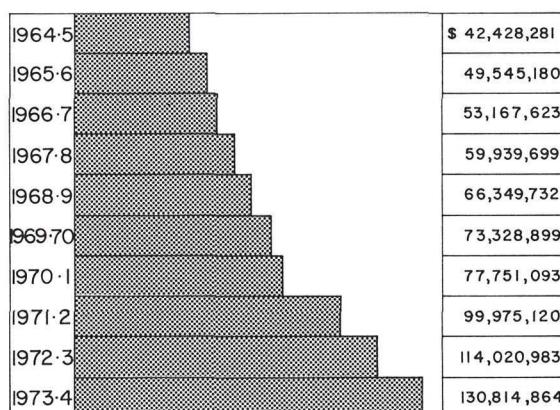
ACTUAL EXPENDITURES 1973-4



	\$	Per Cent
Administration	914,893	1.7
Justice and Courts	12,490,428	23.2
Registration	7,123,933	13.2
Trustees	514,265	1.0
Regulation and Inspection	1,175,737	2.2
Police Services	13,134,877	24.4
Corrections Services	17,497,981	32.5
Miscellaneous expenses ¹	957,573	1.8
	<hr/>	<hr/>
	53,809,687	100.0

¹ Miscellaneous expenses include *Criminal Injuries Compensation Act*, \$350,841; *Special Surveys Act*, \$460; British Columbia Energy Commission, \$591,374; and British Columbia Liquor Board, \$14,898.

REVENUE FOR PERIOD 1964-74



The revenue figure for 1973/74 is the only one of the 10 to include miscellaneous revenue (which for the fiscal year was \$547,593).

T 47 · finance and administration

personnel services The Department reached an all time high in employment level of 2,025 during the year. This compares with last year's total of 1,176.

Owing to the administrative changes within the Department, the increase in personnel activities has been significant. This is reflected as follows:

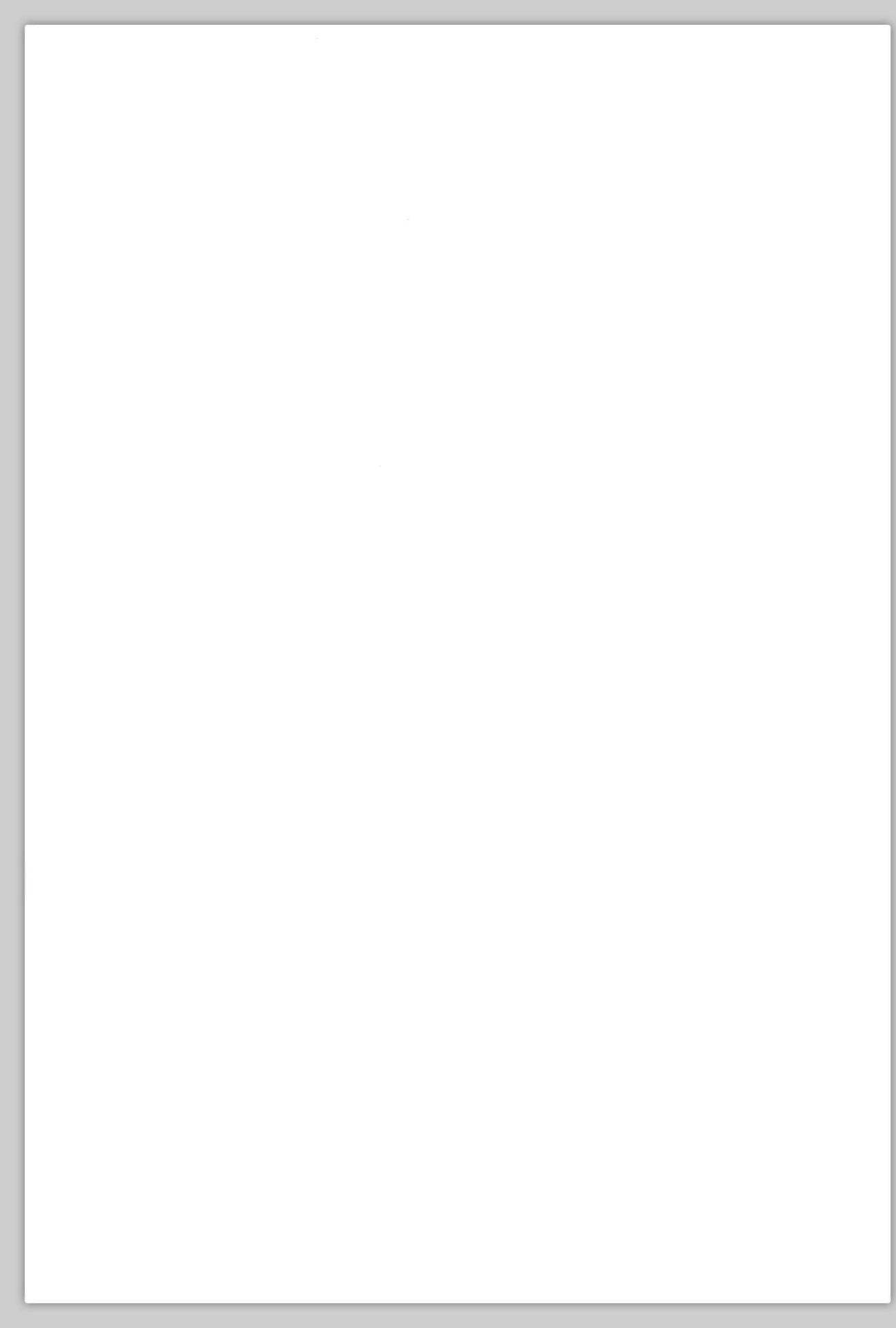
1 Requisitions processed	1972	328
	1973	524
	1974	1,268
2 Competitions processed	1972	70
	1973	105
	1974	306

The majority of new positions occurred in the Court Administration area (520 positions; Reporters, 70 positions), the Rentalsman and Sheriff Branches (320 positions).

A number of classification reviews were completed by Personnel Services in conjunction with the Public Service Commission. A reorganization of the Companies office resulted in 19 new positions. Various positions in the Land Registry Offices were reviewed and a number of changes in personnel procedures have been recommended.

The industrial relations function of the Branch has increased with the advent of collective bargaining. Numerous union-management meetings were held and the Branch participated in the negotiations for the Administrative Support Component of the B.C. Government Employees' Union.

To reflect the increase in personnel responsibilities, two additional Personnel Officer positions were established and filled, bringing the staff complement to four Personnel Officers and three administrative support personnel.



PROVINCIAL COURT OF BRITISH COLUMBIA

Chief Court Administrator: Judge Perry S. Millar

For many years the Judges of the Provincial Court of British Columbia had been appointed by the Provincial Government through the Department of the Attorney-General. However, as a matter of historic growth, administrative responsibility for these courts was divided between the Attorney-General's Department and a number of the larger municipalities. By 1974, the Attorney-General's Department provided court facilities and administrative staff for 71 small rural courts. On the other hand, court facilities and staff for other Provincial Courts were supplied by 44 large municipalities throughout the Province, such as Vancouver, Victoria, Chilliwack, Penticton, Kelowna, Kamloops, Prince George, Prince Rupert, Nelson, Cranbrook, etc. This resulted in uneven standards of court services throughout the Province in terms of adequacy of court facilities, numbers of staff, and administrative policies.

Thus, by 1974, it became evident that these growing inadequacies could only be cured by unifying the Provincial Courts under one administration, subject to the direction of the Attorney-General.

Accordingly, on April 1, 1974, the Attorney-General's Department assumed full responsibility for the above-mentioned 44 large municipalities, for the facilities and staff of all Provincial Courts. This massive administrative effort was performed smoothly and efficiently by the Department, and with the excellent co-operation of the Judges of the Provincial Court, the process of justice was uninterrupted throughout the Province.

As a result of this unification, a number of reforms have already taken place and others are being implemented. Administration of the Provincial Courts have been organized on a regional basis. The Province is divided into nine administrative regions, each supervised by a Deputy Regional Administrator who is responsible for the administration of all Provincial Courts within his region under the direction of a Chief Court Administrator located in Vancouver. Approximately 125 additional staff have been infused into the system in order to bring administrative services up to required levels of efficiency throughout the Province, and to release members of the RCMP from court duties to enable them to perform their proper police role.

Intensive training programs have been instituted, through the considerable assistance of BCIT, for senior administrative personnel and Court Clerks. The purpose of these training programs is to create a professional body of Court Administrators, with the result that within some 18 months British Columbia may be considered to have the highest trained court

administrative body in Canada, and indeed on the continent. Such a professionalized body of administrators is necessary in order to free the judiciary for their essential role, namely judging, in order to reduce current case work loads in the face of the increasing crime and civil litigation. Training courses for Justices of the Peace have also been instituted.

Provincial Court administrative staff are being merged with the administration of other court levels to economize in numbers of staff and administrative space.

Many Provincial Court facilities were inadequate and cramped. The present court administration has, therefore, embarked on a program, in concert with the Department of Public Works and the Justice Development Commission, to renovate and improve existing facilities to meet short-run needs. In addition, a long-range construction program has been undertaken to meet the growing demand for additional courthouse space. Also, considerable economies are being achieved through greater utilization of existing courthouse facilities, through the joint use of courtrooms and administrative space by the Provincial Court and other trial courts, namely the Supreme Court and the County Court. Further economies in this direction can and will be achieved.

Uniformity of forms, standards, procedures, and practices are being introduced through the above training programs and through the preparation and distribution of four procedural manuals covering all departments of the Provincial Court (Family and Juvenile, Small Claims, and Criminal). A fourth manual has also been developed for Justices of the Peace, which encompasses both administrative and quasi-judicial responsibilities.

One of the most important achievements resulting from this unification is the development throughout the entire Provincial Court system of a modern management-information system. This will generate the necessary statistical information for modern management of the courts and planning of future development. This information system is, and to an increasing degree will be, supported by modern technology, including microfilming and computerized analysis of statistical data.

These modern technologies are now essential in view of the increased volume of cases in all departments of the Provincial Court, whether criminal, civil, juvenile, or domestic relations. Manual accounting and recording systems are no longer adequate to today's needs in court administration.

SUPREME AND COUNTY COURT REGISTRIES

Registrar: T. J. Halbert

The Department of the Attorney-General administers Court Registry Offices serving the Supreme and County Courts in Victoria, Vancouver, New Westminster, Nanaimo, and Chilliwack for a present total of five registries. The Victoria and Vancouver offices also serve as registries for the Court of Appeal, and the District Registrars in those two cities serve as Registrars for the Court of Appeal in addition to their duties as District Registrars of the Supreme Court and Registrars for the County Court.

Authority for the creation of the Court Registries is to be found, naturally enough, in the *Court of Appeal Act*, the *Supreme Court Act*, and the *County Court Act*. Other statutes play a part in the jurisdictional construction of our busy Court Registry system, for example, the *Small Claims Act*, which confers on our registries the duty of acting as such for the Provincial Court of British Columbia Small Claims Division; the *Bankruptcy Act*, which confers on certain registry offices the duties set out in the Federal statute; the Federal statutes and rules which create an Admiralty jurisdiction in the Vancouver Registry; and many other Federal and Provincial statutes which confer or impose functional jurisdictions on the registries. It is safe to say that, without proper administration and smooth operation of our Court Registry system, the proverbial wheels of justice would, indeed, grind to a horrendous stop. Virtually every civil litigation or matter of uncontentious business requiring the ministrations of a Court is commenced in and guided to completion through the Court Registry system, and the majority of them are processed in the five Court Registries operated by the Department of the Attorney-General. As our Province continues to grow in population, wealth, and influence, the importance of maintaining and increasing the efficiency of our Court Registries becomes of grave importance.

The services performed by the registry offices can be divided into two broadly stated classifications, namely, Judicial and Administrative. The word "registry" is defined as a place of registration, a place where records are kept, so that the very name of the office defines its administrative function in part. The Judicial function of a registry office can be described as that of providing support staff to the Judges of the various courts, giving them the necessary assistance to perform their own duties. Additionally, the Registrars perform quasi-judicial functions in support of the court by presiding at hearings upon references directed by a Judge on numerous matters, such as maintenance in divorce cases, accountings in estate and foreclosure matters, references to determine the quantum of damages where such damages are a

matter of computation, references to determine the means a judgment debtor may have with which to pay a judgment, references in execution proceedings against land, and references on any other matter referred to a Registrar by a Judge. The Registrars are charged with the duties of taxing bills of costs as between parties to court actions which in many cases amount to thousands of dollars, to give judgments in default matters, to preside in disputes between a client and his solicitor arising out of the solicitor's bill pursuant to the *Legal Professions Act*, to rule on interlocutory matters during the progress of an action, and in many instances the procedural advice of the Registrars is hungrily sought by solicitors and laymen alike to assist in complex actions and applications to the Court. Thus the Registrars and the registry staffs must be competent and knowledgeable in the principles of law applicable to each of the functions of the registries, as without such expertise much expensive delay and injustice could be done to the ever-increasing numbers of the public who avail themselves of the help of this Province's courts.

The Supreme Court and the County Court are what can be described as superior courts, with the Court of Appeal being the highest court in the Province and the Supreme Court being the court of inherent jurisdiction. Accordingly, the services rendered by the Court Registries encompass all manner of criminal and civil proceedings and are as varied in nature as the very law itself.

- | | |
|-----------------------|---|
| functions | The major functions of a registry office are as follows: |
| record of proceedings | Whenever an action is commenced in any of the courts serviced by the Court Registries, and by whatever process is utilized, the registry function is activated and meticulous records are kept. It is the responsibility of the Court Registry administration to attempt to expedite in so far as possible the progress of a case from its inception to its conclusion by trial and judgment. In the five registry offices administered by the Department of the Attorney-General, 15,734 Supreme Court civil actions were commenced in the year 1974 and 6,049 civil actions were commenced in the County Courts, for a total of 21,783 superior court civil actions. In 1974, a total of 2,388 criminal actions ranging from minor offences to murder were filed in the two superior courts. In the two Court of Appeal registries in Vancouver and Victoria, a total of 1,030 appeals were made from decisions made in the other courts. |
| probate | Whether a man dies with or without a will, if he died with assets requiring transfer, the chances are he will need the services of the Probate Department of one of the Court Registries. In the five registries administered by the Department of the Attorney-General, 7,854 applications were made in probate matters for the year 1974 in connection with estates ranging from a few hundred dollars up to several millions. |

Each application in a probate matter receives the same meticulous care and attention, regardless of size or complexity.

adoptions All petitions to adopt a child are made to the Supreme Court and in 1974 a total of 1,205 adoptions were filed in the five registries referred to above.

bankruptcy The jurisdiction in bankruptcy is conferred pursuant to a Federal statute, the *Bankruptcy Act*, upon certain registry offices. Of the five registries administered by the Department of the Attorney-General, Victoria and Vancouver exercise jurisdiction in bankruptcy, receiving petitions and assignments, holding hearings for the discharge of a bankruptcy or a trustee, auditing or taxing the accounts of the trustee, fixing a trustee's remuneration, and performing the other duties imposed by the statute.

admiralty The only Admiralty Registry in British Columbia now is the Vancouver Registry where the District Registrar is empowered by Federal statute to exercise the duties of a Registrar in Admiralty matters. One of the major duties of a Registrar in Admiralty matters is to sit to determine the amount of damages caused in shipping accidents and, as such damages often reach into millions of dollars, the importance of the registry function is emphasized by the responsibility so assigned.

small claims Pursuant to the *Small Claims Act*, a Court Registry office is charged with duties of acting as a registry for the Provincial Court of British Columbia Small Claims Division in matters within the jurisdiction of that court. As this is a court where litigants often appear without benefit of counsel on either side, the trained and experienced personnel of the Department of the Attorney-General exercise important functions in assisting members of the public in the preparation and filing of the proper documentation enabling them to have their day in court and obtain justice. In 1974, the five registry offices dealt with 17,282 actions in the Small Claims Court.

divorces In 1974 there was a total of 6,560 divorce actions commenced in the five registries administered by the Department of the Attorney-General. Although exact statistics have not been maintained, it is estimated that slightly under 10 per cent of these divorce actions were prosecuted by persons acting on their own behalf who did not employ counsel and who did not qualify for Legal Aid assistance but who relied entirely upon the Court Registry staffs to guide them with the preparation and filing of the necessary documentation.

It has been said that our law embodies generations of experience, but is constantly adapting itself to new situations. So, too, must the Court Registry system adapt itself to increasing

social demands for better and more service from our courts, and it is the erstwhile wish and hope of all those members of the Department of the Attorney-General engaged in the Court Registry system that we may be privileged to provide the citizens of British Columbia with an increasingly efficient and effective court administration.

LAND REGISTRY

Director, Legal Services: J. V. DiCastri

introduction

There are seven land registration districts within the Province known as the Kamloops, Nelson, New Westminster, Prince George, Prince Rupert, Vancouver, and Victoria Land Registration Districts, the respective Land Registry Offices being situated at Courthouse, Kamloops; 320 Ward Street, Nelson; Courthouse, New Westminster; Box 1840, Prince George; Courthouse, Prince Rupert; Sixth Floor, 777 Hornby Street, Vancouver; and Law Courts, Victoria.

The business of each office is conducted by an officer called the Registrar, and the Inspector of Legal Offices, who is also the Director, Legal Services, is charged with the general supervision of the offices.

The responsibilities of each Registrar, in his dual role of quasi-judicial officer and administrator, are to interpret correctly the *Land Registry Act* and all applicable law, and to conduct the business of his office at a high level of efficiency and thus ensure that security of title, the fundamental principle of a title registration statute, is maintained at all times.

The responsibilities of the Inspector of Legal Offices are to regulate the practice and procedure followed in the offices so as to secure uniformity and to perform such other duties as may be assigned to him by the Attorney-General.

The Inspector is also available to advise the Registrars on all legal matters and to perform the duties of a Registrar.

operations

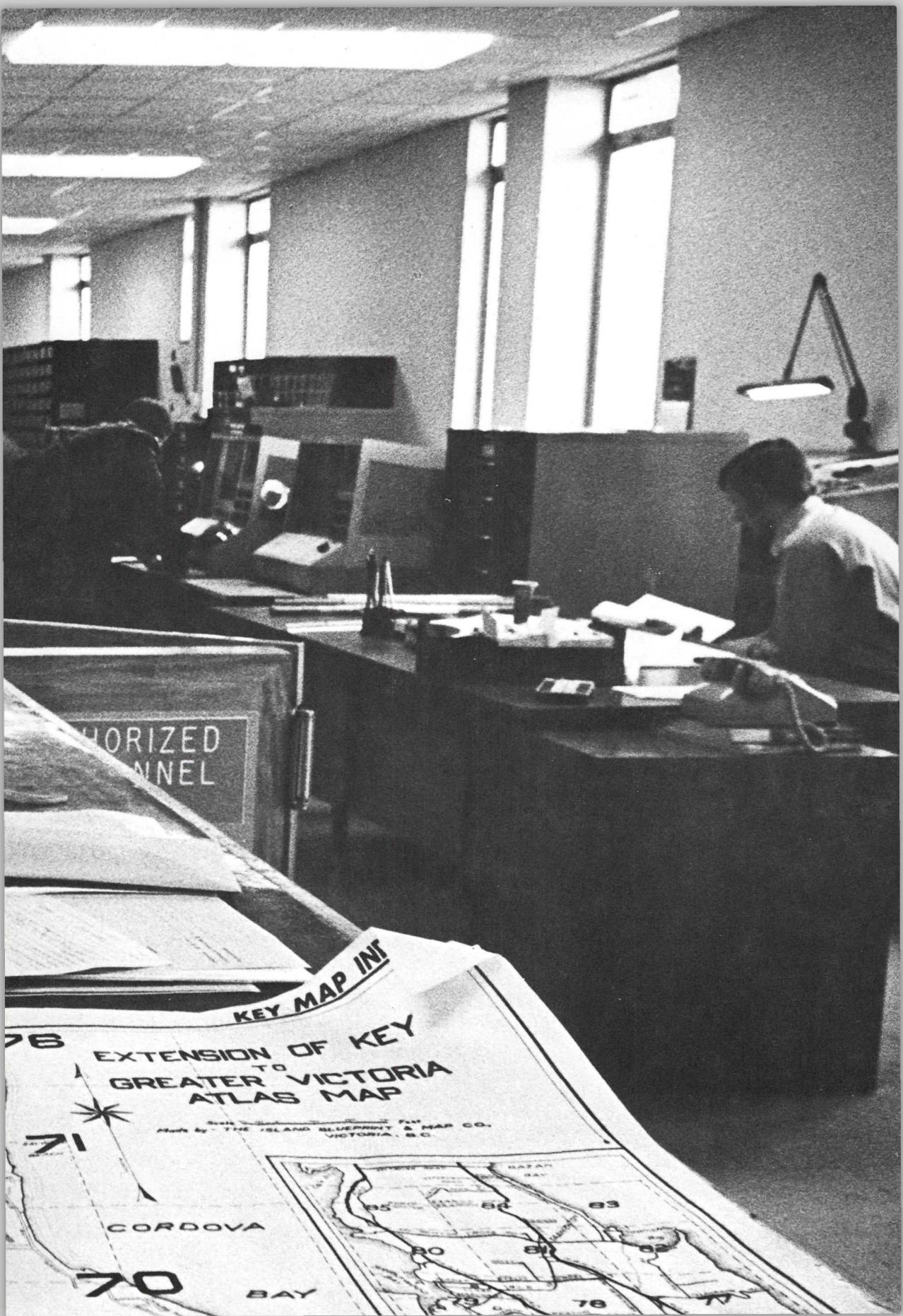
In 1974 the volume of business in the seven Land Registry Offices was somewhat lower than in 1973. This decrease is largely attributable to high interest rates and to the requirements of mortgage lenders that borrowers have larger equities in their properties.

The number of applications received from January 1, 1974, to December 31, 1974, totalled 422,044. This figure is restricted to fee-simple transfers and charges such as mortgages and agreements of sale, but does not include the many miscellaneous filings made under the *Land Registry Act* and other statutes.

The fees received from the Land Registry Offices for 1974 totalled \$13,384,018.07.

The staff of 292 as of January 1, 1974, with minor fluctuations, increased to 309 during the year. These figures do not take into account short-term employees engaged on the summer employment program.

The salaries of Land Registry staffs to December 31, 1974, totalled \$2,443,352.37. With regard to operating expenses in general, apart from salaries, the expenses involved in the acquisition, operation, and maintenance of physical plants are not available.



new
programs

- 1 A second edition of the *Land Registry Practice Manual* is presently with the Queen's Printer and incorporates notes on the *Land Registry Act* and miscellaneous statutes, a commentary on the new *Strata Titles Act*, notes on searching titles, and a list of common conveyancing errors.
- 2 The Nelson office is experimenting with a new type of portable register which, if proven to be practical, will provide greater flexibility in all areas of the operation.
- 3 The study of the mini-registry concept, initiated in the New Westminster office to determine whether or not the compartmentalization of an office into selected geographical units (example, Burnaby) will provide greater administrative efficiency, is being extended to Richmond.
- 4 The Victoria experiment with "instant registration" continues, but as all offices are now operating on a 24 to 48-hour registration cycle, pending a revision of the *Land Registry Act*, further developments will be oriented to the anticipated computerization of land titles.
- 5 The revision of the *Land Registry Act* is proceeding, with a draft of the new Act expected to be available in the new year for distribution to all interested parties for study and comment.

microfilming

It is expected that the records of the Victoria office will be completely microfilmed by the end of 1975 and those of the Vancouver office by 1976. The successful completion of these programs will see the records of all the offices microfilmed. The goal will then be to ensure that the time-lag between the microfilming of documents and their receipts be progressively reduced.



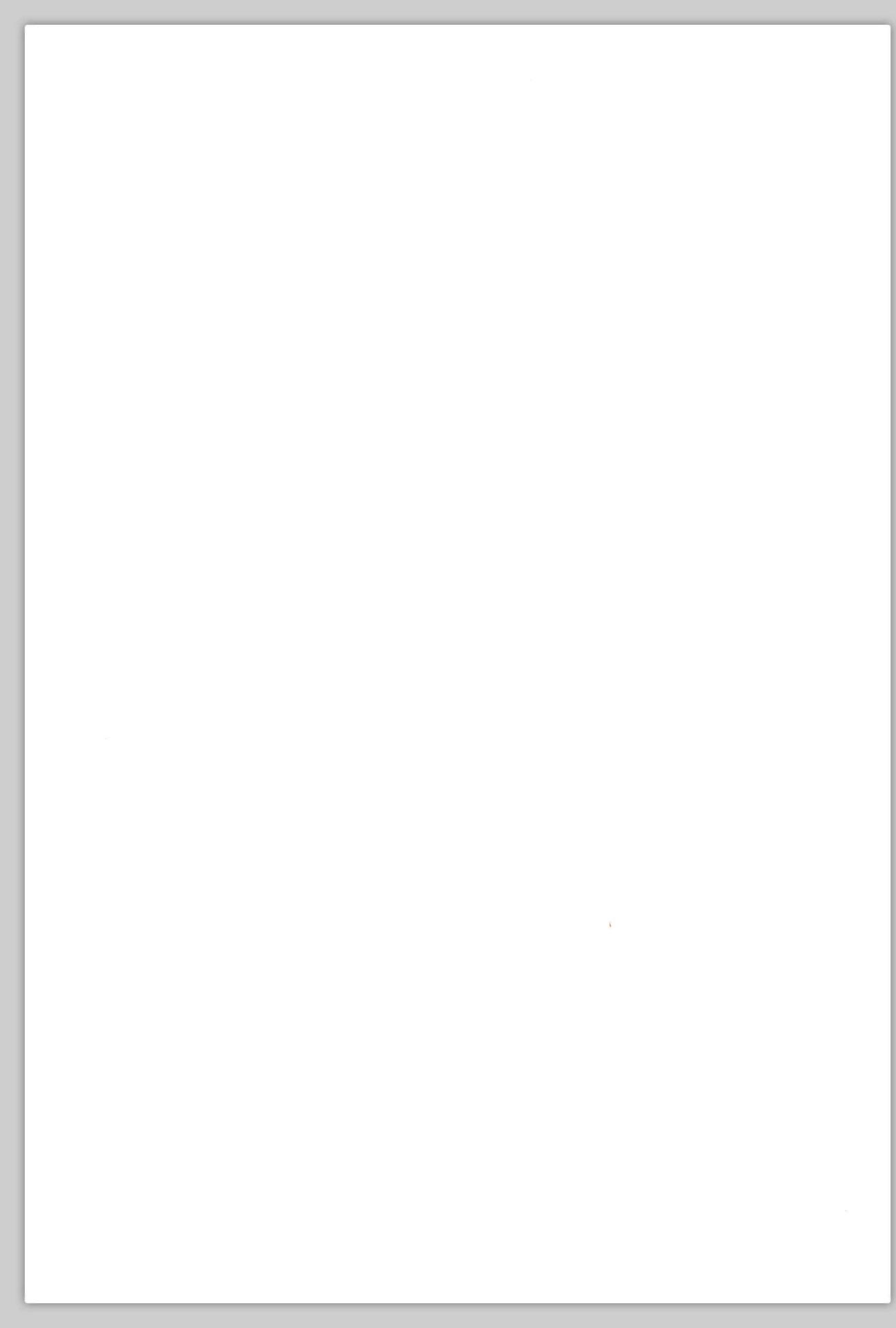
DEPARTMENTAL INSPECTOR

Inspector: A. A. Nicholls

The Departmental Inspector, located in Vancouver, conducted a number of investigations pertaining to complaints and grievances that had been received by the Attorney-General, Deputy Attorney-General, or Directors of the departments within the Attorney-General's Department. Examples of complaints received include complaints against police departments and officers, complaints with regard to pyramid sales, and interdepartmental complaints. In many instances the persons registering the complaints were advised of the outcome of the inquiries conducted.

Due to the formation of the B.C. Police Commission, Department of Consumer Affairs, and the enlarged Corrections Branch, a large number of complaints and inquiries are now being handled by the respective departments. As a result, the office of the Departmental Inspector was phased out in early 1974.

There has been no decision made to date as to whether this position will be re-established in the future.



CORRECTIONS BRANCH

Deputy Minister: Edgar W. Epp

The Corrections Branch of British Columbia upholds and embodies the following statements in respect of philosophy, purpose, and methods:

- | | |
|------------|--|
| philosophy | <ol style="list-style-type: none">1 Justice must be done and must appear to be done, both to the offender and the offended.2 Legal sanctions imposed upon the offender must be designed to provide for the protection of society while upholding the dignity and worth of both the offender and the offended.3 The protection of society is seen as being best served through holding in high regard the life and worth of all its members, holding all of its members responsible for the maintenance of social order and the prevention of victimization or wrongful hurt to or by any of its members, utilizing every appropriate means to correct the relationship between the offender and the offended. |
| purpose | <p>The Corrections Branch of the Department of the Attorney-General is the agency established by the Government of British Columbia to:</p> <ol style="list-style-type: none">1 Carry out the legal duties imposed upon it2 Aid in the process of restoring the relationship between the offender and the offended3 Develop correctional programs designed to protect the public from further victimization4 Assist the community in developing programs for the prevention of crime and delinquency5 Provide maximum opportunity and assistance to all persons in its care, in order that they may achieve successful personal and social adjustment in the community. |
| method | <p>Specifically, and notwithstanding its involvement in preventive and other pre-court services, the Corrections Branch will provide, for youth and adults:</p> <ol style="list-style-type: none">1 Probation programs and services which shall be available as resources to the Courts2 Institutional facilities where necessary, which shall be as small in size as feasible and located as near as possible to the domicile of its residents3 Community service programs for the imposition of non-custodial penalties4 Counselling, supervision, training, and such other treatment and human relationship services deemed necessary or appropriate for persons in its care5 Opportunity, whenever possible, and as public safety is not considered thus endangered, for incarcerated persons to avail themselves of community resources through programs such as temporary absence and parole |

- 6 Assistance, such as counselling services, as required and voluntarily requested by persons discharged from its care
- 7 Opportunity for citizens to participate in its various programs through community-based agencies, or as individuals who volunteer their services
- 8 Purchase of necessary services which would otherwise not be available to persons in its care, or are more effectively provided by another agency
- 9 Ongoing research, planning, and assessment to assist in the upgrading of its program methods, treatment techniques, and development, and to ensure that appropriate objectives are established and achieved
- 10 Staff who, by recruitment, selection, training, and development, demonstrate and maintain the maturity and personnel qualifications necessary to offer competent counsel and supervision to those in their care, and who do so faithfully and diligently.

For the first time in the history of the Corrections Branch, a clear, long-range formulation of goals and proposed means has been developed. Greater emphasis has been placed on the increasing importance of extensive planning in this area of government. This new emphasis was embodied in the establishment of the Planning and Development Division in 1973, which is now responsible for assessing pilot projects and current programs in light of the transition to a community-oriented emphasis.

five-year plan

In 1974 the Corrections Branch initiated a major restructuring of over-all policy and programs. This change was made explicit in the formulation of a long-range planning statement entitled "A Five-year Plan in Corrections." The Deputy Minister of Corrections presented this document to the Attorney-General as a confirmation of the commitment to the dissolution of large and antiquated correctional centres, adult remand centres, and juvenile detention homes. Specifically cited as subject to a phasing-out process were Vancouver Island Regional Correctional Centre, Haney Correctional Centre, Lower Mainland Regional Correctional Centre, and the Vancouver and Victoria Juvenile Detention Homes.

community correctional centres

To parallel this process is the planned instituting of various and effective alternatives to incarceration, mainly in the form of supervised community correctional centres. The construction of small custodial facilities is still being planned, however, for those individuals who do not meet the requirements for participation in community-oriented programs. The purpose of this emerging structure is to develop a humanizing corrections system by addressing clients more individually in smaller centres and by aiding in the rectification of the problems that exist between offenders and their communities. The financial advantage of a community-oriented emphasis can be

partially understood by comparing the costs of supervising a person on probation in the community as opposed to holding a person within a custodial institution. The average daily cost of supervising in the community in 1973/74 was 84 cents, compared to \$19.25 in an institution.

Three community correctional centres, in which program activities are centred in the community rather than in an institution, began operations in 1974 in Vancouver, Chilliwack, and Victoria. A fourth is expected to commence operation in Kamloops on February 10, 1975. In phasing out the antiquated institutions in the Province, community correctional centres are preceding and paralleling the transition, necessitating gradual rather than abrupt change.

temporary absence program

Still other community alternatives are being utilized in the interim period to an unprecedented extent. In order to accommodate the transitional period while simultaneously adhering to the immediate commitment of developing effective alternatives to incarceration, the Corrections Branch rapidly expanded the Temporary Absence Program in December 1973, facilitated by the appointment of a Temporary Absence Co-ordinator for the Province. This program has allowed inmates to reintegrate into the community while serving their sentences. In the first three months of the fiscal year of 1974/75, approximately 1,200 people were released on temporary absences in contrast to approximately 1,000 for the entire fiscal year 1973/74. Persons on work release from a community correctional centre contribute toward their own maintenance, pay restitution and taxes, and support their dependents who might otherwise be drawing upon welfare assistance.

co-ed facility

Canada's first co-ed facility was incorporated at the Prince George Regional Correctional Centre in early 1974 as part of a continuing effort of the Branch to modernize its system and present it as an advanced model for correctional services in North America. .

community corrections programs

The year saw continued expansion and diversification of Community Corrections programs. In all cases in which adults appear before the court, Probation Officers endeavour to find or develop a community alternative to imprisonment. This means that Probation Officers are spending more time mobilizing community resources to respond appropriately to an offence. With juveniles, more emphasis has been placed on integrating the services offered by the Department of Education, Human Resources, and Health with the Corrections Branch. Sharing and consultation in program development has resulted in a great many juveniles once considered beyond the resources of a community being successfully integrated into that community. Of particular note is the expansion of compulsory attendance programs in the community for both adults and juveniles. Of special note with respect to juveniles

was the assumption of April 1, 1974, of responsibility for juvenile probation services from the City of Vancouver and the Vancouver and Victoria City detention homes.

In accordance with the enactment of the *Administration of Justice Act*, April 1974, the Justice Development Commission was established and given the responsibility to aid in the improvement of the justice system by assisting and integrating the future planning and development of the system's components: Police, Legal Services, Courts, and Corrections. The Deputy Minister of Corrections is a Vice-Chairman on the Executive of the Commission, enabling Correction's input to be presented in concert with the other arms of the justice system.

planning

During 1974, significant activity occurred through discussions and joint planning with the Federal Ministry of the Solicitor General. For the first time in 15 years, a meeting of Ministers responsible for Corrections in Canada was held in December 1973. Issues were identified for further study by a Continuing Committee of Deputy Ministers. This committee and numerous subcommittees comprised of senior staff have dealt with a wide range of topics over the year. These topics include parole jurisdiction; young persons in conflict with the law; criminal information and statistics; diversion; manpower development; inmate rights and responsibilities; ex-offender employment in corrections; community-based residential centres; exchange of prisoners between jurisdictions; the *Prisons and Reformatories Act*; and the Native offender.

The latter topic was subsequently expanded into a total justice system concern and grew into planning for a Ministers Conference on the Native Offender and the Criminal Justice System, to be held in February 1975.

A Joint Regional Committee has been established consisting of senior staff from the respective Corrections Branches in British Columbia and the Yukon and the Solicitor General's Department to provide a co-ordinated regional approach in the exchange of services and development of facilities.

As in previous years, the productivity of Corrections clients facilitated by staff direction and co-ordination has contributed greatly to the development of this Province by the numerous and extensive work projects in which they were engaged. As such, they deserve a special commendation for their socially responsible endeavours.

separate report

The Corrections Branch files a separate report with the Legislative Assembly. This individual report provides a descriptive and statistical profile of the Corrections Branch of the Attorney-General's Department for the fiscal year ended March 31, 1974, and the calendar year ended December 31, 1974, and should be consulted for further information.

BRITISH COLUMBIA BOARD OF PAROLE

Chairman: S. Rocksborough Smith

Provincial parole was first instituted in British Columbia in 1949 with the introduction of the definite/indeterminate sentence for young-adult offenders under 22 years of age. It has been operating since that time, paroling between 600 to 800 young-adult offenders annually.

Provincial parole deals only with this specialized group, most of whom are undergoing training, in its broader sense, at correctional centres set aside for the purpose. New Haven and the Haney Correctional Centre are the two main centres involved in this program, though some use is made of regional correctional centres or forest camps if it is felt that the offenders can receive more appropriate training there.

Correctional centre staff present a trainee to the Parole Board for consideration for release on parole when they consider the trainee ready to re-establish himself in the community and prepared to assume the responsibilities that go with parole. Before the decision is made, institutional reports are carefully considered, the home environment investigated, and release planning discussed.

When the youth is paroled he comes under the supervision of a Provincial Probation Officer. (New Haven uses volunteers from the B.C. Borstal Association to carry out the same function.) While methods of supervision vary with the individual officer, the parolee must be seen at least monthly. In practice he is usually seen initially on a weekly basis by his parole supervisor, who reports on his progress to the Board. Violations, such as failure to report or to live up to the conditions of parole, or the commission of further offences, can result in either suspension or revocation of parole and a return to the correctional centre for further training.

Parole, if it is to be successful in terms of re-establishing an offender into the community as a useful and law-abiding citizen, depends largely upon realistic, careful, and thorough planning; co-ordination of the efforts of all those involved with the planning; and adequate supervision in the community. It is essential from the start that the parolee understand very plainly that parole is a contract between himself and the Board in which he is granted his conditional freedom in return for his living a law-abiding life in the community. Furthermore, it must be seen to be a law-abiding life, for, if he continues to mix with undesirable companions and disregards the instructions of his parole supervisor, his parole can be suspended or revoked for a technical violation.

The Board has noted with considerable concern the lack of resources that still exists in most communities in the Province, particularly for those parolees without a home to return to, and those with mental, physical, or social handicaps. While a parolee in his late teens or early 20's should be quite capable

of existing on his own without family support, it is extremely difficult for that person to establish himself initially without adequate personal funds. Even with funds available, the alternative is frequently a seedy room in one of a number of run-down rooming-houses or a cheap hotel room, the only companionship that picked up on the streets or found in a skid-row beer parlour. There is a very real need for hostels or supervised boarding-rooms where some standard of decency can be maintained and where there is warmth, a sense of fellowship, and concern shown toward those living there. A number of private organizations and associations in our larger communities are trying to fill this gap, but they need far greater support, both moral and financial, in the difficult task they have undertaken. Unfortunately, at the time of writing, their

COMPARATIVE STATEMENT BY INSTITUTIONS FOR THE FISCAL YEAR 1973/74

	Alouette River Unit		Lower Mainland R.C.C.		Haney C.C.	
	M.	F.	M.	F.	Main	B.B.
Released on parole	2	19	44	7	238	62
Revoked—						
Court action	---	2	2	---	23	9
Other violations	---	5	18	3	64	15
Successfully completed parole	---	10	17	3	189	59
Average time on parole (months)—						
Successful	---	7.8	10.1	8	9.4	9.2
Revoked	---	2.7	4.5	3.1	5.1	5.4
Average length of in- stitutional training (months)	5	7.1	13.3	9.7	10.7	6.4

numbers appear to be decreasing rather than increasing.

The announcement by the Solicitor General that the Federal Government was prepared to introduce legislation extending the exercise of parole jurisdiction by the provinces to cover all inmates of Provincial correctional centres led to a meeting in Ottawa in February 1974, to discuss minimal national standards and conditions of parole. Unanimous agreement was achieved in terms of parole criteria, conditions of parole, and procedural safeguards. It is hoped that the appropriate Federal legislation required to effect these changes will be presented to Parliament early in 1975.

A comparative statement of those young-adults released on Provincial parole from the various correctional centres in the Province during the fiscal year 1973/74 is shown in the table.

	Chilliwack F.C.	New Haven C.C.	Prince George R.C.C.	Vancouver Island R.C.C.	Kamloops R.C.C.	Total
Main	Dash					
31	72	27	9	58	2	571
5 8	8 18	1 3	1 ---	11 10	— 1	62 145
10	38	23	3	41	—	393
10.1 1.9	12.1 4.3	10.5 4.7	2.7 2.3	9.4 3.1	— 2.5	9.5 4.5
11.1	6.2	11.9	14.8	6.5	11.5	9.2

C.C.—Correctional Centre.

R.C.C.—Regional Correctional Centre.

F.C.—Forest Camp.



BRITISH COLUMBIA POLICE COMMISSION

Chairman: John Hogarth

In June 1972 a group consisting of representatives of various police forces serving in British Columbia and members of the Department of the Attorney-General submitted a report to the Government of British Columbia containing a recommendation that a Provincial Police Commission be established to aid in the prevention of crime and promote the efficiency of police services in the Province. Nothing further was done at that time, but in November 1973 the Attorney-General called together a group consisting not only of members of police departments, but also representatives of several professional and community organizations to discuss the future of policing in the Province. There was substantial agreement within the group as to the main issues that must be dealt with in order to improve the level of police service. These issues were police role, standards, recruitment, training, community relations, and abuse of authority.

police role

It was noted that the traditional work of police constables in this Province was increasing rapidly because of a great increase in the crime rate in British Columbia, particularly with respect to drug-related offences and criminal code offences committed by young people. At the same time, new demands were being placed on police services and many individual officers were becoming involved in their communities in new and exciting ways. These two factors were stretching police services very thinly. It was noted that police strength in the Province on a population basis falls below the standards achieved in most other provinces. While it was agreed that the image of the police in British Columbia is generally good, particular problems existed in relationships between police and certain groups such as young people, Native Indians, and women.

There was substantial agreement about the need to create positive roles for the police in the community without breaking their tie to the law. While it was recognized that the police are not and should not become social workers, they have become the major agency operating 24 hours a day, responding to crisis situations of all kinds. This means that the police must be trained to handle family disputes, neighbourhood quarrels, racial conflicts, and a host of other problems for which they are often inadequately prepared and insufficiently supported. It was agreed that the response and referral role of the police need additional attention through training, integration with social services, experimentation, innovation, and guidelines for the exercise of discretion. It was felt that there was a need to establish a clearing house of information in the Province and elsewhere. It was also recognized that the police are the major intake agency to the entire criminal sys-

tem. The decisions police officers make with respect to discretion not to invoke the criminal process, the levels of enforcement priorities that exist with respect to certain kinds of offences, and the diversion to social service networks and informal mediation at the community level, all have important consequences at each subsequent stage of the process. Being part of a larger system, police policy must be integrated with the criminal justice system as a whole, and this requires more effective liaison through the sharing of information and joint planning.

standards

It was felt that there was an urgent need to establish minimum standards for police services on a Province-wide basis. While problems differ from community to community, there is no effective mechanism to ensure that police services are adequate. Certain municipalities were identified in which policing was allowed to slip below the standards necessary to carry out police functions properly. It was, therefore, recommended that a Provincial Police Commission be established to develop Province-wide standards for policing and to encourage joint planning between police and other community agencies.

recruitment

The group noted that there were no standardized procedures for recruitment or training in the Province. Concern was expressed about an insufficient number of police officers drawn from minority groups, particularly Indian people, although some limited progress has been made by the RCMP in hiring special constables to police Indian reserves. There are no Indian police officers in any of the municipal forces in the Province. It was also noted that the Royal Commission on the Status of Women recommended hiring women police officers and the full integration of women into police work. At the time the group met the RCMP had not recruited women for their service and several municipal forces had not employed any women.

training

Training needs at all levels were identified. It was recognized that the quality of police service depends ultimately on the quality of people carrying out that service. It was strongly urged that a Provincial Police College be established under the general direction of the British Columbia Police Commission. It was also recommended that a manpower policy be developed by the Commission which would encourage the development of career plans for police constables utilizing the existing resources at the British Columbia Institute of Technology, community colleges, and new developments in criminology at Simon Fraser University.

abuse of authority

Present methods of handling abuse of authority by individual police constables were considered inadequate. Some people expressed concern about lack of visibility to present disciplinary procedures. Others felt that there was a lack of

independent investigation of complaints by citizens against police constables. Police officers in the group expressed concern about lack of due process protecting the rights of constables in hearings presently being conducted. Finally, it was felt by some that there was a lack of uniformity in discipline procedures used by various police forces in the Province. At the same time it was agreed that most complaints can be properly handled at the station or detachment level without escalating them into a full-blown adjudicative process. It was noted that Citizen Review Boards did not work in those American jurisdictions which had experimented with them. Some officers commented favourably on the discipline procedures conducted by the Ontario Police Commission; others tended to favour the procedures set out in the new Alberta Act.

It was agreed that emphasis should be placed not on negative sanctions but on developing strategies to prevent abuse of authority. It was agreed that a new mechanism to handle serious complaints by citizens should be created that would guarantee fairness to both the constables and citizens concerned. It was also felt that a better mechanism to deal with discipline questions initiated by senior police constables against subordinates should be created. It was noted that there was a growing feeling, particularly among young constables, that existing discipline procedures were out of tune with the times. It was therefore recommended that a new *Police Act* be created setting out a new system of dealing with citizens' complaints against members which would not only delineate substantive offences of discipline but a code of procedures that would live up to the norms of fairness, visibility, and uniformity.

police act The working group that met at the request of the Attorney-General in November was expanded and asked to prepare a draft statute which would incorporate its recommendations into a legislative format. By the middle of February 1974 the statute was prepared and its first draft was discussed at a two-day meeting. After circulating the model statute to several groups, including police constables and officers at various levels and ranks, certain changes were made. By the end of March a model statute was agreed upon and presented to the Government. The Attorney-General informed the group that the statute, as presented, was acceptable in principle. This marked the first time in the legislative history of the Province that a statute was drafted, not by the Government, but by the people most likely to be affected by the legislation, and it marks the first time that members of police forces were given an opportunity to participate directly in developing a legislative policy affecting their work. The draft Bill 91, called the *Police Act*, passed third reading on June 12, 1974.

aims and
objectives of
the police act

The main characteristics of the new *Police Act* are the following:

1 The creation of the British Columbia Police Commission with responsibilities for standards, research, recruitment, training, and the adjudication of discipline matters referred to it by the Attorney-General or on appeal from a municipal Police Board.

2 The introduction of a new method to deal with citizens' complaints against constables. The sections of the Act dealing with discipline will be brought into force in a uniform Code of Discipline for municipal police forces incorporating a Code of Procedure which will be standard throughout the Province. (These regulations are expected to be in effect by February 1975.)

The procedures set out in sections 37 to 47 of the Act tend to encourage informal resolution at the earliest stage, but guarantee the right to an open hearing if such resolution is impossible, or if the complainant and, in the case of municipal constables, the constable concerned, is dissatisfied with the result of the inquiry. In order to protect the rights of the individuals concerned, certain procedures are set out in the Act which govern the process. It is hoped that the British Columbia Police Commission, through the taking of appeals and from conducting its own inquiries in areas policed by the RCMP, will be able to establish a jurisprudence which will promote uniformity in police discipline matters across the Province.

3 The Act clarifies relationships in matters of policing between the Government of Canada, the Province of British Columbia, local municipalities, the Police Commission, and the various police forces which form the police service in the Province. First of all, the Act preserves the principle that each community required to provide policing services has the right to determine whether such service will be provided by establishing its own municipal force under the direction of a Board or by contracting with the RCMP. The role of the Police Commission is to ensure that the level of police service provided is adequate.

Secondly, the Act underlines the constitutional principle that the RCMP are in the Province of British Columbia either as the Provincial police force or as the municipal police force under contract and on no other basis. Eventually, there will be one master contract between the Government of British Columbia and the Government of Canada pertaining to the employment of the RCMP in the Province. Municipalities, in their turn, will have the right to establish their own police force or have their policing services provided for by the Provincial force, which for the foreseeable future will be the RCMP. This new scheme will not start until 1976, providing sufficient time for municipalities to develop a position with respect to financing of police services in their local commu-

nities. Costs of policing have escalated dramatically and it is therefore considered important that further consideration be given to the financial arrangement between municipalities and the Provincial Government with respect to these costs. The British Columbia Police Commission has invited the Union of British Columbia Municipalities to work with it in developing a new costing formula.

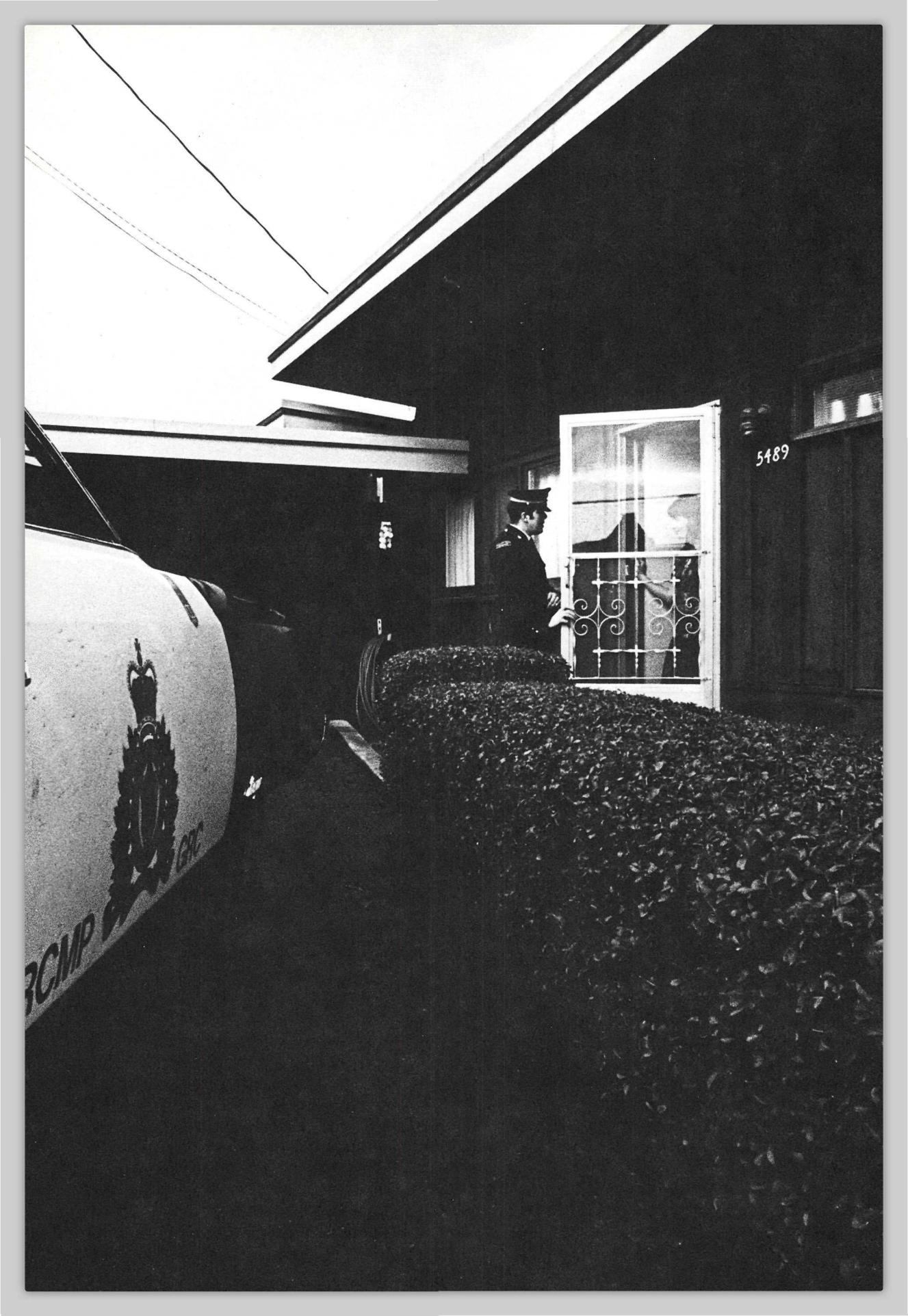
4 The *Police Act*, in section 48, requires that every meeting or hearing of the Commission and of every board and committee shall be open to the public unless a matter of public security will arise or unless a financial or personal matter will arise in which the person's interests in the matter are clearly paramount to the public's "right to know." In section 52, the Act provides certain legal rights, privileges, and immunities to witnesses and other persons required to attend and give evidence at disciplinary tribunals or inquiries. It is hoped that these two sections, combined with the right to an open hearing on police disciplinary matters, will provide sufficient protection to the public.

appointment of police boards

The *Police Act*, section 19, calls for police boards in municipalities having their own police force, these boards to consist of the mayor of the council, one person appointed by the council, and three persons appointed, after consultation with the council, by the Lieutenant-Governor in Council. A process of consultation was agreed upon at a meeting of existing police commissions with the British Columbia Police Commission on June 26, 1974, and agreed to by the Attorney-General. This process calls for the municipal council to forward a list of up to six names to the Attorney-General, who will then select at least two of these persons as his appointees. If he wishes to appoint anyone not on the list, this name will be approved by the municipal council before such appointment is made. If further names are required to make an appropriate selection, the council will be asked to submit additional names for the consideration of the Attorney-General. The British Columbia Police Commission has assisted in this process of consultation, seeking to ensure that public-spirited citizens from a broad spectrum of the community are appointed to police boards. By mid-November all municipal boards were established and meetings were held with the B.C. Police Commission in December to consider the issues and tasks before them.

appointment of police committees

The *Police Act*, section 34, states that "The Lieutenant-Governor in Council, after consulting with councils of municipalities, situated in whole or in part in the area of the Province in which the committee is to have jurisdiction, may establish a local police committee consisting of not less than three members appointed by the Lieutenant-Governor in Council." It is expected that the first few committees will be appointed early in 1975. The committees will be respon-



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sible for promoting police-community relationships, bringing to the Provincial force or to the Commission concerns about the adequacy of policing in the area, and, as directed by the Minister, holding hearings and inquiries into complaints respecting an act or act of omission of police within the area. It is possible that the police committees will be part of the regional justice councils, except when involved in hearings or inquiries which require a clearly separate identity from other parts of the justice system.

levels of policing service There has been serious concern expressed by a great number of communities about the inadequate number of policemen available to provide the level of service they expect. Not only have crime rates substantially increased in recent years, but many new demands for service have been made upon the police, with the result that the work load has increased at a faster rate than the growth of police resources.

There is no magic formula that will unfailingly reveal the exact number of policemen necessary to provide the desired level of service in any community. Research has, however, indicated a range of variables that must be taken into account in determining the proper level of policing service. It has been determined that policing problems tend to increase with higher population density. Research staff members are working with individual police departments to assist them in analysing and evaluating their local situations.

Even the most elementary examination indicates that many of the areas of this Province are at present significantly under-policed. The task of bringing the policing service to a desirable level will require considerable co-operation between officials at municipal, Provincial, and Federal levels to identify and analyse the relevant issues and plan for the necessary kind and quantity of resources to meet the needs. It will also require the co-operation of the various levels of government to work out the necessary financing arrangements for this service.

The achievement of an adequate professionally trained police force does not necessarily mean that more people will be arrested and brought before the courts. In achieving this goal we can expect a shift in priorities toward more community service and crime prevention in collaboration with other agencies.

training of new municipal police constables The Government of British Columbia has made a major commitment to provide adequate training to all police constables serving in British Columbia and to assume all direct costs of police training. A new facility, which will be known as the British Columbia Police College, will train all new police constables joining municipal forces, starting early in 1975. The Director of the College, Gerald Kilcup, has been appointed, and an able staff assembled, with instructors drawn from the various ranks of local police departments. It is

envisioned that the basic recruit training program will consist of four components combining two periods in the College and two periods in the field under supervision.

A survey conducted in July of training requirements in each of the 12 municipal police forces in British Columbia indicated an immediate need to assist several municipalities to upgrade their existing constables and officers through programs presently available. The RCMP, through their training divisions at Ottawa and Victoria, agreed to accommodate approximately 200 municipal police officers from British Columbia in their scheduled courses for the current training year. The Government of British Columbia has paid all normal travel and accommodation costs, while the RCMP has provided the direct cost of instruction. Further, as an interim measure, the Government of British Columbia has subsidized police recruit training in the amount of \$10 per day for each recruit constable in a full-time training program approved by the B.C. Police Commission. The Government of British Columbia is also making representations in Ottawa for an increase in the number of RCMP constables assigned to the Province and is pressing the case for the Federal Government to maintain the present level of support to policing under both the Provincial contract and the municipal contracts within the Province.

police
management
and supervisory
development

Police service is delivered through working constables. The task of management, therefore, is to develop and encourage the potential of line constables to be more effective on the job. As the police role grows more complex, so do management responsibilities. A hierarchical system of authority may be suited to traditional law-enforcement functions, but appears to be totally unsuited to community service and crime-prevention tasks.

A large body of knowledge and experience has developed in recent years around the role of the modern manager in a complex organization. An executive development program was sponsored by the Commission, and each chief and deputy-chief in the municipal police departments, together with senior officers of the RCMP serving in British Columbia, participated. The focus of the program was on motivation, communication, and delegation of responsibility. Workshops are taking place within individual police departments, dealing with similar issues around policing goals defined by line staff.

A formal course geared to first-line supervisors is being planned by the faculty of the B.C. Police College. In addition, the crucial role of field instructor has been recognized in all departments, and the College is developing a special program for these individuals.

auxiliary
police

The Provincial Force (RCMP) and the 12 municipal forces all maintain a reserve or auxiliary group of police officers. These groups, originally set up under the *Civil Defence Act*, now called the Provincial Emergency Programme, are funded

jointly by Federal, Provincial, and municipal governments and are administered by the local commanding officer in respect to recruiting, selection, and training. They can be deployed to assist local police in times of extraordinary work load, such as for special events and in times of civil disaster. The members are sworn as special constables for their respective jurisdictions and have police powers as outlined in their oath of office.

A special committee was established in July to examine all aspects of the auxiliary police program. The committee examined the funding, recruiting, training, and deployment of this group, and will be making recommendations to the Commission early in 1975. The Committee is examining the feasibility of transferring the auxiliary police program from the Provincial Secretary's Department to the Department of the Attorney-General, regulated by the *Police Act*.

police
community
liaison

It is obvious that, without strong and responsible citizen participation and support, policing objectives cannot be realized. Since the establishment of the B.C. Police Commission, members of the Commission staff have participated in meetings with police and others concerned with local police and justice issues in 30 communities throughout the Province. Discussions covered such topics as the nature of crime and juvenile delinquency in the local area, the kind of resources necessary to deal with these situations, development of more effective police programs, ways of involving citizens and community groups and agencies in supporting police objectives, strategies for freeing police personnel from nonpolice duties, and levels of police strength required in specific local situations. The Commission will continue to give high priority to requests for consultation and assistance from municipal councils, community groups, and police departments in all areas of the Province. Emphasis is being placed on developing a co-ordinated strategy to deal with community problems in conjunction with Government agencies and citizen groups.

police
and women

A task force on police and women was established by the Commission with members drawn from police departments, community groups, and a wide range of women's organizations. The task force has been concerned with women in police work, police and women victims of crime, and police and women offenders. The Elizabeth Fry Society assisted with a study of relationships between police and women offenders. Representatives from the Rape Relief Centre gave assistance in examining the relationships of police to women who are victims of crime. Women's groups throughout the Province contributed information and recommendations in all major areas of the task force's concern.

police and
native
indians

The disproportionate number of Native Indians in conflict with the law in British Columbia is of great concern both to Indian organizations and police departments. The Commis-

sion has a small advisory group of Indian leaders advising of the most significant problems and possible solutions, and making recommendations concerning projects in Native Indian communities.

police and community

The Commission's work in the area of police and social services will be guided by a small advisory committee. Its work will be concentrated in task groups around specific problems. Three main topics have been considered during 1974:

- 1 The initial contact citizens have with police
- 2 The way in which police respond to requests for service
- 3 The kind of referrals police make on behalf of those who seek their help, the majority of which do not involve crime.

The Commission studied the Report Centre of the Vancouver Police Department, analysing the number and nature of requests for police service, the way these were handled by the report centre, and the action which resulted from these requests. The Commission plans to evaluate the community social service back-up required if police are to make their community service role effective. This will necessarily involve consultation with personnel drawn from police and other helping professions on a community-by-community basis.

JUSTICE DEVELOPMENT COMMISSION

Chairman: David H. Vickers

The first priority of the Justice Development Commission in 1974 was to ensure an orderly assumption of responsibility for the administration and operation of the Provincial Court. This required that adequate procedures be established for the addition of staff to Provincial strength from municipal payrolls and that facilities and services were assumed and improved with a minimum of interruption to the work of the court.

Facilities remain an enormous problem and are dealt with in more detail in the report of the Courts Division.

The second priority of the Commission is ongoing, namely, the continued improvement of facilities and services for all courts and each facet of the justice system in the Province of British Columbia. Our task is not only enormous but complex. The Attorney-General, constitutionally responsible for the administration of justice in British Columbia, is thus responsible for the administration and operation of a vast and complex social service. It is the repair and improvement of this complex social service which now consumes the total energy of the Commission.

If the objective of the exercise is to do justice in individual cases, it will be readily apparent that this requires the development of a very sophisticated system—a system designed to do justice and to encourage responsibility. However, it calls upon the exercise of individual human judgment at so many points in the process—the policeman on his beat, the lawyer in his office, the Judge in his courtroom, the Probation Officer in the field, and many others. Each is required to exercise his professional judgment in the development of a product which the community can accept as fair, so that in the end, respect for the rule of law is achieved.

As we approach our task we find some common problems. These include:

1 Enormous manpower shortages. Shortages not just in terms of numbers but in terms of trained, well-qualified people. We are faced with a situation in which we find inadequate training at many levels and no training at most levels.

2 Backward looking. Too many people throughout the system without adequate information are trying to solve contemporary problems by looking backward and finding old solutions, solutions like bigger and better gaols, more court-rooms and more Judges, rather than the development of programs which would anticipate and prevent the conflict.

3 Isolation. Too many parts of the system are working alone, unable to see the other fellow's problems, each part of

the system looking for excuses as to why it has failed rather than working together and seeking a collective solution.

We are now in a difficult period of change, difficult for all the participants and particularly difficult for those who are at the sharp edge of innovation and reform. I am grateful to all of my colleagues whom I have relied upon so heavily in the past year. They have assumed a difficult chore, namely, the understanding of a system which has been neglected and which has failed in so many ways, the improvement of that system, and the commitment to change where it is needed.

As our perception of the many problems sharpens, we can see that many changes can be made in the administration of justice which will have a significant impact. However, we can also see that, in the end, no less than a total re-examination of the criminal justice system will be required. Certainly more money, more people, and more laws may help. However, they are not a total answer. We must learn to live with difficult questions as we ask what the criminal justice system is designed to do. What are the goals of the criminal justice system? Has the time not come when our emphasis must be placed on prevention and diversion? The professionals in the system must be involved in this re-examination. It is equally important that the community take part. It is our hope that through the vehicle of Regional Justice Councils we will be able to develop a greater community understanding of the depth of the problem and promote community participation in the development of a solution.

The Justice Development Commission is a unique North American experience. For the first time, we are given an opportunity to do planning and research in the field of the administration of justice in a co-ordinated way. Police, Courts, Corrections, and Legal Services are represented on the planning team. It is clear that program changes in one area can directly affect the operations of another area. The biggest example of this can be found in the development of the Sheriffs' Program in the Courts area to relieve police manpower. I am entirely satisfied that the first year of this co-ordinated planning has been an overwhelming success. Reports of Police, Courts, Corrections, Legal Services, Pre-trial Services, Information Systems, Training and Education, Justice Councils, and the Co-ordinated Law Enforcement Unit, all of whom are involved in this co-ordinated planning and research experience, will be found elsewhere in the Attorney-General's Annual Report.

PLANNING AND RESEARCH UNIT

Chairman: Malcolm Matheson

- introduction One of the key recommendations of the Corrections Task Force Report of March 1973 was that a Planning and Research Unit should be established within the Attorney-General's Department. This recommendation was accepted by the Attorney-General and the Planning and Research Unit commenced operation in August of 1973.
- The first project taken on by the Planning and Research Unit was a system-wide analysis of the criminal justice system. This project was to identify problems and priorities for action across the entire system, which included Police, Courts, and Corrections.
- police Within the police subsystem the key problems were manpower and the juvenile delinquency problem throughout the Province. The manpower issue appeared to be closely related to the court situation as a significant percentage of police personnel were being used in court and court-related duties.
- courts The next subsystem examined was the Criminal Court, which revealed a large backlog of cases awaiting trial and a grossly under-developed court system. It became apparent that having the Provincial Court as a responsibility of the municipalities had resulted in gross under-financing of court operations.
- corrections The particular problems experienced in Corrections were large remand populations in the institutions and the excessive case loads on Probation Officers. In examining the remand problem, it was apparent that a large part of the overcrowding was due to the long periods spent in custody awaiting a trial date. This delay related very clearly to the backlog problem within the courts.
- As the analysis progressed, it was apparent that the courts had to be the number one priority in terms of development for the Criminal Justice System. Several of the key police problems were such that they could not be solved within the police subsystem but had to be dealt with by development within the courts. One option for the development was alternatives to the use of police manpower in court. Another was a more effective system within the Family and Children's Court for coping with the juvenile problem. Similarly, in Corrections, the overcrowding in the remand section and the excessive case loads on probation were in turn related to the court process, especially the inability to provide trial dates within a short period of time and to deal expeditiously with probation violators.

In order to proceed with co-ordinated planning to deal with the problems and priorities identified by the system-wide

analysis, discussions were held in late 1973 on the formation of a Justice Co-ordinating Council and Regional Councils to provide Province-wide representation. The heads of the various subsystems engaged in a series of meetings to plan for the development of the justice system.

planning The Planning Section of the Planning and Research Unit was assigned the project of planning for court development. A planning team was assigned to study the financial implications of court development. This financial study was broadened to include the costs of forming Regional Justice Councils throughout the Province and of Manpower Development within the total justice system.

Following the completion of the financial study a proposal was written for presentation to Cabinet in December of 1973. This proposal included two major recommendations—the first, that the Province assume responsibility for the operation and costs of the Provincial Court and relieve the municipalities of this operation; the second, that a Justice Commission be established. The tabling of the *Administration of Justice Act* followed in April of 1974. This Act established the Justice Development Commission with authority for the development of all aspects of the administration of justice.

Concurrent to these events was a regionalization study carried out by His Honour P. Millar, a Provincial Court Judge seconded to the Planning and Research Unit.

Judge Millar, with the assistance of the information system personnel, focused on the development of regional boundaries that could be used by all parts of the justice system. The study resulted in establishing nine justice regions—Island (1), Vancouver (2), South Fraser (3), North East Fraser (4), Okanagan (5), Kootenay (6), Interior (7), Northern (8), and Prince Rupert (9). Two spin-off developments of establishing these regions were the regionalization of all justice system resources and the creation of Justice Councils as a means of communication among the subsystems, the community, and other Government departments.

For the early part of 1974, the Planning Section focused on the problems of assuming responsibilities for the administration of the Provincial Court from the municipalities and the necessary personnel transfers and organizational development. This was followed by obtaining key personnel for development of the Sheriffs' Service to provide a security and escort service within the Criminal Courts and in this way relieve a substantial number of police personnel from court-related duties. A staff-training program for Deputy Sheriffs was instituted at the B.C. Institute of Technology.

On the Manpower Development side of Planning a large percentage of effort was devoted to liaison and joint planning with Simon Fraser University. This culminated in the establishment of a School of Criminology at that university. Effort

was also devoted to the creation of a joint Departmental planning team involving the Department of Education and the Department of the Attorney-General, the major focus being to develop plans for a Justice Education Centre.

The Corrections information systems group focused on the development of the Corrections information systems and engaged in a series of studies which resulted in contracts with quick law systems for revision and development of the programming required in that system. A computer systems development group was established and subsequently transferred out of the Planning and Research Unit to form a separate division, the Information Systems Division within the Justice Development Commission.

The juvenile problem was identified as a high priority, not only by the Police Services but also by the Courts and Corrections. Consequently, a staff member from the Planning Unit was assigned to the juvenile problem. There was a startling lack of statistics on juvenile delinquency. A report was prepared on the juvenile problem focusing on the number of juvenile cases raised through adult Criminal Court, many of which were later sentenced to adult institutions. This report was presented to a subcommittee of Cabinet which was composed of the Ministers of Education, Health, Human Resources, and the Attorney-General.

budget and planning

The Budget and Planning Section of the Justice Planning and Research Unit is responsible for advising regarding budgetary methods and assisting all sections of the Department with respect to fiscal planning and related matters.

During late 1973 and early 1974 this Section prepared a budget for developments contemplated in the justice system, and this was reflected by provision in the 1974/75 Estimates of a \$15 million appropriation for "development of justice systems." In order to control expenditures in so far as possible, anticipated spending schedules were prepared in consultation with the responsible line managers and these schedules were used to gauge the relationship of current expenditures to this appropriation.

Assistance was also provided to the Executive Director, Finance and Administration, in the preparation of the 1975/76 budget, with particular emphasis on the planned implementation of a system of planning-programming-budgeting for at least a portion of the Departmental budget.

research

Three major research areas were identified—cross system co-ordination, consultation, and evaluation. Within these areas several projects were undertaken for the JDC. The first involved collection of goal statements from each division and support service in the justice system. A conceptual model or matrix of system-wide goals is being developed and will provide a framework for systems evaluation and the neces-

T 84 · planning and research unit

sary base-line data. In conjunction with preparing 1975/76 budget estimates, work plans from all divisions and support services were analysed. This analysis continued to the end of the year and at present is focused on facilitating identification of JDC priorities in the forthcoming year. The Commission accepted the recommendation to create a Project Review Committee. The committee is an advisory body to make recommendations regarding funding project proposals out of the Justice Development Fund. The committee will also monitor progress of the projects and review their findings and recommendations. A first draft of the *Guideline Manual* containing policies and procedures for considering applications was prepared and is awaiting comments for revision. Another major undertaking was the establishment of a research clearing-house. The first report was prepared in September and 400 copies were circulated.

summary

In summary, the year was primarily a planning year with the focus on the necessary financial studies required in assuming responsibility for the courts from the municipalities and planning for the future development of these courts. Within these priorities time was also assigned to the Justice Development Commission for completion of tasks as assigned by that Commission.

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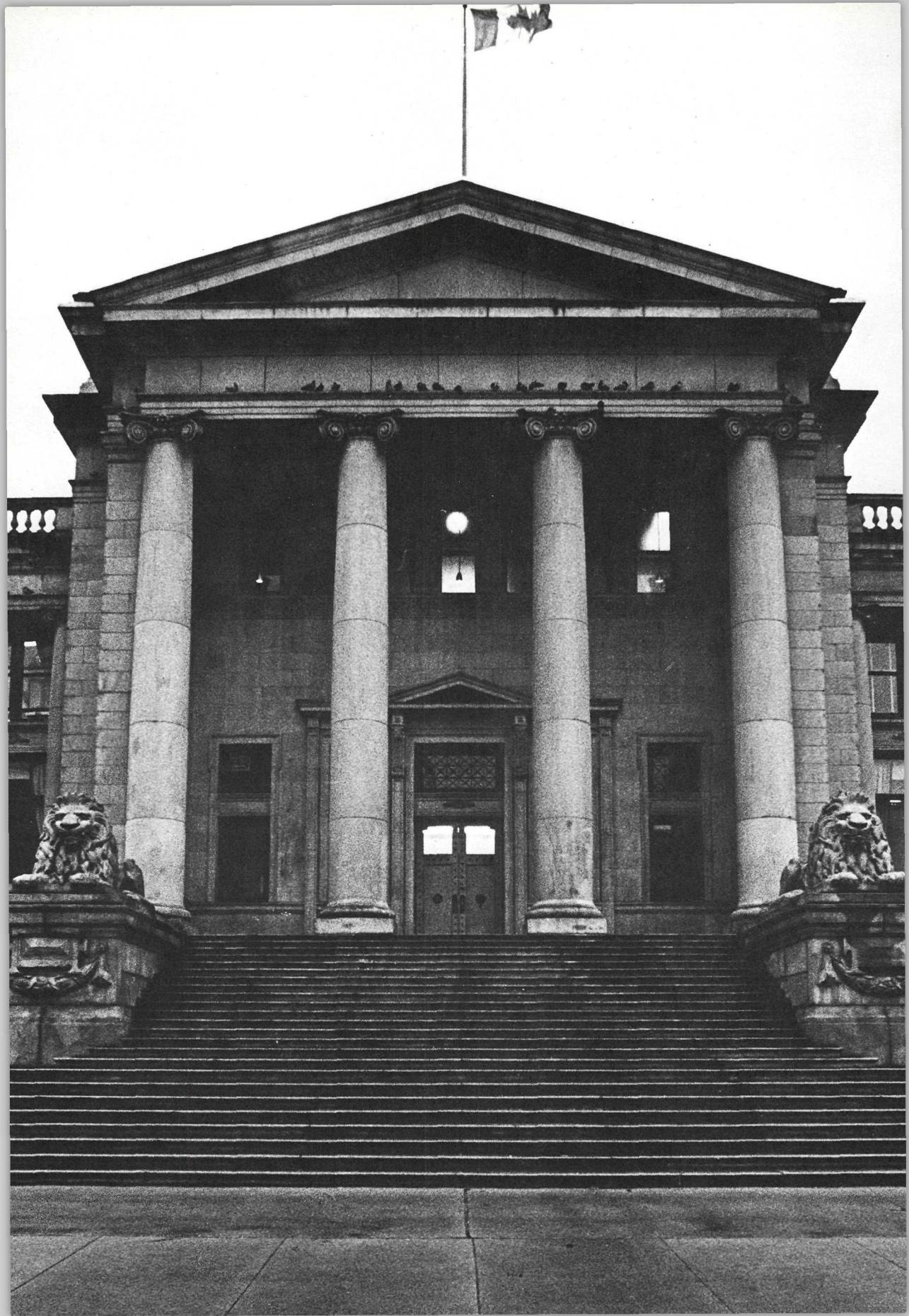
introduction

The British Columbia courts are facing increased demands for court services. Increases in crime rates and civil litigation, and future projections, indicate that the problems now faced by the courts will continue to escalate if the deficiencies in court services are not corrected. Increases in the numbers of civil and criminal cases result in case backlogs, that is, the courts are unable to keep up to the case loads and justice is not being dispensed. Over the last two years much new legislation has been passed, including the creation of the Office of the Rentalsman, and the Rent Review Commission, the *Trade Practices Act*, and other Acts which affect court case loads and procedures. The policies and practices of ICBC will significantly influence the courts, as will the civil enforcement of fines related to the *Summary Convictions Act*. Accordingly, court services must be modified.

Court resources are overtaxed and in some cases inappropriate. The means to plan for and to estimate the impact of legislation has not yet been developed and therefore the development of court services lags seriously behind the changes in demand which result from new legislation and new law-enforcement policies. Thus, the decreasing ability of the courts to resolve claims and to administer justice hinders the efforts of the Police and Corrections. The public and corporate and union clients become discouraged from relying on the courts to resolve their cases, whether involving civil disputes or family and juvenile matters. The respect which the public has for the courts is diminishing, and this is true particularly in the case of those having occasion to appear in Criminal Courts, either as the accused or as other members of the court proceedings. Unless the courts are given the resources necessary to provide adequate justice services, more people will seek alternative means of resolving conflict, and respect for law will be reduced.

The courts are unable to meet the demands placed on them as they do not have enough qualified staff, they lack appropriate administrative procedures and information systems, and they lack adequate facilities. There are insufficient numbers of qualified Court Administrators, Court Clerks, Court Reporters and Recorders, and Crown Counsel. In many areas of the Province there is an almost complete lack of lawyers. The administration of the Courts was fragmented prior to April 1, 1974, with the Province sharing responsibility with municipalities for the administration of the courts. The Province's responsibilities were carried out by both the Department of Finance through its Government Agents, as well as through the Department of the Attorney-General.

The *Administration of Justice Act*, which came into force on April 1, 1974, established the Justice Development Commis-



sion with the fundamental objective of improving the quality of civil and criminal justice throughout the Province. The mandate of the Commission was to develop co-ordinated plans for all aspects of the justice system and to carry out research and planning to that end. The findings were to be implemented in the form of pilot projects as well as over-all system changes. The Province assumed full responsibility for all of the courts from the municipalities, and, for the first time, the Department of the Attorney-General found itself in a position where it could plan for the entire court system. Prior to April 1, studies had been carried out to determine what would be involved in the assumption of responsibility for the courts, and strategies were developed to transfer that responsibility with the least possible disruption of the court services. After the initial work had been carried out to facilitate the transfer the mandate of the Courts Division of the Justice Development Commission covered three general areas:

- 1 The co-ordination of existing court services
- 2 The improvement of present court services
- 3 The development of new court services.

In order to co-ordinate the present court services, nine court regions were established in the Province, and Regional Administrators were appointed to supervise the administration of all of the courts. Work has been carried out with the Department of Finance to transfer all of the responsibility of the Government Agents in the area of court administration to that of full-time Court Administrators. The services provided by Court Reporters and Court Recorders, Sheriffs, and Crown Counsel, as well as the development of court facilities, are all being effected on a regional basis.

In order to improve the present court services, more legally trained prosecutors are being appointed in all areas of the Province, additional administrative staff are being recruited and trained, court procedures are being standardized, Court Reporters/Recorders are being provided to cover all court proceedings, and Sheriffs are being retained to provide services to all of the courts. As a result, the police, Judges, and lawyers are being relieved of administrative and other court functions, enabling them to spend more time in those areas where they are professionally required. Preliminary information systems are being built for case management, court management, and court planning purposes. Interim improvements are being made in court facilities.

The existing court services are being reassessed by the Justice Development Commission and by the Royal Commission of Family and Children's Law, and court procedures are being reviewed by the Rules Revision Committee on Supreme Court Rules. Other special projects are being carried out to look specifically into special types of court cases, including municipal by-law violations, traffic violations, and drug and alcohol offences. Administrative procedures and court ser-

vices are being examined with a view to providing better services for the public bringing cases to the Small Claims Court for resolution. In 1973 about 44,000 cases were processed through the small claims system, with a projected minimum of 100,000 cases in British Columbia. Other projects focusing on the extension of court services to include those accused of criminal offences, whether in custody or not, and to those proceeding with civil litigation are being examined. Means by which those cases which can be resolved better by other service agencies are being assessed. Pilot projects are being designed for implementation over the next fiscal year.

The organization of the courts, County, Provincial, Supreme, and Appeal, and the distribution of these court services throughout the Province, is under full review, as are the services which are provided to these courts. Court administration and information systems are being assessed, including cost accounting procedures and case management.

It is the intent of the Courts Division to redesign the court services in order to provide equal access to high-quality services to every citizen in the Province, and to develop the capability to manage all of the court resources in the most efficient way possible. To that end the feasibility of having the County, Provincial, and Supreme Courts share common facilities and common administrative and support services is being explored in all of the court units in the Province, taking into account any recommendations which may be made by the Royal Commission of Family and Children's Law.

The present distribution of court services in the Province has not developed in accord with the development of regions and communities. Many areas of the Province have little or no court services available, while in other areas the court services are over-centralized. Along with the centralized court services, there is a centralization of legal services, and the disparity of services received by the various communities in the Province is increasing rather than diminishing. The development of court services has also not been co-ordinated with that of the other justice and social services. The planning studies are designed to determine a new distribution pattern for court services.

The following are brief reports covering all of the major areas of work being undertaken within the Courts Division, including court administration, court reporting and recording, Sheriffs' Services, court statistics, court facilities, and court planning.

COURT ADMINISTRATION

Delay in both criminal and civil proceedings in the larger courts is the most critical and difficult problem in the area of court administration. Delay has been a continual source of

frustration to Judges, lawyers, police, and member of the public who are involved in the court process. Unreasonable delay almost invariably means injustice, with prejudice to one party or the other. In criminal matters many accused persons are held in custody awaiting trial for an unnecessary period of time. When the accused is out of custody the prejudice usually accrues to the Crown. In a civil law suit, where the time to trial ranges from one to four years, delays are due not only to outmoded administrative procedures but also to questionable procedural formalities.

The problem, as seen by the Commission, was basically the use of outmoded methods of court administration, and in that regard certain recommendations were made.

recommendations

The first recommendation made to the Attorney-General early in 1974 was:

" . . . that the Attorney-General establish a court administration system for the management of all courts, which, when implemented, would have in addition to the traditional responsibilities, the clear and unequivocal responsibilities for:

- 1 The co-ordination of trial schedules; and
- 2 Caseflow management."

In response, the Attorney-General established the office of Chief Court Administrator for the Province. Nine Deputy Regional Administrators were appointed to the following court regions:

1 Vancouver Island	6 Kootenays
2 Vancouver	7 Interior
3 South Fraser	8 Prince George
4 Northeast Fraser	9 Prince Rupert
5 Okanagan	

The Administrator's co-ordinate trial schedules and manage case flow. In carrying out his duties the Administrator must have the co-operation of Judges, Crown Counsel, members of the private bar, the Sheriffs, and all persons working within the Court Registries.

projects

The following projects have been completed by the Court Administration staff since March, 1974:

- 1 Assumption of responsibility for Provincial Courts from the 44 municipalities throughout the Province
- 2 Establishment of the B.C. Institute for Court Management
- 3 Establishment of special clerk categories and pay structure for court personnel, acceptable to both the Public Service Commission and the Union of B.C. Government Employees, and the placement of all personnel within the above pay categories
- 4 Development of annual regional budgets and an annual Provincial budget

5 Survey of all Small Claims Court Registries in the Province by the Small Claims Consultant. A full report with recommendations has been submitted

6 Organization of a headquarters staff comprising specialists within the various courts and court divisions

7 Assisting the Unified Family Court administration staff to establish administrative procedures for the pilot court projects under the direction of the Royal Commission of Family and Children's Law.

One of the basic objectives in 1975 will be the establishment of an efficient well-trained staff in each Court Registry fully aware of its responsibilities and capable of using modern management methods in the administration of justice. To this end the Chief Court Administrator established the Institute of Court Management on July 15, 1974, the primary concern of which is the standardization of procedures in the various Court Registries, the publication of manuals pertinent to such procedures, and the training of all levels of registry staff. The institute is an ongoing process which is expected to produce a competent court administration staff able to free other court officers from the everyday management of the courts so that their full attention can be directed to their other responsibilities.

The administration of 36 Supreme and County Court Registries has for many years been capably carried on by the Government Agents throughout the Province. During this time, however, the other duties of Government Agents have multiplied, and it is felt that both their responsibilities and the ends of justice will be better served by having the administration of the Supreme and County Court Registries integrated into the general court administration system. Many discussions have taken place with the Government Agents in order to transfer the responsibilities for the 36 Supreme and County Court Registries to the Regional Court Administrators by April 1, 1975.

In the area of court administration, the Commission anticipates that by early 1975 it will have accomplished a major step toward the integration and unification of the court structure throughout the Province.

COURT REPORTING

Among the added responsibilities assumed by the Province in 1974 was that of providing a complete rather than a partial service of verbatim reporting to the courts. British Columbia regulations governing court reporting had previously not made it mandatory to cover the whole range of criminal and civil trials. Approximately 80 per cent of the minor cases in one particular area were tried without benefit of court reporter or electronic recording.

Budget considerations kept the Official Reporter Branch woefully understaffed until a new concept was introduced by the Justice Development Commission. In return for an assurance that staff increases would be permitted where the need was proven, the Commission accepted from a court reporting task force the following objectives:

- 1 To so expand the Official Reporter Branch that no one stands trial at any court level in British Columbia without there being a verbatim record of the proceedings, on paper or tape, and a transcript if required
- 2 To ensure that no one's appeal or trial is delayed by any unreasonable tardiness in delivery of transcript.

In April two tasks were outlined—to achieve a workable absorption into the Attorney-General's Department of all court reporting services in the municipalities; and to expand the number of reporters and recorders so that, in contrast with the past, all County Court civil trials and all, rather than a portion of, criminal trials, including summary conviction trials, would be matters of verbatim record.

By year's end the objectives were, broadly speaking, being met, with this reservation: As soon as a fair balance between numbers of reporters and volume of court work seem to be near to achievement, the work load and the pace of court work are stepped up. The attack on the backlog of work in the courts ensures this state of affairs continuing into the foreseeable future.

Justice Development Commission research led to the conclusion that a reporting service utilizing verbatim reporters for high-transcript volume jurisdictions and electronic recorders for low-transcript volume courts is the most efficient and most economical court reporting system. In a crash program to fill the existing gap, the Branch has recruited trained Court Reporters (some from the United States, there being a serious shortage in Canada) and has trained local people as Court Recorders.

training of reporters and recorders

The long-term program provides that British Columbia train all its own reporters and recorders. To this end a full-time 20-month course in court reporting started in January 1975 at the Langara Campus of the Vancouver Community College. It has the distinction of being the first Reporter School to teach stenotype (machine shorthand) adapted to be computer-compatible. This involved considerable rewriting of the standard textbooks.

This innovative course is part of the plan for preparing British Columbia to take early advantage when the recent breakthrough in computer-aided transcription of reporters' machine shorthand notes comes into courtroom usage.

Advances in audio-visual recording for use in court procedures and more particularly for pretrial examinations of witnesses not available for trial are being watched in order

to make appropriate recommendations when considered timely.

It is hoped that in British Columbia a standardized transcript format will be designed for use in every court from the lowest in the Province up to the Supreme Court of Canada. If proposals put forward by the Court Reporter Branch prove acceptable to all the jurisdictions involved, this will mean the streamlining of transcript production in cases going through various stages of the appeal process, the objective being a reduction in both cost and time of production.

Work is in progress to provide better in-service training of staff and standardized administrative procedures.

SHERIFF SERVICES

Traditionally, the Sheriff in British Columbia provided services within the courts chiefly in civil causes. In December 1973 the plans for expanding the role of the Sheriff were first formulated. At that time there were 9 Sheriffs, 22 Deputy Sheriffs, and 49 Sheriffs' Officers. The plans of the Justice Development Commission included the establishment of nine court regions in the Province. The Sheriffs were not only to continue their involvement with civil causes in these regions but to take on new tasks that were being performed by the police in the Criminal Courts.

goals The stated goals of the Sheriffs' service organizations were:

- 1 To execute and serve orders of the court fairly and efficiently.

Civil Causes:

Suitor's process
Writs and warrants of execution
Warrants to arrest ships
Sheriffs' sales
Writs of replevin
Arrests on warrants of commitment

Criminal Causes:

Criminal summonses and subpoenas*
Arrests on warrants for nonpayment of fines*

Assistance to Motor-vehicle Branch:

Service of suspension notices*
Pick up suspended licences*

2 To perform impartially such court support duties as may be prescribed by the courts and legislative authority.

Jury Panels, Criminal and Civil:

Prepare attendance lists
Summons day, provide services for juries
Seclude and guard juries

* New duties since April 1, 1974.

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Witness:

Notify all Crown witnesses and confirm attendance in court*
Supervise and protect accused*
Protect public attending court*
Separate and protect witnesses*
Arrest on order of the Judge (contempt)*

3 To provide an effective, efficient, and secure escort service.

Accused:

After arrest between lock-ups*
From lock-up to court*
Remand accused*
After sentence*

Mental Patients:

Commitment under *Mental Hospitals Act**
On court order*

Witnesses:

When ordered by court*

* New duties since April 1, 1974.

A preliminary survey indicated 308 additions to the Sheriffs' strength would be necessary to replace police performing court duties, serving criminal documents, and escorting persons. Subsequent studies have established that a total of 442 additional personnel are needed to cover tasks previously performed by Sheriffs, civil process servers, civil court attendants, and police men and women.

**Sheriffs'
training
program**

A training program was set up in conjunction with the British Columbia Institute of Technology in Burnaby, and the first class graduated July 5, 1974. Since that date five additional classes have graduated and as of January 1, 1975, there were nine Sheriffs and 246 Deputy Sheriffs.

The basic training course is presently six and one-half weeks, with the syllabus including 15 hours orientation, 22 hours interpersonal relationships, 60 hours Sheriffs' skills, and 71 hours Sheriffs' knowledge.

All Deputy Sheriffs are trained in the use of revolvers, but only in exceptional circumstances are arms carried, and then only with the approval of the supervising Sheriff. Restraining devices are held at each office, and handcuffs are a personal issue to each Deputy Sheriff.

It is planned to have 320 Sheriffs and Deputy Sheriffs on strength by March 31, 1975. The total strength of 442 will be reached November 12, 1975.

The role of the Sheriff may be expanded to free the police from their duties in the holding of accused persons for trial. The next step would be to have the Sheriff services operate lock-ups now being operated by the police. This concept is presently under review and should plans to extend the Sheriff's role be developed, the recruiting and training of Deputy Sheriffs for these positions would commence in late 1975.

COURT STATISTICS

When the Courts Division of the Justice Development Commission started its work on April 1, 1974, it was apparent that the historical information available on the court system in British Columbia was an inadequate base upon which to plan or administer the delivery of court services. The statistics that had been gathered in the years prior to 1974 were limited in scope, ill-defined, or inappropriate for general application.

This critical lack of accurate information was a result of the fragmented court structure that existed in British Columbia prior to 1974, which saw the administration of the courts being divided among the municipalities, the Department of Finance, and the Attorney-General's Department. As a result, it had been impossible to develop a uniform statistical reporting system to measure the work load of the courts.

When the management of all the courts had been consolidated within a single administrative system, it will be possible to adopt standardized administrative procedures and to develop a consistent flow of detailed information on the case load and trials processed through the court system.

The Courts Division has commenced long-range planning for a Province-wide court information system. Systems analysts and computer scientists have been assigned to supervise the planning activities and to ensure that any changes in the present administrative methods are compatible with the design for the future information system.

project In response to the immediate need for information on the operation of the court system, the Courts Division instituted a number of short-term projects in the spring of 1974.

1 Civil Litigation Case Study

This project gathered detailed information on approximately one-third of all civil cases initiated in 1970 in the Supreme and County Court Registries in British Columbia. The information has been supplemented by a sampling of civil cases initiated in 1973 in the Supreme and County Courts in Vancouver. The results of this research have been programmed for computer analysis and have been used to identify areas of delay in the civil court process for courts planning purposes and for related studies.

2 Provincial Court: Criminal Case Survey

This project commenced with an intensive study of the Provincial Courts in the Lower Mainland and on Vancouver Island to determine the volume and composition of the case load of these courts. The study included complete details on the volume of various types of offences, methods of disposition, the sentencing for each offence, bail information, and other relevant data. The basic aim was to define the existing situation in the Provincial Court system so that problem areas could be identified and solutions developed.

3 Analysis of Trials: Law Courts, 800 West Georgia Street, Vancouver

A detailed study of the trials held in the Supreme and County Courts in Vancouver during the period from January 1, 1973, to December 31, 1973, was conducted during the summer of 1974. This work was done because of the important role which the Vancouver Courthouse has in the delivery of court services in British Columbia. The Vancouver Courthouse processed approximately 70 per cent of all Supreme Court civil actions (excluding divorce and matrimonial) in British Columbia during 1973 and 49 per cent of the Supreme Court criminal trials. The information acquired from this research was used to assist in the detailed planning for the new courthouse on Block 71 and for Province-wide courts planning.

4 Special Projects

A number of specific short-term projects has developed as a result of the research performed during the summer of 1974. One problem which was quickly identified was the lack of a standardized format for the Information Form used in criminal cases. A new Information Form has been developed for use in Criminal Court proceedings and is currently being tested in a pilot project at the Provincial Court in Burnaby. It is expected that the new information form will be the basis for a Province-wide information system. A similar project is under way on the civil court side relating to the function of cause books in the Supreme and County Court Registries.

It is recognized in the Courts Division that effective court administration requires appropriate manual and mechanized information systems to provide the continuing volume of comprehensive and up-to-date case load information. These data are particularly necessary for trial scheduling purposes and to minimize the time lost by Judges, lawyers, Court Reporters, police, and members of the public who are involved in the court process. While any large-scale application of a mechanized information system to the courts must await final unification of all of the Court Registries, it is clear that the advanced planning and design for a court information system must be significantly expanded in 1975. If the court system is going to meet the challenge of increasing crime and rising demand for court services, then the court administration and court planning and case management must be supported by a modern information system.

COURT FACILITIES

- survey In early 1974 a survey of court facilities in the Province was conducted in order to identify the space used for court purposes, to provide a preliminary assessment of the suitability and adequacy of the space, and to provide a base for future planning. The courts were hearing cases in 125 facilities in 82 centres on a scheduled basis, and occasionally in approximately 40 other locations. About 730,000 square feet of

space was being used. The preliminary assessment indicated that about 55,000 square feet (7 per cent) was considered suitable and about 200,000 square feet (27 per cent) could be renovated. It was also estimated that double the existing space would be required, approximately 1.5 million square feet, if current court services were to be appropriately housed.

Recent studies show the early assessments to be low by at least 25 per cent. In short, only about 15 to 20 per cent of the required court space is available, assuming the planned renovations are feasible.

In addition to the lack of proper facilities, surveys showed that other problems existed. Forty-eight of the facilities were provided by municipalities and many of these courts were housed in police and civic buildings. Most of the municipalities require the space occupied by the courts for other uses. As a result, the Province, since it has assumed municipal responsibilities for the courts, will be required to replace nearly all of the municipal court facilities within the next three to five years.

The changes which were or are being contemplated by the Department of the Attorney-General in the areas of court services, court administration, and information systems, and in the organization and distribution of court services, made it necessary to completely reassess the types of court facilities being built. A means by which these changes in services could be taken into account in the design of courthouses had to be set up. The court facility survey indicated the need to plan changes to existing facilities and the design of new facilities in a manner which would enable those working in the court to participate in the change and design process. Community variations had to be taken into account. Procedures whereby capital assets and expenditures could be monitored and whereby the costs and scheduling of projects could be controlled had to be set up if a capital program of the magnitude necessary were to be undertaken.

Based on the above findings, the Justice Development Commission set up a Court Facilities Group in May of 1974. This group has been responsible for developing policies covering the design of facilities and identifying court facility projects which required immediate attention, and assisting in bringing about the improvements, guidelines, and space standards for new facilities which are being drafted based on new court service concepts. Capital expenditure estimates have been prepared. All of the facility projects are being carried out in conjunction with those providing court services.

policies

The major policies with regard to court facilities are:

- 1 All courts, no matter what their jurisdiction, should have an equally high quality of facilities and services.
- 2 Wherever possible, all courts, Provincial, County, and Supreme, are to be housed in the same facility.

3 All courts are to be separate from the police and other Government offices to make apparent and to ensure the independence of the courts.

4 All of the court services and staff are to be appropriately housed.

5 Courts are to be located to ensure equal access to all members of the public, and the facility should properly reflect the position and purpose of the court in the community and the philosophies on which the court services are based.

projects As of December 1974 the Court Facility Group had 65 court facility projects under way. The required actions had been identified and this work is being carried out with assistance from the Department of Public Works. Most of the projects involve minor modifications to existing facilities, the rental and improvement of short-term space, and land assessments where new facilities will be required. The following court facility projects have been completed:

1 Renovation of Existing Court Facilities:

Duncan	Kimberley	Powell River
Prince George	Coquitlam	

2 Renovation of Rented Space for Court Services:

Duncan	Campbell River	Richmond
Burnaby	Port Coquitlam	Prince George
Sparwood	Cranbrook	Fernie
Castlegar	Squamish	100 Mile House

3 Planning Complete and Construction Under Way or About to Commence:

Fort St. John	Dawson Creek	Quesnel
Burns Lake	Kitimat	Masset
Prince Rupert	Smithers	New Westminster
Matsqui	Chilliwack	Hope
North Vancouver	Powell River	Campbell River
Port Alberni	Kamloops	Golden
Kimberley	Vernon	Penticton
Revelstoke	Courtenay	Rossland

4 Other Planning Projects Under Way:

Vancouver	West Vancouver	Delta
Langley	Richmond	Surrey/Cloverdale
White Rock	Cranbrook	Creston
Salmo	Nelson	New Denver
Nakusp	Grand Forks	Williams Lake
Merritt	Chase	Clearwater
Alexis Creek	Nanaimo	Anahim Lake
Victoria	Maple Ridge	Mission
Salmon Arm	Princeton	Fort Nelson
Fort St. James	Mackenzie	Vanderhoof
Hazelton	Houston	Stewart
Sechelt	Lillooet	Queen Charlotte Islands
Clinton		

A capital expenditure program has been prepared on the basis of expected changes in court services and on improved utilization of the existing facilities. If all of the expected court facility requirements were to be met, it is estimated that 64



new buildings, 17 courthouse renovations, 14 Government office building renovations, and 16 rentals, a total cost of approximately \$140 million, would be required. In addition to this about \$60 million is to be spent on the new Vancouver Courthouse. The capital expenditure estimates cover a period of five years and the estimates are in the process of being reviewed.

In the design and provision of courthouses, the Court Facilities Group will continue to work with all those providing, administering, and developing court services, and those working on the other components of the criminal and civil justice systems related to the courts. Procedures will be set up with the Department of the Attorney-General whereby the court facility requirements can be continuously reassessed in light of changes affecting court services.

COURT PLANNING

In June 1974 the Court Planning Group was established to prepare long-range plans for court services and facilities. The experience gained through the court facility inventory and other studies of the court services indicated that there was a lack of information on which plans could be formulated. The case load handled in the Provincial, County, Supreme, and Appeal Courts could not be quantified. Little was known about the distribution of the cases throughout the Province. The resources required to accommodate the case load properly were unknown. The distribution of both staff and facilities did not coincide with the volume of court work in the various centres in the Province. The development of new court units appeared to bear little relation to present demands for services and did not take into account possible future demand. There was an almost complete lack of planning information and procedures.

The purposes assigned to the planning group were:

- 1 To identify the volume of criminal and civil cases which were handled by the Provincial, County, Supreme, and Appeal Courts at each major stage in the court process
- 2 To ascertain the human resources now being employed to process the case loads in each court unit and for the major stages in each court process, placing special emphasis on courtroom procedures
- 3 To identify the populations served by each court unit and to relate the case loads to population characteristics wherever possible; to conduct special studies to attempt to explain variations in case loads in the different court service areas
- 4 To identify those other components of the civil and criminal justice systems which directly affect the case loads going through the courts and qualify and quantify wherever possible the impact that changes in the court-related systems would have on the generation of case loads

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5 To assess the suitability and effectiveness of present court services to resolve conflict, to administer justice, and to protect society with regard to criminal court proceedings, and to resolve interpersonal problems; working with the other components of justice services and with other human services, alternatives considered to be more appropriate would be recommended and pilot projects established to test alternatives

6 To relate wherever possible court case loads and services to the services being provided and planned by other Departments delivering human services—health, mental health, education, manpower; the results are to be used to assist in planning court services

7 To relate the development of court services to economic, regional, and community development plans in order to co-ordinate the rate of the developments and to estimate the demands for court services.

The first task of the Court Planning Group was to assemble for each justice region a preliminary inventory of the size and growth of the population served, court staff, facilities and services, and data relating to other justice services, staff, and facilities. This report was published in November. During the summer months detailed studies were carried out to determine the case loads in all of the courts in the Lower Mainland, which represent more than half of the total volume of court work in British Columbia. These studies are to be expanded to cover the remainder of the courts, and the criminal case loads will be related to data gathered by the Police Services and the Corrections Branch and the means by which the impact of legislation covering motor-vehicle cases, landlord and tenant cases, and civil enforcement of fines are to be set up. The work of the Royal Commission on Family and Children's Law is being monitored and the existing court loads defined in order to assess the impact of the recommendations of the Royal Commission on the existing court system.

The second phase of work is to assess existing court services. This will involve relating detailed population characteristics, case-load data, and present facilities and personnel within each individual court service area. The directions being taken and the recommendations which are being made by the Federal and Provincial Law Reform Commission, the committee reviewing court rules, and the findings of other special study groups will all be related to the development of the courts.

Detailed population profiles of each region have been compiled from census data showing age/sex groups, education and income levels, occupations and unemployment, marital status and family size, ethnic groups and immigration patterns, and housing characteristics. Comparative analysis of the population profiles of court service areas and regions has begun, supplemented by planning reports from other human resource agencies.

PRE-TRIAL SERVICES DIVISION

Director: Robert J. Lemiski

The expression "pre-trial services" is a relatively new one even to those familiar with the Canadian justice system, and thus the Pre-trial Services Division had as its first task the development of a functional definition of this term. The development of such services has taken place in the United States over the past several years with much success. This has resulted in the establishment of pre-trial centres or institutions as legitimate, operational organizations.

The expression "pre-trial" has in fact come to be used too broadly because the services relate only to the criminal justice system and not to civil matters. A simple introduction to the entire subject is given by asking this question: What kinds of services should be provided (and how and by whom) to a person who has been arrested and (or) charged with an offence, from the point in time of that arrest and (or) charge to that point in time when the charge (or potential threat for same) ceases to exist, either as a result of prosecutorial discretion (policy) or judicial determination (law)?

It has become obvious throughout North America that most serious problems in the criminal justice system arise within the above-mentioned time-span. It is here that the increasing case load results in a diminishing measure of justice not only for the accused but also for society. The accused is often simply superficially "processed" and ends up in the revolving door that returns him again and again to the courts. Society is confronted with incredible costs and delays in trial procedure, totally confusing representations of justice, and is left in many cases feeling very uneasy and dissatisfied with the courts.

The provision of efficient, total pre-trial services narrows these problem areas by bringing reality to what has become a very artificial adversarial system. The accused's rights are supported by real services rather than mere rhetoric. This in turn allows the system to operate in an atmosphere of sensibility instead of one of vengeance or pity.

The Pre-trial Services Division is engaged in identifying the Province's pre-trial clientele and developing a profile of its service needs. It is drawing together those services presently available and evaluating them. These include public information (specifically relevant to criminal justice procedure), police and prosecutorial discretion, custodial (lock-up/remand) assessment, bail assessment and supervision, professional assistance, trial progress, etc.

As a kind of "cross-systems catalyst," the Division must work with all the components of the criminal justice system to develop a comprehensive set of services. The Division is not presently envisaged as being a new operational component but rather is a development co-ordinator and consultative

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resource for the traditional components, to increase the range of services in the system, and encourage community-based resolutions to criminal problems.

Throughout the fall 1974 the Division conducted a major examination (the Autumn Project) of the "front-end" of the criminal justice system in the Greater Vancouver area. The focus was on persons making their first appearance in Provincial Criminal Court in custody. Present treatment of and services available to such persons were evaluated and at the same time new services were provided. Extensive analysis of this project is almost completed and a major report will follow. The Division is working with several other divisions of the Commission to facilitate new projects. These include studying with Crown Counsel experimental forums for resolving criminal conflicts, participating in the planning and development of custodial facilities with Corrections' teams, and assessing the availability of legal assistance with Legal Services. In addition, workshop programs for persons involved regularly in the criminal justice system are being developed.

INFORMATION SYSTEMS DIVISION

Senior Project Director: W. B. McMinn

divisional overview

As of January 1975, the Division is a small planning group of 10 systems specialists, formed within the Justice Development Commission. The unit is expanding and becoming a division of the Department of the Attorney-General. At present the emphasis is on computer feasibility and systems design; later the emphasis will be systems operation and database service to users.

objectives

The Division has four objectives, all on behalf of users across the Justice System and the Department of the Attorney-General:

- 1 Provide to management users a systems design service group capable of developing manual and computer-based information systems. The users are considered to be at three levels of interest, namely, day-to-day operating, management review and analysis, and forward planning. They are considered to be in all agencies of the Justice Development Commission, as well as other offices of the Attorney-General's Department. Whenever possible, users are to be considered collectively, and information systems are to be based on a systems-wide approach.
- 2 Provide to management users an advisory service on technical feasibility and design approach.
- 3 Provide in consultation with management users some leadership in the "information science" and "operations research" fields to identify opportunities for management information techniques, and practical constraints. This would include evaluation of other management information systems (MIS), attempts in other jurisdictions, and potentials for simulation modelling.
- 4 To acquire and operate the gradual build-up of hardware facilities capable of providing the MIS needs to users on a reliable interactive basis; this would include the data collection at central information centres, key-punching and editing, as well as processing through terminals, remote-job-entry stations (RJE), and batch processing facilities. The Division is taking the view that other large-scale computers will be used as "hosts" through RJE terminals for the entire development period of 1975 and 1976. Eventually this policy will need to be reassessed, since total justice usage will overload any of the present hosts and also bring special operational problems of data security in police applications.

program overview

The Divisional objectives are, to a great extent, of a service nature and therefore depend on some initiative on the part of the user; to that extent divisional work plans must be co-developed with users. It is taken for granted that all components will need management information systems, but the

timetable and scope of those systems is to be determined in feasibility studies. Hence the work plans of the Division include approximately 20 feasibility studies to be followed by a priority-setting exercise. This would result in work plans for five to ten development projects for major subsystems and interfaces, depending on funds.

In addition, the Division's responsibility to provide some leadership in applying techniques of modern management and management information systems requires activities of a research and planning nature. These, too, must be co-ordinated with the users in the latter stages. Generally, the activities amount to reviewing documentation of other jurisdictions and participating in high-level policy discussions about reform in all components of the justice system.

major tasks

An over-simplification of the major tasks follows. These major tasks are not discrete items that occur one after another in a timetable. Instead they overlap with each other in a series of partial tasks that can be commenced but not finished until certain other tasks are commenced.

- 1 Take stock of environment, capabilities, requirements
- 2 Acquire nucleus of project staff
- 3 Conduct benefit costs—feasibility studies of each potential application
- 4 Conduct priority setting discussions
- 5 Acquire development teams
- 6 Define new systems
- 7 Develop new systems
- 8 Test and install new systems.

The minor tasks within each of these major tasks varies with each computer application as does the timetable; both the minor tasks and timetable depend upon the scope and technical involvement of each application. Individual projects vary from a duration of two months to a duration of two years at costs between \$10,000 and \$1 million.

The following list represents the applications for systems design that are presently under way:

police

- 1 Index inquiry system for police files:

System to be developed on a pilot basis and installed first in Vancouver. This system is intended to be packaged and eventually implemented at other detachments, and connected through a Provincial network.

- 2 Monthly police statistics on criminal activity:

A Province-wide analysis of Statistics Canada reports, to be later amended with new requirements for specific local objectives.

- 3 Development of an integrated database of criminals, suspects, stolen property, etc., to support the needs of local police detachments and CLEU:

The project is in the early conceptual stages awaiting a more precise definition of requirements and a better understanding of the potential of Canadian Police Information Centre (CPIC), for these same purposes.

4 Police skills inventory database:

This is a low scale project for record-keeping of police skills through special classes at the Academy. The intent is to have an immediately available snapshot of all officers skilled to undertake any assignment. Conceptual planning has begun and functional specifications are due shortly.

5 Access to vehicle and driver database at Motor-vehicle Branch and the Insurance Corporation of British Columbia: Current problems are gradually being resolved through the efforts of MVB and ICBC. The next major phase is to provide access to all police detachments, possibly through CPIC or other communications facilities. Discussions as to long-range approach have begun.

corrections 1 Management information system for Corrections planning and operations:

This project represents the development of an entirely new system for Corrections, based on a wider scope and a one-year design timetable. A user survey has identified the user needs, and a functional description is in preparation.

2 Revisions to present corrections information system:

Serious consideration is being given to freezing the present system in spite of its shortcomings, in order to place all development capability into the new system. An issue at present is the current cost of maintaining the present system in light of the inconsistent user opinions as to the accuracy and value of the information.

3 Statistical analysis of Corrections database:

Conceptual discussions have indicated the need for new statistical analyses of the Corrections database for planning of pre-trial services. Program specifications for a one-shot analysis from the old system are under development.

courts 1 Statistical analyses of civil court activity:

Programs have been completed for the analysis of activity in the civil courts. The input to these programs was developed manually by summer students. Requirements for new analyses, and for additional activity to be analysed, are establishing a need for new programs.

2 Statistical analyses of criminal court activity:

As with civil courts, the statistical programs need extensions.

3 Management information systems for Unified Family Court:

The concentration in the past two months has been on the counselling segment of the Unified Family Court. A counsellor case-load inventory was carried out to determine the counsel information requirement. Draft forms were designed and approved for collection of the information. The project

T 106 · information systems division

is now in the implementation stage of producing a monthly case statistics report. Further changes to these reports are expected as line supervisors become aware of this information.

4 Court information system for Vancouver Provincial Courts:

An in-depth cost feasibility study is under way to consider the short-term development of an information system to assist present operating requirements. Recognizing the need for a long-term integrated system as per items 5 and 6 below, this feasibility study is particularly concerned with short-term benefits and short-term costs, and would only proceed on a trial basis.

5 Integrated courts information system for civil courts:

This project represents a large-scale, long-term development of a major system to serve both the operating and management needs of the courts. Conceptual planning has begun, but fundamental planning by the users is necessary before functional specifications can be established. Reports of other jurisdictions throughout North America have been obtained and others are being sought through Law Enforcement Assistance Administration. Discussions with key users to establish their management objectives, facilities, and procedures are scheduled for the spring months.

6 Integrated courts information system for criminal courts:

This project also awaits a better definition of the organization of court administration. This also needs definition. Discussions to identify the needs of a long-term development plan are intended for the spring months. Implementation of a major new system for criminal courts cannot be anticipated until 1976 at the earliest.

7 Redesign the information sheet:

The pilot project in Burnaby has been running with only a few minor problems and the use of the form for "laying of charges" has now been terminated. Necessary changes have been made to correct shortcomings that were detected during the pilot. Interviews with all persons concerned in the handling of the form is being carried out and a preliminary report will be available. For a final evaluation all the forms will have to be filtered through the court process. Arrangements for a meeting with Statistics Canada are being finalized.

delivery
of legal
services

1 Legal Aid information system:

This system is in the early planning stage at the moment. It is taken for granted that the activity in this area will need to be recorded, and since the clients are the same clients in the Courts, Corrections, and Police Services, it is likely that a minor extension of other systems can serve to record this activity. In addition, the total systems approach would require that the Legal Services activities be part of any client-oriented database.

2 Simulation modelling in the Law Reform Commission:

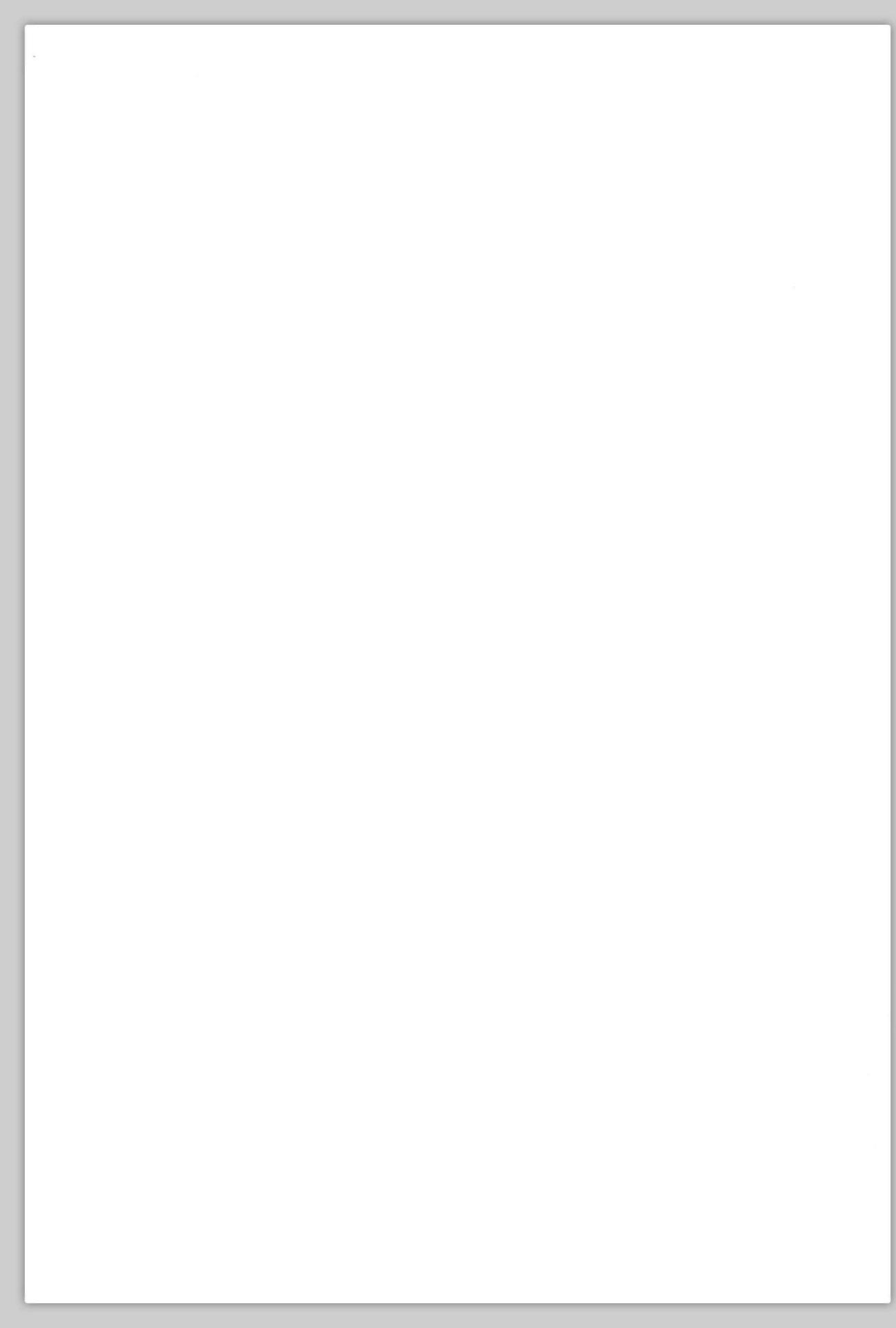
The Law Reform Commission has developed a simple linear flow model for their activities and has asked the Justice Development Commission to assist in the technical aspects of building a model on a computer system. The project team is at the moment attempting to determine the scope and complexity of the model in order to understand the magnitude of any supporting resources.

3 Legislative drafting:

At the present time proposals are being considered for an extensive use of computers in connection with legislative drafting. This extensive use will bring together the Legislative Counsel office, the Queen's Printer, and local printing firms, if economically feasible. At present, computer terminals are being used to conduct searches and to manipulate legislative drafts, through facilities provided in Ottawa, where the British Columbia Statutes are resident in a computer.

Other applications that appear economically feasible at this stage and likely to be undertaken in the near future follow. These applications have been given considerable study in other jurisdictions but have not yet resulted in serious development activity in British Columbia.

- 1 Participation by British Columbia in the justice simulation model of the Federal office of the Solicitor General
- 2 Development of a British Columbia simulation model
- 3 Basic information system for the delivery of legal services other than legal aid
- 4 Development of a computer system to assist Court Reporters
- 5 Computer information system, both inventory and utilization of justice facilities.



DELIVERY OF LEGAL SERVICES

Vice Chairman: John Brewin

Solid achievements in improving access to legal services for the people of British Columbia as well as substantial investments in planning for future improvements were realized in 1974. This work was co-ordinated by the Legal Services Division established by the Justice Development Commission.

programs Highlights of the year's program include the following:

1 New regional Legal Aid offices were opened in Campbell River, Kamloops, New Westminster, Nelson, Surrey, and Cranbrook. The head office in Vancouver was strengthened; a research and staff training program was undertaken. These changes resulted in substantial improvement in the service provided to the public by Legal Aid, especially in the provision of summary advice on noncriminal matters, such as problems with administrative agencies, landlord and tenant problems, family problems, and difficulties arising out of indebtedness.

2 There was a sharp rise in criminal and family Legal Aid cases taken by lawyers in private practice. In criminal cases, for example, the number of referrals more than doubled in two years, from 7,043 in 1972 to more than 16,000 in 1974.

3 The Native Courtworkers and Counselling Association was firmly established throughout the Province with a staff of 31 courtworkers and the necessary legal, training, and supervisory back-up support. The courtworkers assist Native and non-Native people in trouble with the law, and have been widely acclaimed by Judges, police, and Native people alike.

4 Continued and expanded support was afforded to community legal advice programs such as the Vancouver Community Legal Advice Society and the summer student legal advice program. The Department of Human Resources and the Federal Department of Justice also provided funds to projects in the Province.

5 A start was made in the development of a program of public legal education and improved legal information services. Pilot projects are under way in high schools, on radio, and in the cataloguing and collection of audio-visual material.

6 Major steps were taken to plan new programs and improve existing ones. The direct benefits of this planning to the people of the Province will show up in 1975 and in the following years. An example of this is a five-person task force organized to investigate the delivery of legal services to Native people. It will play a key role in launching programs of legal education and improved access to legal advice and information for Native people.

The underlying purpose of these programs is to ensure that justice will be done in individual cases and to recognize that

in a society governed by laws and regulations, legal skills and knowledge are crucial weapons in achieving social change. The wealthy and powerful have no trouble recruiting legal advice and advocacy; the Government is obliged to take steps to ensure that such advice, talent, and knowledge is available to the weak and disadvantaged so that the ends of social and individual justice, both in the courts and the councils of the Province, will be served.

These programs have cost less than 0.15 per cent of the Provincial budget for 1974/75. However, it is noted that the Provincial contributions to improved legal services for people in lower and middle income groups have risen from less than \$1 million in 1972 to nearly \$3 million in 1974.

Perhaps in the long run the most significant steps in 1974 have been in planning and policy development. In the past, one senior person within the Department reviewed policy as reflected in the financial relationship with Legal Aid and other requests for financial assistance. There was virtually no systematic study of the issues involved in meeting the legal services needs of the people of the Province. Important Provincial responsibilities were ignored or overlooked; large sums were spent with little planning. By the end of 1974 the Legal Services Division of the Justice Development Commission had been established, comprising three main groups—community legal aid services, public legal education, and legal information services. Each group, of four to six persons including clerical staff, is responsible for planning and developing effective programs in their area. The task force on legal services to Native people and a project on the legal rights of the handicapped also form part of the division team. In addition, Legal Aid has instituted a research program. This substantial investment in planning and policy development will have both immediate and long-term results for the people of the Province.

legal services study

The two main planning thrusts were a broad study of the delivery of legal services and a summer project on public legal education. The legal services study examined the various systems of delivering legal services, such as "judicare," neighbourhood offices, and public defender systems. The first interim report was published in December as the basis for detailed discussions with the public and the legal profession. The study group also developed the Native people's task force, analysed legal needs in a particular section of Vancouver, studied ways and means to attract lawyers and legal services to the less populated areas of the Province, and investigated steps that can be taken, including the use of paraprofessionals, to improve access to legal services for the lower and middle income groups or reduce the need for lawyers' services. Reports on these issues will be published at regular intervals during the first half of 1975.

public legal education and information

The Public Legal education and Information project began in April 1974. The work was divided into four parts—the media, libraries and information centres, Law 11 in the high schools, and a handbook on the law. A voluminous report, available to the public, containing a great deal of research information and many ideas for improving public legal education in British Columbia was produced. Arising out of the report, various pilot projects began and were continued through the latter part of the year. These include a radio program on legal information for the Chinese community in Vancouver, a Provincial library of audio-visual materials useful for teaching law based on the catalogue prepared during the summer, and the preparation of a pilot *Handbook on Law for the Elderly*. In addition, in Kamloops a public educational project was developed involving all parts of the administration of justice. Follow-up work in these areas will continue through 1975.

Close working relations were established with the Federal Department of Justice staff in planning the extension of community legal services projects in the Province. The Federal staff have been involved in a number of projects across Canada and have been of great assistance to British Columbia's growing efforts in this field.

A series of regional meetings were held with the Justice Development Commission and local people interested in all aspects of the administration of justice. The developing Regional Justice Councils of the Justice Development Commission played a vital role in the early planning of specific projects for 1975.

legal aid

During 1974, Legal Aid increased its regional offices from two to eight. Preliminary work is under way in Kelowna, Prince Rupert, Williams Lake, Fort St. John, Abbotsford/Chilliwack, and Nanaimo to open offices by March 31, 1975. Staff salaries were increased to the same level as Departmental Solicitors in the Government, as of April 1974. The tariff was increased to cover all summary offences in the *Criminal Code*, the *Narcotics Control Act*, and the *Food and Drug Act*.

In co-operation with the Family and Children's Law Commission, Legal Aid undertook a special project for appointing lawyers in the Unified Family project in Delta/Surrey. Legal Aid also expanded the duty counsel program as part of a pre-trial services study of the Justice Development Commission. A program using law students in Lower Mainland institutions such at Matsqui was sponsored by the society. Legal Aid made a comprehensive study of court-workers and has put certain proposals to the Attorney-General for the extension of these programs.

As Legal Aid has grown, the Provincial financial contribution has grown with it. The Law Foundation contributed during 1974/75 the sum of \$278,000, an increase from

\$133,000 during the previous year. The Provincial contribution jumped from approximately \$830,000 in 1973 to nearly \$2 million in 1974. The Federal contribution under the Provincial Legal Aid agreement was fixed at 50 cents *per capita* or \$1.2 million *per annum* and therefore the Federal contribution as a percentage of the total expenditures on criminal legal aid dropped from 73 per cent to less than 60 per cent in 1974. The financial terms of the agreement expire on December 31, 1975; British Columbia representatives are meeting with other Provincial representatives to plan joint renegotiation of the terms with Ottawa. In the meantime the Attorney-General has requested an immediate increase in the *per capita* payment to British Columbia to recognize the higher *per capita* costs for criminal defence cases falling on the citizens of the Province.

vancouver
community
legal
assistance
society

The Department supported the Vancouver Community Legal Assistance Society and the summer Student Legal Advice clinics. During the winter, 11 clinics operated once a week in the Lower Mainland. Seven full-time clinics operated in the summer months and VCLAS provided legal backup and supervision to the two programs. VCLAS has also undertaken a number of test cases and its staff lawyers have acted as solicitors for various community groups in Vancouver.

native
courtworker and
counselling
association

The Native Courtworker and Counselling Association has experienced a significant increase in staff and activity during 1974. The executive director has provided strong leadership in developing a solid service to accused persons and to the courts. A training and retraining program has been organized for the courtworkers and has been given financial support from the Department. The Department's Director of Criminal Law continued to serve as a member of the Board of Directors. In 1975 the Native Courtworkers are hoping to build an effective drug and alcohol counselling service and a full-scale liaison service with correctional institutions and penitentiaries in the Province. The Federal Government through the Department of Justice contributed \$150,000 of a total \$460,000 Native Courtworker budget in 1974/75.

Through a far sharper appreciation at the local and Provincial level of the justice system, the Legal Services Division has identified the following issues:

- 1 Public legal education programs on the workings of the whole system of justice and the rule of law; for example, how laws and regulations are changed and how people achieve the rights they now have.
- 2 Basic legal information in the Province is lacking. Both the general public and the professionals within the administration of justice are hard pressed to find the law or an explanation of the law. Work is under way in conjunction with the Law Society to remedy this situation.

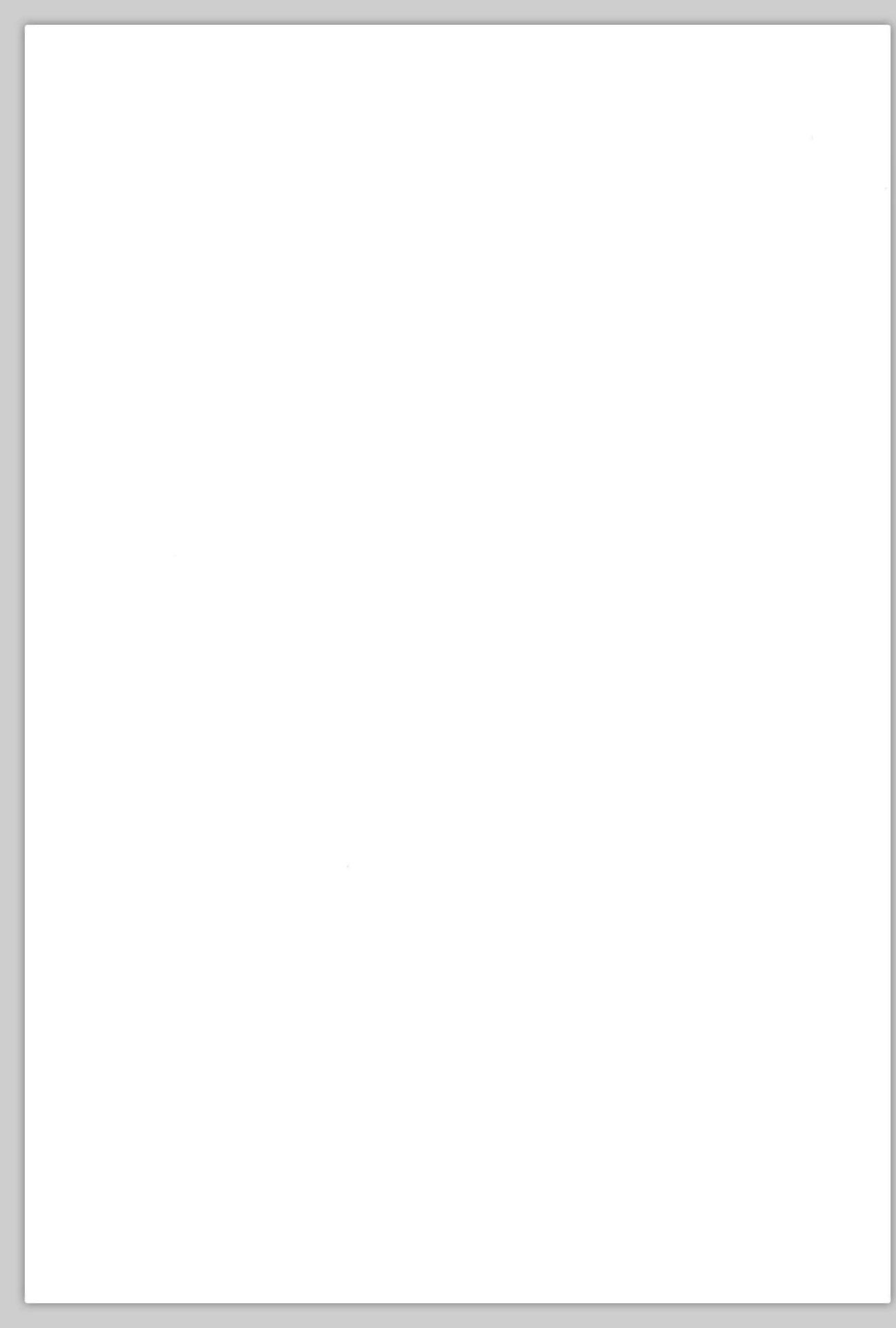
3 The "answer" does not necessarily lie in providing lawyers for everyone, regardless of means. Changes in the law or in administrative procedures may achieve major gains. The Rentalsman and the Debtor Assistance program, as well as the Consumer Services Offices, provide such examples. Improvements in counselling in family crisis situations as developed by the Family and Children's Law Commission are important.

4 However, improved access to trained lawyers is essential and may come in many ways—regional Legal Aid offices, community or neighbourhood legal services, lawyer-referral programs offered by the legal profession, or phone-in information services. There is a wide consensus that this is an area for immediate Government financial support. It is also widely felt that these services should be developed in conjunction with other services and disciplines, perhaps in many instances through community resource boards. The need to ensure the independence of these services from Government is vitally important.

5 Legal aid in criminal areas is still inadequate. The tariff paid to lawyers in private practice is low and lawyers are simply not available in some parts of the Province. Too many people go through the court process undefended. The skills of many defence counsel in criminal cases need upgrading. The courtworker program could be usefully expanded.

6 A major effort should be made to strengthen the knowledge and skills of those persons to whom the public now turns for legal information—hot-liners, police, community information centres, and other counsellors.

7 Special emphasis should be given to meet the needs of particular groups in the Province—Native peoples, the handicapped, persons in mental hospitals or similar facilities, the elderly. In each case these groups generally have low incomes and special legal problems.



TRAINING AND EDUCATION GROUP

Co-ordinator: Michael Sharzer

As the Justice Development Commission began to initiate the process of reforming and improving the administration of justice in British Columbia, it became obvious to all concerned that training and education would play a major part in the achievement of new directions and goals. Moreover, these new directions would best be achieved by a co-ordinated effort among the divisions of the Justice System. These concerns led to the formation of a Training and Education Support Group within the Justice Development Commission.

The role of this group has been to make itself available to all people and groups within and associated with the justice system, as a source of expertise, ideas, and support for their training and education programs. The group has attempted to co-ordinate these diverse programs through joint meetings and personal communications and referrals, and has tried to encourage an over-all strategy and sense of direction to the training effort within the justice system.

All of these roles are intended to support, not supplant, the training and educational activities of the divisions of the Justice Development Commission and related groups. The progress made in each of these roles has been due mainly to the interest and enthusiasm of the many people in the system directly responsible for training.

Some of the areas of success for the group in the past six months have been in supporting and contributing to a wide range of training and education programs. These include development of a basic training program for Native Court-workers, an ongoing series of conferences for Legal Aid lawyers, a senior court administrator program, the creation of an Institute for Court Management, senior administrator and recruit programs for the Police Services, and workshops for support staff. In addition, the group has been involved indirectly with many other programs, both within the system and in educational institutions.

In its co-ordinating role, the group has sponsored design workshops to allow people from outside divisions to contribute to program designs and has held informal meetings with all "trainers" working within the system. The group has also been directly involved with the planning of the Justice Education Centre, and has initiated an inventory of learning resources available for all programs.

Through all these activities the group has encouraged and attempted to articulate a common strategy. This strategy involves equal opportunity for all people to develop their knowledge and abilities, both to perform their present tasks and to respond to the changes that have occurred and will occur continually in their careers. Training and education

T 116 · training and education group

should be a vital ongoing activity as a prime responsibility of every person in the system, not just the trainers. An integral part of the education of employees is involvement and contact with the community they serve; training and education can encourage this kind of interchange.

JUSTICE COUNCILS

Director: Don McComb

Local Justice Councils are being formed in the nine regional boundaries established by the Department of the Attorney-General to foster system-wide planning in the provision of justice services.

objectives

The objectives of the Justice Councils are:

- 1 To recruit representatives from the justice field—representatives of law enforcement, the courts, Corrections, and Legal Services
- 2 To identify justice needs in the nine Provincial regions
- 3 To facilitate opportunities for citizens to become actively engaged in the planning of justice services
- 4 To effect planning processes for identifying service priorities and services to meet identified needs
- 5 To promote innovation of locally initiated projects through the Justice Councils
- 6 To establish evaluative mechanisms necessary for monitoring services and to ensure the continuous revision in the justice system as changing conditions require.

functions

Among the varied functions Justice Councils will perform, the following are included:

- 1 Co-ordination: Justice Councils will provide opportunities for police, courts, Corrections, and Legal Services to coordinate their planning and future development. This will promote a greater awareness and encourage critical feedback to the divisions designed to provide greater support for new programs.
- 2 Innovation: Through planning, information sharing, and two-way communication it is anticipated that greater innovation in the development of justice services will result while at the same time creating opportunities for justice personnel to contribute more effectively to other broad community services, including Human Resources (social services) and Education.
- 3 Evaluation and research: Working in close concert with the Planning and Research Division, Justice Councils are providing a practical vehicle for the monitoring of existing as well as new programs, and evaluating results and documenting programs for greater research potentials.

representation

Local Justice Councils are made up of community representatives who are employed in justice services (police, court, correctional, and legal personnel), along with community citizens, private organizations, elected municipal officials, professional organizations, and special interest groups.

projects

Justice Councils operate as a vehicle for the divisions in the review of projects to be administered by divisions. These

include police/community relations (B.C. Police Commission, Community Correctional Centres, B.C. Corrections Branch) and the Delivery of Legal Services Division of the Justice Development Commission. The Justice Councils have fostered a diversion project in Vancouver in co-operation with the Vancouver City Police, Vancouver City Social Planning, Community Corrections Division of the Corrections Branch, and the Co-ordinator for the Vancouver area Justice Councils. This project will focus upon the development of more positive police roles in addressing crime as a social problem with identifiable roots and causes.

programs Visits throughout British Columbia by the Director of Justice Councils in May and June resulted in the formation of steering committees for Justice Council development across the Province. These steering committees have participated in suggesting to the Justice Development Commission regional concerns for priority development and participated in the selection of Regional Co-ordinators in their areas. Maximum effort in this preliminary stage was directed toward decentralization of process planning and services in co-operation with other Provincial Government departments in the development of community involvement. In bringing together agencies engaged in the justice field the objective has been to create a greater sense of unity within the justice system while enabling police, court, correctional, and legal personnel to contribute more effectively to social justice development in the future.

During the months of September and October the Justice Development Commission, through participation and assistance of local Justice Councils, conducted four workshops throughout the Province. These served as introductory meetings for executive members of the Justice Development Commission and various community groups. These workshops resulted in effective two-way communication (from the field to Victoria and vice versa), assisted in clarifying the relationship of Justice Councils to the divisions within the Justice Development Commission, provided program priorities for Regional Co-ordinators, assisted division personnel in their field trips, and served as a sounding board for Province-wide issues, such as the perception of the juvenile issue by the adult community.

Workshops in 1975 will be sponsored by local and regional Council members and will be directed toward evaluating the effectiveness of Justice Councils for the Justice Development Commission and all parts of the Province.

In addition, Councils will sponsor studies and reviews identified by local, regional, and Province-wide organizations. In 1974 the Councils have undertaken to review the relationship of the Department of Attorney-General with private non-Government agencies.

Local contacts have been made by the individual Co-ordinators and local Justice Councils are beginning to form in the

various communities. Membership in these Councils is open and greater public participation is being sought.

summary The main objective of the Justice Councils is to create functioning and effective membership in each region reflecting more local autonomy; an active community participation in the affairs of social justice in their community, and the formation of a justice system which is co-ordinated with the police, court, Corrections, Legal Services, and members of the community in an effective system of social justice.



CO-ORDINATED LAW ENFORCEMENT UNIT

Director: Malcolm Matheson

introduction

In 1973, Dr. Malcolm Matheson prepared the Task Force Report on Correctional Services and Facilities for the Department of the Attorney-General, in which concern was expressed at the growth of crime in British Columbia. His report showed that crime had more than doubled between 1962 and 1971 and was still on the increase. Corroboration for this view came from intelligence reports compiled by the Vancouver City Police and the Royal Canadian Mounted Police. The evidence showed that those sectors traditionally associated with organized crime were the most active. Therefore, attention was turned to the problems of drug trafficking, gambling, loansharking, extortion, prostitution, commercial crime, theft rings, and hold-up gangs.

The complex and highly developed nature of some of the criminal organizations required that any contemplated countermeasures be equally sophisticated. The ordinary organization of law enforcement agencies, with their separate responsibilities and jurisdictions, was insufficient to cope with criminal activities which were so diverse and interwoven that they went beyond geographic boundaries to operate nationally, and even internationally. Such systems were able to withstand concentrated attack at the local level because withdrawal at one point could find compensation in expansion at another.

For some time the police agencies had recognized the problem of fragmented authority and had attempted to counteract it by mounting joint forces operations across jurisdictional boundaries. The success of this type of co-operation persuaded the planners that such a system should be expanded. From this incentive came the Co-ordinated Law Enforcement Unit (CLEU), a branch of the Justice Development Commission.

Another problem faced by the authorities was the dissipation of police effort by the performance of tasks not aimed at containing criminal expansion. Court duty and the escorting of prisoners took up time and expertise which could be directed more profitably elsewhere. A solution was found in the expansion of the office of Sheriff. A program was implemented to train Sheriffs for these auxiliary police functions. As they took up their new duties, some policemen were freed to satisfy the demands of CLEU for more manpower.

There were several goals that the new unit was expected to attain. It had first to provide a long-term and concentrated effort against organized crime in its attempt to gain such a comprehensive knowledge of the people involved that prosecution, when it came, would be both effective and decisive. It was recognized from the beginning that in order to bring

the full force of the law-enforcing power to bear upon the problem, CLEU would have to act as the agent which brought together the appropriate agencies of the three levels of Government. In addition to this co-ordinating function, it was seen that an integral part of the scheme would be the collection of intelligence and its analysis. The recognition of criminal trends and intervention to prevent their further development was as crucial to the whole effort as the investigation and apprehension of active criminals.

policy
board

CLEU was designed to have a policy-making board at its head to which three subordinate and separately functioning branches would either contribute information to the decision-making, or act on the decisions made. In other words, the Policy Board was to be the "brain" of a unit which works like the human nervous system. It translates the sensory impulses received from the peripheral areas into motor impulses or instructions for action to some other part of the system.

investigative
division

The first branch of CLEU is the operational part, or the Investigative Division. Its function is to institute and pursue the procedures necessary to secure an arrest after the Policy Board has indicated which "targets" (criminal subjects or groups) are to be dealt with. The success of this technique is demonstrated by the outcome of the cases that have been treated in this way so far.

Since its institution this year, the Investigative Division has arrested 100 people, most of whom were major criminals. The crimes have ranged from the escaping from custody of a dangerous convict to conspiracy to traffic in drugs. The number of important criminals arrested in 1974 is double the 1973 figure.

joint forces
operations

Joint forces operations, using men from at least 10 municipal forces as well as the Royal Canadian Mounted Police, have had several major successes, including arrests for theft and drug trafficking.

prosecutions

The second division of CLEU was planned to be responsible for the prosecution of arrested organized crime figures. This part of the unit however, has been reorganized. The Director of Criminal Law in the Attorney-General's Department and the staff of the Vancouver Regional Crown Counsel office are now responsible for prosecutions arising from the work of CLEU.

policy and
analysis
division

The Policy and Analysis Division of CLEU serves a variety of functions. Among some of its projects is the examination of existing legislation to assess its efficacy and to make full use of the sanctions it provides. Work has been done on a variety of topics, including trial delays, parole and temporary absence programs, the Bail Reform, Immigration, and Privacy Acts,

and legalized gambling. Another important function of the Division is the stimulation of public interest in the problems presented by organized criminal activity. A Public Information Officer works full time on preparing news releases, bulletins, and reports, arranging press conferences, and providing speakers for interested groups; all with the purpose of educating and informing the public, not only of the problems but of the measures taken to counteract them.

The Evaluative Research Section of the Policy and Analysis Division is concerned with the continuous collection of data from specific areas of organized crime to provide a yardstick against which the effectiveness of the whole of CLEU can be gauged. In addition, its tasks involve the analysis of the data and the isolation of the points of vulnerability for the criminal system.

Other functions of the Policy and Analysis Division include the administrative or "housekeeping" duties needed to keep the unit performing efficiently, the co-ordination of activities with outside agencies, and the provision of strategic and tactical support for the Investigative Division.

The first tangible result of the work of the Policy and Analysis Division was the publication of the *Initial Report on Organized Crime in British Columbia*. The information it contained on the heroin trade, gambling, commercial crime, and theft on the waterfront and at the airport was collected over a period of three months. Though the report by no means presented a definitive view of the problem, it did indicate unequivocally the areas where the problem was most serious.

In the commercial field, stock manipulation, fraudulent bankruptcies, loansharking, credit frauds, and other business crimes are not uncommon. Other research showed that waterfront theft is effected with ease, and the chance of discovery virtually nonexistent. The sums involved in gambling and heroin trafficking are calculated in millions of dollars, but in human terms it is the problem presented by the illegal sale of heroin which is the gravest.

The demand for heroin by British Columbia's estimated 10,000 addicts generates an annual turnover in excess of \$200 million, as well as a whole subculture in which robberies, beatings, and murders play their part. The supply system is highly organized and efficient and pays its dividends to criminals who are not themselves addicts. Since much of the heroin for North America comes from Southeast Asia, Vancouver's geographic location and its large volume of shipping and relatively lax regulations make it an easy port through which to smuggle heroin. While much of the drug is trans-shipped to other parts of the continent, enough remains to maintain the Province's heroin population, which will pay from \$35 to \$50 a capsule to the street pusher who sells it.

After these findings were presented to the Policy Board, the Policy and Analysis Division was given a number of directions for work in the future. The Investigative Division was to be further increased and the prosecution service established in the Crown Counsel organization. The next stages of the evaluative program were to include the evaluation of CLEU projects, and the development of research design methodology, as well as continuation of the gathering of information. Attendant to this would be an in-depth analysis of organized crime and its points of vulnerability.

To carry out this last directive, the Evaluative Research Section embarked on a comprehensive study of criminal money flow. Tracing where money comes from, and more importantly, where it goes, will give CLEU some idea of how the criminal system works, and at what points it is most vulnerable to attack. The results from the different facets of the money-flow project will be pooled to form an economic model of the illicit drug field. This in turn will eventually form part of the total systems approach to organized crime. Other instructions issued by the Policy Board include the further development of legal research, the construction of a strategic plan for an over-all attack on organized crime, provision of assistance to the Investigative Division for a tactical approach to its targets, the mobilization of public opinion and support, and combination of the efforts of the Federal, Provincial, and municipal agencies in a joint venture to counteract organized criminal activity.

OFFICE OF THE RENTALSMAN

Rentalsman: Barrie Clark

introduction

Established by the *Landlord and Tenant Act* (Bill 105), the Office of the Rentalsman is a new entity in British Columbia, without the benefit of precedent or comparative statistics. Yet the work load during the first three months of operation amply demonstrates the need and demand for the functions of this office by both landlords and tenants.

British Columbia has amended its landlord-tenant legislation on several occasions since it joined Confederation in 1868 (at the specific request of the Attorney-General). The Law Reform Commission of British Columbia, in 1973, published the *Landlord and Tenant Relationships: Residential Tenancies* report. The report recommended the establishment of a rentalsman, and provided guidelines for a revised *Landlord and Tenant Act*. It was this Act, proclaimed on October 1, 1974, that upgraded existing legislation to protect both landlords and tenants in a changing social and economic climate.

THE ACT AND ITS ADMINISTRATION

general

The legislation contained in the *Landlord and Tenant Act* of British Columbia governs the relationships between landlords and tenants who rent residential premises. The Act clearly defines most of the rights and obligations of both parties in matters of tenancy agreement, termination, overholding, non-payment of rent, standards of maintenance, subletting, rights of privacy, and others.

The Act also established the Office of the Rentalsman to administer the legislation, and to mediate, arbitrate, and rule in landlord-tenant disputes brought before it. In most cases the rentalsman's rulings carry the weight of court orders. Since the services of the rentalsman are free, both landlords and tenants can, and do, save lengthy and costly legal action. This encourages persons who would not normally seek recourse in the courts to seek the services of the rentalsman for quick mediation. It also decreases the work load on the overburdened courts.

rent increase and review

Before it was proclaimed on October 1, 1974 (and later amended by Bill 169), the *Landlord and Tenant Act* empowered the Office of the Rentalsman to review rents and to recommend to the Cabinet rent-increase formulas from time to time. In June, a UBC economics professor, Dr. John Cragg, and the chartered accountant firm of Clarkson, Gordon & Co. were commissioned to study the residential housing market in the Province, and to recommend equitable rent increase formulas. Their findings, along with the rentalsman's recommendations, were forwarded to the Cabinet and made public. The rent review function has since been removed from the jurisdiction of the Office of the Rentalsman, and



procedures in
handling a
case file

placed in the hands of the Rent Review Commission, established under the terms of Bill 169.

Inquiries to the Office of the Rentalsman are directed in person, by mail, and by local and long-distance telephone (please see statistics, Table 1). The majority of persons who contact the office seek only information about the Act, or printed forms. A written complaint opens a case file immediately. In order to eliminate red tape, Rentalsman Officers first attempt to mediate and settle the dispute by telephone or through correspondence. If this fails, investigation and hearing procedures are commenced involving the two parties and a Rentalsman Officer. Only seldom do formal orders result. For instance, of a total of 45,931 inquiries during October 1 to December 31, 1974, only 2,790 became case files. Some of these required formal hearings. In the first three months of operations, the office issued 169 orders.

STAFFING AND ADMINISTRATION

Beginning with the appointment of the Rentalsman, July 1, and the simultaneous appointment of his three deputies, the Office of the Rentalsman operated with a skeleton staff at temporary quarters at 1170 Hornby Street, Vancouver. This staff grew to 24 permanent employees (excluding temporary secretarial staff) by October 1, the day the office moved to its present address and the day that the Office of the Rentalsman became operative.

The 24 permanent staff include eight senior and six junior Rentalsman Officers. These persons come from all walks of life, but share a common denominator—a proven record of common sense and impartiality. On their shoulders also rests the responsibility of administering the Act on a one-to-one basis.

By December 31, there were five permanent and four temporary junior officers, seven permanent and three temporary senior Rentalsman Officers, making a total of a permanent staff of 20, and 18 temporary office staff.

The Office of the Rentalsman has been coping reasonably well with inquiries and cases outside of Vancouver. While most of this business is transacted by mail and telephone, a number of the officers and deputies have had occasion to travel outside of Vancouver to hold hearings and settle disputes.

Active consideration is being given to the opening of regional offices throughout the Province. As the data-gathering system gains in efficiency during 1975, it will be determined if and where the need exists for the opening of branch offices.

During September the Rentalsman contacted in writing all the municipalities, villages, and regional district boards in British Columbia, offering to compensate any employee(s)

TABLE 1
WORK-LOAD STATISTICS
OCTOBER 1 to DECEMBER 31, 1974

FILES

Opened	2,790
Closed	1,568
Carried into 1975	1,222

FILES CLOSED

In favour of landlord	Data available	145
In favour of tenant	only for December	126
Compromise		89

ORDERS

Redirection of rent (repairs)	2
Redirection of rent (essential services)	8
Possession	113
Setting aside Notice of Termination	46
Total orders issued	169
Prosecutions under <i>Landlord and Tenant Act</i>	2

WORK LOAD

Incoming correspondence	5,041
Outgoing correspondence	9,071
Telephone inquiries—	
Local	33,420
Long distance	4,649
Office interviews—	
Landlords	1,208
Tenants	1,613
Total inquiries	45,931

OTHER

On-site inspections/interviews	122
Speaking engagements	14
Speaking engagements, July 1 to September 30	3

TABLE 2
 NATURE AND NUMBER OF LANDLORD/TENANT
 FILES OPENED
 OCTOBER 1 to DECEMBER 31, 1974

Files Code Description	Oct.	Nov.	Dec.	Year to Date
1 Security deposit	24	14	62	100
2 Rent increases	190	186	44	420
3 Essential services	30	62	37	129
4 Tenant damage	2	10	7	19
5 Repairs	52	92	78	222
6 Privacy	6	10	10	26
7 Noise and disturbance	4	22	16	42
8 Abandonment	6	14	16	36
9 Illegal eviction	-----	12	11	23
10 Distraint	8	12	17	37
11 Subletting and assigning	-----	1	6	7
12 Locks and access restrictions	20	32	5	57
13 Attornment	-----	1	0	1
14 Disputed termination 23 (2)	210	290	227	727
15 Application for Order of Possession 14 (2)	216	244	171	631
16 Miscellaneous	30	104	74	208
17 General information	12	59	24	105
Totals	810	1,165	815	2,790

they would designate to act as a rentalsman representative in their area. Utilizing Provincial resources, it was also arranged that Government Agents and Public Health Officers distribute printed material and provide liaison with the office in landlord-tenant matters.

PUBLIC INFORMATION

A cursory glance at the statistics quickly reveals a tremendous need for the dissemination of information to the public.

The ongoing information campaign is utilizing all avenues considered viable to the operation—media liaison, news releases, news conferences, speaking engagements, seminars, advertising, and printed matter. While most of the work is done “in-house,” an agency has been employed for advertising work.

advertising

The first goal of the office’s information campaign was to establish the existence of the Office of the Rentalsman and to inform the public of the range of its functions. This was accomplished by running 30-second and 60-second radio commercials, and a full-page advertisement containing a summary of the Act in every daily, weekly, and ethnic newspaper in British Columbia.

Printing, jobbed through the Queen’s Printer, included *The Rentalsman and You*, a summary of the Act in layman language. This, together with sample forms required by the Act, was distributed to the public on request.

news releases and conferences

News releases were issued and conferences were hosted as often as was deemed necessary. The office is appreciative of the extensive coverage the media have given to its operation. This clearly reflects the general public concern over landlord-tenant matters. Every advantage is being taken of invitations for guest appearances on television and radio talk shows.

speaking engagements and seminars

To December 31, 1974, the Rentalsman and deputy officers, together with designated staff members, accepted a large number of speaking engagements. While expediency dictated that most of these be in and around Vancouver where the office is located and where the bulk of tenants and landlords is concentrated, some engagements outside of Vancouver were made.

Audiences have ranged from service clubs and community groups to landlord-tenant organizations and self-help legal aid groups.

The office is currently studying the feasibility of implementing a Province-wide program of landlord-tenant seminars or workshops utilizing speakers for the Vancouver office. This will provide an ideal forum to disseminate information, educate the public of their rights and obligations under the Act, and answer specific questions pertaining to the Act.

BRITISH COLUMBIA LIQUOR BOARD

Chairman: N. A. Davidson

The British Columbia Liquor Board was appointed by Order in Council dated June 21, 1973, and at the same time the *Government Liquor Act* was amended to provide for such appointment and to define the duties, powers, and obligations of the Board. Legislation at that time also established the position of General Manager of the Liquor Administration Branch of the Attorney-General Department. The above Order in Council was amended by a further Order in Council dated August 15, 1974.

Section 132 of the *Government Liquor Act* established the Board and section 133 (b) set out the duties and powers thereof and as more particularly defined in section 131 (1). In very general terms, this Board has the duty and power to hear and receive submissions respecting any matter arising out of the administration of the *Government Liquor Act* and to make recommendations to Government and to hear and dispose of appeals from those decisions of the General Manager which are appealable under the Act. The areas of appeal now established under the Act are not broad.

There can be a further appeal taken from any decision of the British Columbia Liquor Board, such appeal to be taken to the Supreme Court.

Prior to June 1973 the British Columbia Liquor Control Board (as it was then designated) was under the management of the Chairman, whose decisions were essentially not open to appeal. The establishment of the British Columbia Liquor Board gave rights of appeal to any aggrieved person in certain areas and instances.

Largely because of misunderstanding by the public, many representations come before the Board which do not conform to its functions and limitations. In those areas in which the Board does not have specific appellate powers it did, in fact, listen to representations and send recommendations forward to the Attorney-General. In each instance where recommendations were made, they were given only to the Attorney-General, but in areas where appeals were heard and determined, reasons for the decision were delivered to all parties.

With the exception of several hearings in Victoria and one in Penticton, all hearings have been held in the Board Room of the Liquor Administration Warehouse in Vancouver. By far the largest volume of work involving the Board is done from the respective private offices of Board members. Consequently, the requirement for a Board or meeting room is usually limited to one or two days per month and this does not justify retaining any building or accommodation on a full-time basis, nor does it justify the hiring of full-time secretarial staff.

Many of the recommendations made by the Board to the Attorney-General have either been adopted or are under active consideration. Three formal appeals have come before the Board, all of which have been disposed of and the decisions sent to the interested parties.

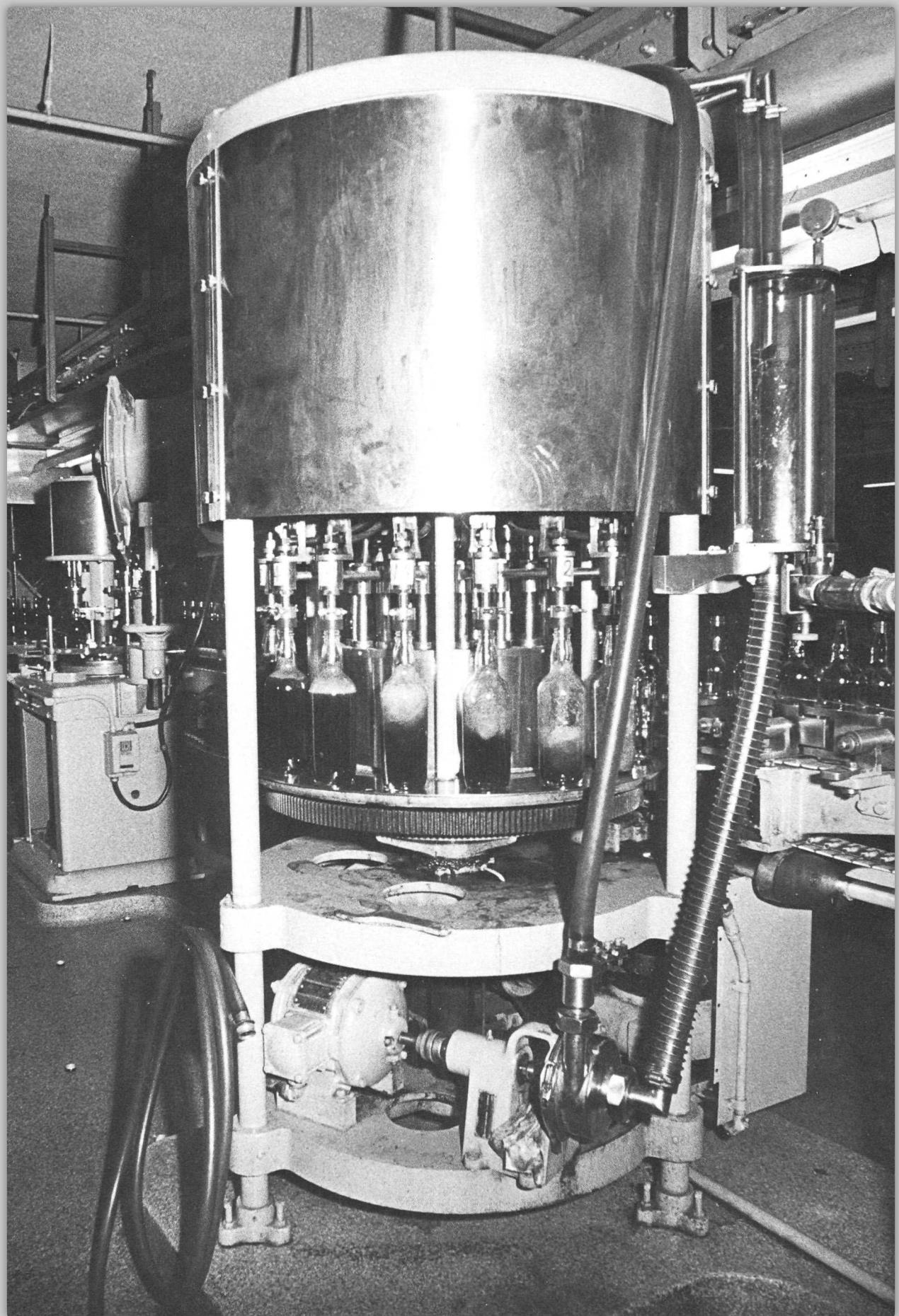
The machinery or procedure for bringing appeals to the Board has not been established by law and is in the process of being evolved. In the meantime, a flexible view has been adopted. A procedure has been arranged with the Liquor Administration Branch whereby, when they suspend a licence, they do so on a delayed basis, giving a "lead time" of usually something in the nature of 10 days. This enables a licensee who is about to be suspended the time to appeal to the Board if he feels he is aggrieved.

The British Columbia Liquor Board is providing a service that was not open to licensees or the general public prior to June 1973. Although at first glance its appellate powers seem broad, in point of fact they are quite limited and the Board has made suggestions to the Attorney-General's office that its appellate powers be enlarged.

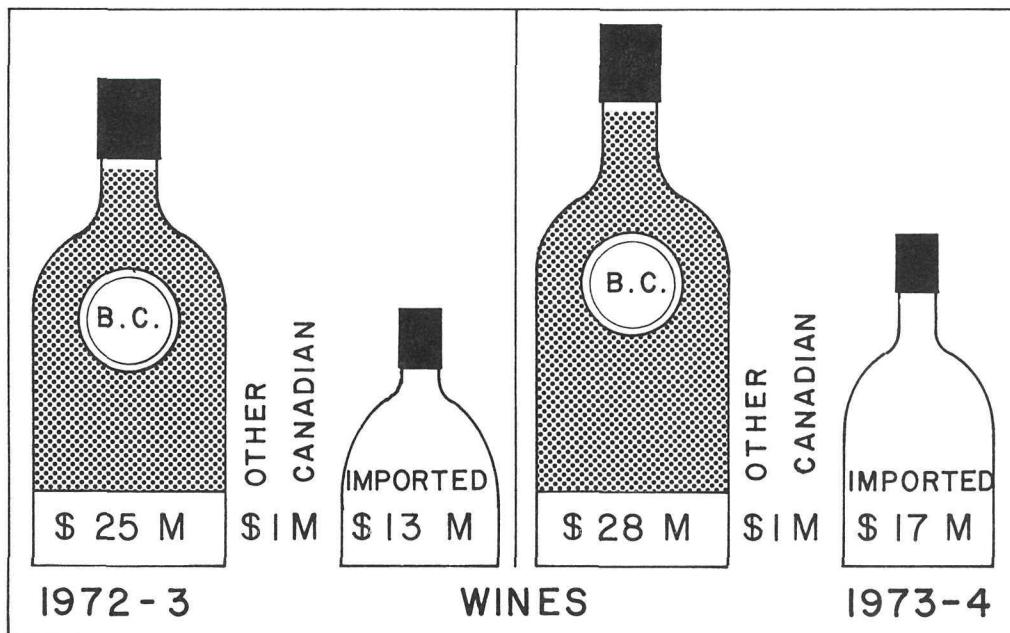
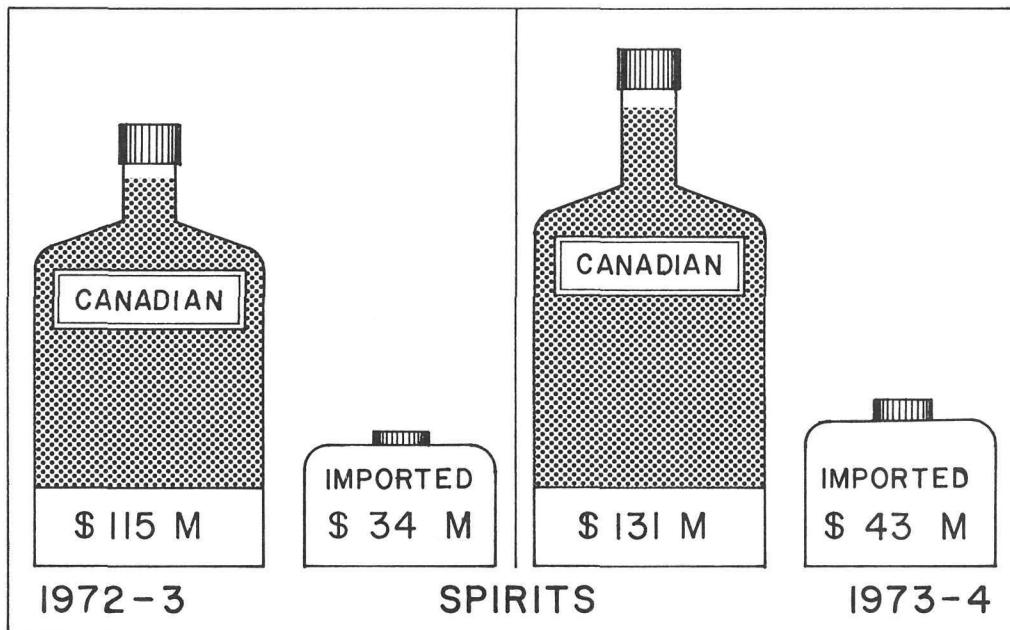
LIQUOR ADMINISTRATION BRANCH

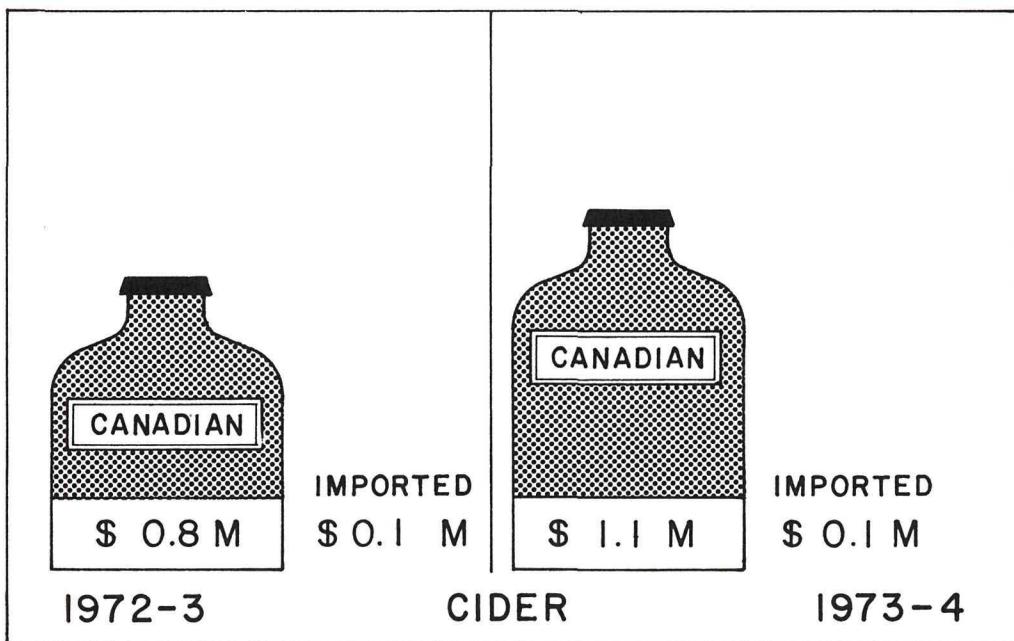
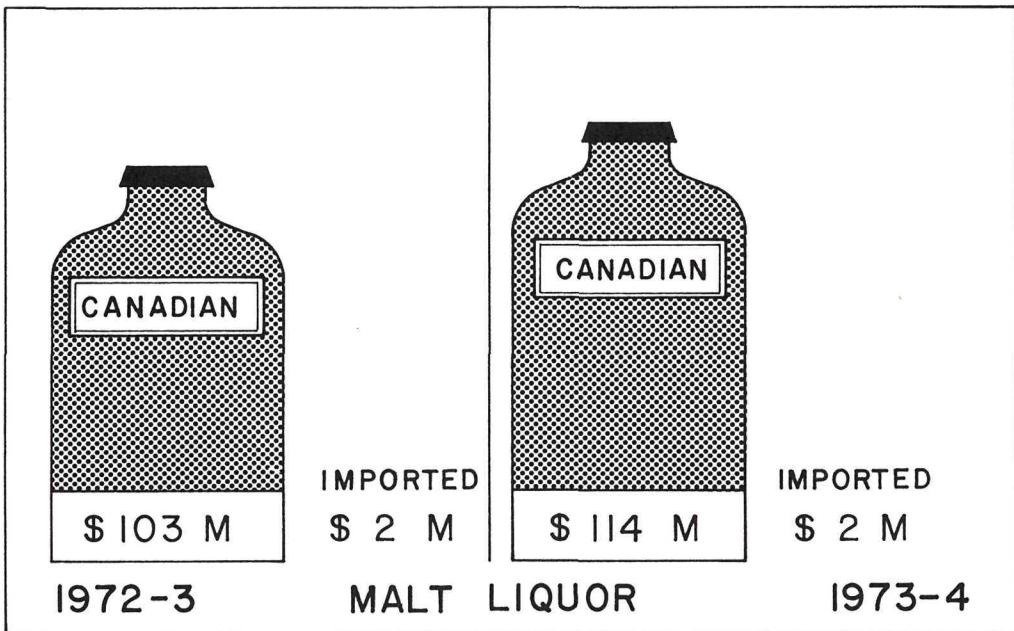
General Manager: W. A. Bruce

- responsibilities The Liquor Administration Branch of the Attorney-General's Department is responsible for the purchase, distribution, and sale of alcoholic beverages through Government liquor stores both to citizens and licensed premises. To provide this service, the Branch has a single major warehouse located in Vancouver to which all goods are shipped for subsequent redistribution.
- In addition, the Branch is responsible for the licensing of all breweries, distilleries, and wineries, and all types of licensed premises licensed to sell all types of beverage alcohol to the general public. The Branch carries out inspection activities relative to the above licensed establishments and carries on liaison activities with police and enforcement bodies in the Province.
- The following information concerning the activities of the Liquor Administration Branch refers to the fiscal year 1973/74.
- staff The number of employees on the permanent staff of the Liquor Administration Branch as of March 31, 1974, was 1,373, there being 1,324 men and 49 women.
- sales The total sales of \$336,777,802 show an increase over the previous fiscal year of \$43,291,860. For comparative purposes, classification of sales is given hereunder for the fiscal years ended March 31, 1973, and March 31, 1974.
- duties
excise and
sales tax The duty, excise, and sales tax paid to the Federal Government for the fiscal year 1973/74 amounted to \$44,856,945, an increase of \$8,886,801 over the fiscal year 1972/73.
- The figure quoted does not represent the total duty, excise, and sales tax on merchandise sold during the period under review, but only that paid directly by the Liquor Administration Branch on goods that were cleared by it through the Customs and Excise Departments during the said period, as is the case with imported goods. The above total does not include duties, etc., paid by the Branch through suppliers where the liquor was purchased duty paid and this duty paid direct to the Federal Government by the suppliers, as is the case with Canadian breweries, wineries, and distilleries.
- permits Pursuant to the provisions of section 144 of the *Government Liquor Act*, the revenue derived from the sale of permits was transmitted to the Honourable Minister of Finance to be accounted for as part of the general revenue of the Province, and amounted to \$70,428, being an increase of \$1,117 over the previous year.



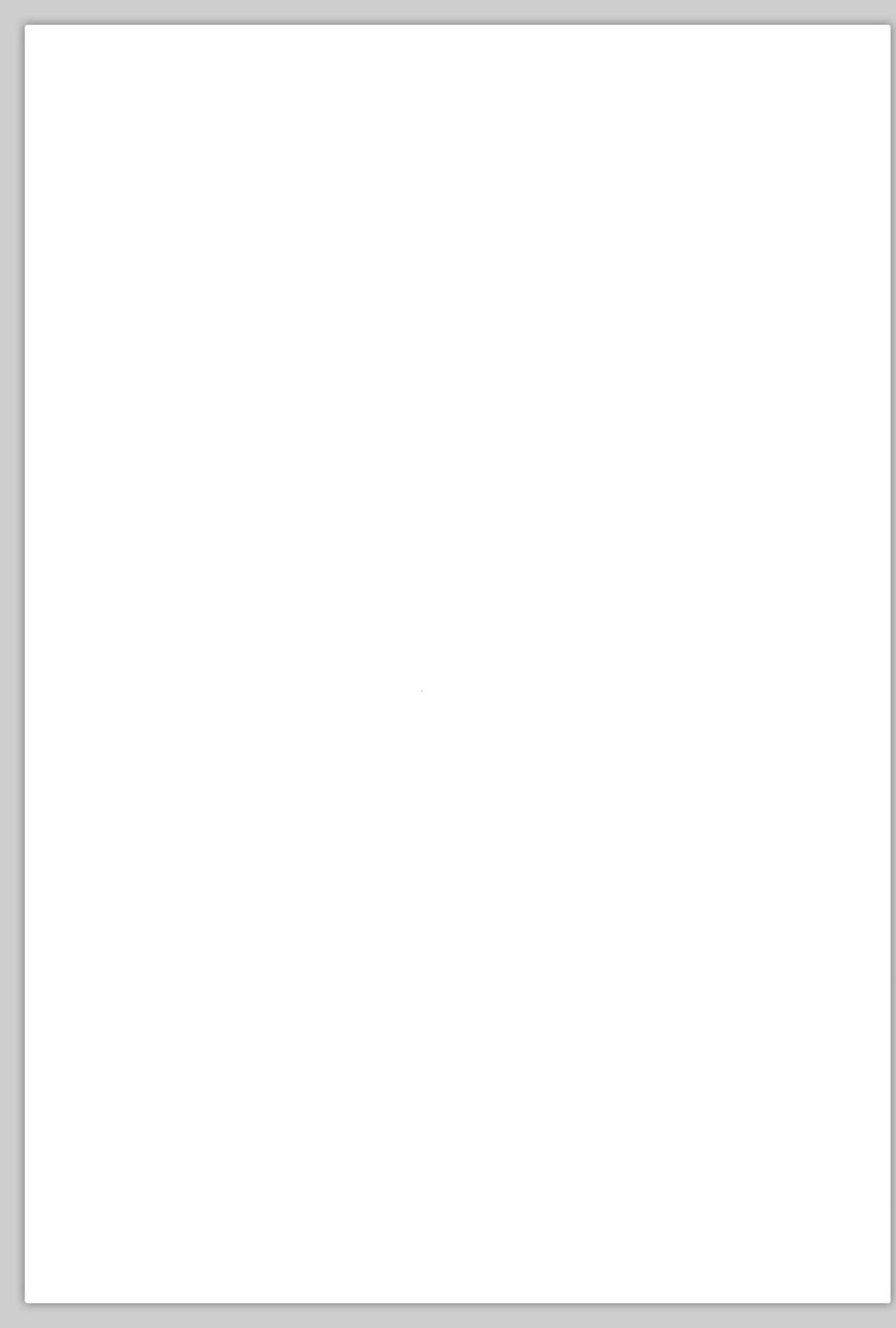
LIQUOR ADMINISTRATION BRANCH
TOTAL SALES





T 135 · liquor administration branch

- licences During the fiscal period 1973/74, 3,166 licences were issued to public houses, dining-rooms, dining-lounges, lounges, brewers, and distillers; 292 licences were transferred; 34 licences were suspended; and 71 were surrendered or cancelled.
- interdictions Thirty-four orders of interdiction were made pursuant to the provisions of section 97 of the *Government Liquor Act*. Four orders of revocation of orders of interdiction were made pursuant to section 99 of the *Government Liquor Act*.
- inspection department The Inspection Department carried out 1,718 investigations, and the number of interviews totalled 4,530 during the period under review.
The Liquor Administration Branch presents separately both a general report and a financial report, filed fiscally, and these reports should be consulted for more detailed information.



LAW REFORM COMMISSION OF BRITISH COLUMBIA

Chairman: Leon Getz

The Law Reform Commission of British Columbia has continued its work of examining the law of the Province and making recommendations for change. The nature of the Commission's work does not call for a high degree of visibility, or, in the ordinary course of events, does it call for extensive resources. The distinctive contribution that the Commission can make in improving the laws of the Province lies in its capacity for careful research and thoughtful consideration. These are qualities for which the Commission has come to be highly regarded throughout the Commonwealth.

Since the beginning of 1974 the Commission has made final reports on the following subjects:

- 1 *Report on Civil Rights, Part II: Costs of Accused on Acquittal*
- 2 *Report on Civil Rights, Part III: Procedure Before Statutory Agencies*
- 3 *Report on Civil Rights, Part IV: A Procedure for Judicial Review of the Actions of Statutory Bodies*
- 4 *Report on Limitations, Part II: General*

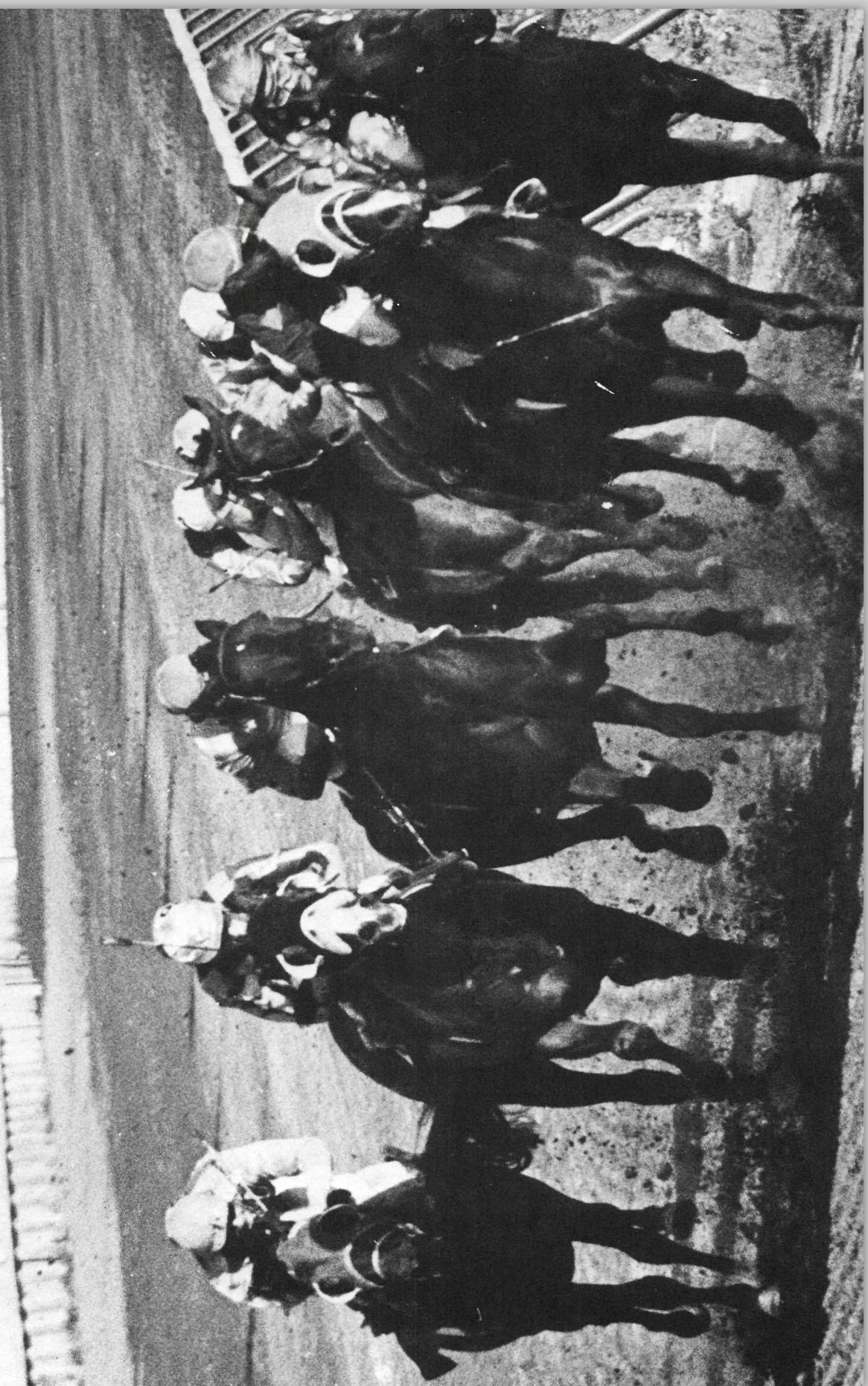
The recommendations in these reports are under active consideration.

In addition, working papers preliminary to the making of final reports have been published this year on Tort Liability of Public Bodies; Powers of Attorney and Mental Incapacity; *Powers of Attorney Act* and Termination of Agencies; and Costs of Successful Litigants in Person. Work on other projects of the Commission continues, and further working papers and reports are expected in 1975.

Legislative action was taken in 1974 to implement, wholly or in part, the recommendations contained in the following reports of the Commission:

- 1 *Legal Position of the Crown (Crown Proceedings Act, S.B.C. 1974, c. 24)*
- 2 *Landlord and Tenant Relationships: Residential Tenancies (Landlord and Tenant Act, S.B.C. 1974, c. 45)*
- 3 *Frustrated Contracts (Frustrated Contracts Act, S.B.C. 1974, c. 37)*
- 4 *Debtor-Creditor Relationships: Pre-Judgment Interest (Prejudgment Interest Act, S.B.C. 1974, c. 65)*

Full details of the Commission's work may be found in its annual report, tabled separately.



BRITISH COLUMBIA RACING COMMISSION

Chairman: David W. Gibbons

introduction

The *Racing Commission Act* was passed by the Provincial Legislature in 1959, thereby developing a body corporate known as the British Columbia Racing Commission. The Commission was empowered to govern, direct, control, and regulate horse-racing in the Province and for that purpose the Lieutenant-Governor in Council made regulations with respect to all matters dealing with horse-racing which the Commission now enforces at all authorized race-meetings in the Province.

The B.C. Racing Commission submits a separate annual report of its activities for the calendar year, which report should be consulted for a more detailed account.

general

Horse-racing in British Columbia is continuing to progress satisfactorily with the pari mutuel wagering in 1974 totalling \$66,779,571, thus resulting in a gross Provincial tax of \$5,342,365, an increase in excess of 15 per cent over the previous year. Due to the reduction of nine racing-days at the major Vancouver racing facility, the total attendance at the races in the Province remained constant with 1973. The racetracks in the Province distributed purse money in the record amount of \$3,157,522.

In addition to this amount, owners of British Columbia-bred horses received a further grant of \$667,795 from the Province in accordance with the provisions of the *Pari Mutuel Betting Tax Act*.

The Racing Commission, although very gratified by the impressive wagering statistics, remains determined to involve the Provincial Government in a complete breeder assistance program whereby more money will be paid directly to horse-breeders so that an incentive is established for the breeders to improve their breeding stock. The obvious need for such a program is shown by the sparsity of good-quality racing-stock at racetracks. To this end the Commission has requested that certain funds be allocated in the Racing Commission 1975/76 budget in order to implement a Breeder Awards Program.

thoroughbred racing

Exhibition Park, Vancouver, British Columbia:
The British Columbia Jockey Club was granted 100 racing-days in 1974, a reduction of nine days from the previous year. This reduction was imposed by the Racing Commission because of the apparent inability of the racing industry to adequately supply sufficient horses to race more than the 100 days. The total amount wagered was \$66,419,396, giving a daily average of \$664,193. The daily average attendance totalled 9,134.

The Jockey Club and the track landlord, the Pacific National Exhibition, have agreed that the present facilities at Exhibition Park are inadequate to accommodate properly and comfortably the racing patrons and are therefore presently negotiating the financial arrangements to expand the club-house and grandstand for the 1976 racing season.

ruling of the stewards

There were 103 rulings issued by the Stewards at Exhibition Park during the 1974 racing season for various violations of the rules and regulations. Of the rulings issued, 38 were for careless or faulty riding, 49 for irregular personal conduct of licensees, five for entry or claiming infractions, and six for irregular licensing procedures. The remaining two rulings were made for drug-related offences, one a positive drug finding and one for the possession of injectable paraphernalia. The Stewards utilized the race films on 77 occasions to confirm conclusively suspected or reported rider infractions. These viewings resulted in the Stewards altering the order of finish in 32 races.

horse- racing in the interior

The Commission is concerned with the financial plight of the smaller racetracks in the Province. In an effort to encourage the establishment of new tracks and to assist their development over the initial years of operation, the Commission has allocated funds in the 1975/76 budget, which would in effect rebate to the smaller tracks moneys equivalent to their net pari mutuel tax from the previous year. This money, if granted, will be spent only on projects or for purposes approved by the Racing Commission.

The tracks which will qualify for this assistance are those wagering less than \$100,000 per day on a sliding scale, with a higher percentage being granted to the smaller tracks. In 1974 the pari mutuel tax at the Interior racetracks totalled \$28,354.

COMPARATIVE STATISTICS 1974

Place	Number of Days	Amount Wagered	Daily Average	Average Daily Attendance
Desert Park, Osoyoos	4	\$ 44,506	\$ 11,126	712
Sagebrush Downs, Kamloops	5	173,137	34,627	1,283
Fair Grounds, Williams Lake	4	47,126	11,781	3,661
Sunflower Downs, Princeton	2	36,094	18,047	1,250
Kinsmen Park, Vernon	2	53,568	26,784	1,850

The Deputy Commission Steward, Thomas H. Fell, again represented the Racing Commission at each of the Interior race-meetings, and, together with his co-Stewards, altered the order of finishing in nine races because of riding infractions. The Stewards also were required to disqualify two horses on separate occasions when their urine tests were returned positive for prohibitive drugs. Trainers of the horses in question also received heavy fines for their involvement in these incidents.

**standardbred
racing**

On May 25, eight harness horse races were presented at the Smokey Downs Raceway in Squamish. Unfortunately the weather did not co-operate, but the 600 hearties in attendance wagered \$5,744.

During the course of the summer the Racing Commission received four applications from four independent groups, requesting harness-racing dates at different locations in the Lower Mainland.

A number of meetings were held in the months of July, August, and September to hear the personal submissions of the applicants, and on September 19 the Commission resolved to recommend to the Executive Council that the application received from Cloverdale interests be granted 108 racing-days from mid-October 1975, through mid-April 1976.

The successful applicant has leased the racetrack on the Fair Ground in Cloverdale and has assured the Commission that new barns for a minimum of 500 horses will be constructed and the present grandstand will be properly winterized and renovated to afford the attending patrons the comforts and facilities necessary to promote the sport of harness racing.

**revenue from
horse-racing**

All personnel employed within the confines of the major racetrack in Vancouver and the owners, trainers, and jockeys at the Interior race-meetings are required to be licensed by this Commission.

Assistance is also offered the Consumer Taxation Branch in that the Commission collects the 5-per-cent social services tax on the sale of horses at the supervised race-meetings.

To obtain a clearer picture of the revenues received by the Provincial Treasury from the racing industry, the following breakdown also includes the total pari mutuel betting tax.

	\$
Licence fees	12,632.00
Fines	1,795.00
5-per-cent service tax on bills of sale	11,423.75
5-per-cent social service tax on horses claimed	41,752.50
Pari mutuel betting tax	5,342,365.00
 Total	 5,409,968.25

meetings During 1974 the Racing Commission held 19 formal meetings in the course of administering the *Racing Commission Act* and the regulations pursuant thereto. These meetings were convened to hear appeals from rulings against licensees by the Board of Stewards; licence applications; rule amendments, in particular the consideration of a controlled medication program; racetrack security; thoroughbred racing dates for 1975; and standardbred racing-date applications for 1975/76.

BRITISH COLUMBIA PETROLEUM CORPORATION

Chairman: James Rhodes

Nineteen seventy-four marks the first complete operating calendar year of the British Columbia Petroleum Corporation. The Corporation came into legal existence through an act of the Legislature of the Province of British Columbia during the Fall Session of 1973. The Corporation undertook to become a commercially viable entity on November 13, 1973, through an agreement with Westcoast Transmission Company Ltd. to assume its contracts for the supply of natural gas from producers. The Corporation became firmly established in a financial sense on May 14, 1974, when novation took effect for most of the gas contracts Westcoast held previously with producers.

The agreement with Westcoast places the Province of British Columbia, through the Petroleum Corporation, in a unique position to benefit from the production of natural gas in the Province. Gas previously sold at the wellhead to Westcoast is now sold to the Petroleum Corporation, which in turn sells it to Westcoast for transportation and sale to markets in British Columbia and the northwestern part of the United States. The new arrangement permits the Province to receive a full economic rent for the gas without interfering with the right of private industry to earn a fair profit or with its ability to find new gas supplies. It also enables the Province to exercise control over the production of the gas for the first time in history. Formerly, Westcoast, as the sole buyer, seller, and transporter of British Columbia's gas, determined the volume of gas produced and sold, how it was allocated, and at what price the gas should be bought and sold. These responsibilities now rest with the Petroleum Corporation. Westcoast, at its own request, has become a carrier that transports gas through its pipe-line for a fee. (The fee is based on the cost of service, including a 9.5-percent return on the rate base.)

During the first five months of operation the Petroleum Corporation earned \$21.4 million for the Province; whereas the net income to the Province during the same period in the previous year amounted to approximately \$2.4 million. The new structure provides that the value of the gas sold, above a fair level needed to keep private industry operating, should accrue to the Province.

Royalties have been abolished for those producers who sell their gas to the Corporation. The Corporation pays the producer a price free from direct Provincial taxes for their gas, and then sells it at a mark-up. Thus the profit from the sale of the gas goes to the Province.



It has been the policy of the Petroleum Corporation to pay producers a fair price to encourage the further exploration and production of gas in the Province. The Petroleum Corporation has thus far experienced good relationships with the companies exploring for and producing natural gas in British Columbia. In spite of the implications of the Federal budget, first introduced on May 6, 1974, the industry responded positively to offers made by the British Columbia Petroleum Corporation regarding increased gas prices and new gas purchase contracts. There were some problems encountered in contract negotiations, but generally these were resolved and industry accepted the Corporation as a working entity in this complex industry.

The Department of Mines and Petroleum Resources was able to confirm the feeling the Corporation had, that the industry was responding favourably to the new "rules." The Petroleum Resources Branch noted a renewed interest by companies in both the land bidding and the drilling activity. The total yearly bonus sale figures for the last five years is shown in the graph.

**MINES AND PETROLEUM RESOURCES
TOTAL YEARLY BONUS SALES FIGURES**

1970		\$ 16,339,001
1971		.22,186,251
1972		20,496,121
1973		17,776,468
1974		22,955,335

These figures show the increase in 1974 over the previous four years. Comparison of all past years has shown that 1974 exceeded the previous all-time high in 1971 by \$769,084.

The Department of Mines and Petroleum Resources, in a submission to the B.C. Energy Commission, dated November 8, 1974, shows interesting figures regarding discoveries of new gas reserves. The report indicated that until 1967/68 the annual average discovery rate of new reserves was 250 billion cubic feet per year. From 1967/68 through to 1973 the rate dropped to an average of 150 billion cubic feet per year. However, the first six months of 1974 established some 121 billion cubic feet.

The previously noted subjects of drilling activity, land sales, and discovery of new reserves are the indicators which

can be used to gauge industry response to prices, Government legislation, etc. As noted, the responses in British Columbia in 1974 have been favourable.

In September 1974 the Honourable Donald Macdonald, the Federal Energy Minister, unilaterally set the export price of gas at \$1 per million cubic feet, effective November 1, 1974, for British Columbia, and January 1, 1975, for gas flowing from Alberta. As a result of the gas price increase, the British Columbia Petroleum Corporation prepared to further stimulate the industry by revising the price schedule to pass along a portion of the price increase to industry. In addition, the Corporation is preparing plans to have Westcoast Transmission extend pipe-line facilities into areas which contain known reserves. These reserves had been developed to the primary stage in past years, but additional drilling had not taken place as there was no pipe-line to take the gas. By constructing a pipe-line into these areas, the Corporation believes that the industry will respond by further exploratory and developmental drilling.

Current projections indicate that an increase of as high as 150 million cubic feet per day could possibly be realized in the winter of 1975/76 with the addition of new pipe-line facilities. The Corporation also plans to authorize the building of new gas-processing facilities to accomplish two objectives. Firstly, it will enable proven and potential new gas reserves in the foothills area west of Fort St. John and Fort Nelson to be brought "on stream." The area cannot be serviced by either the Fort Nelson or Fort St. John gas-processing plants. Secondly, the new gas-processing plants would be strategically located so as to provide back-up for the aging Fort St. John plant and also be able initially, to take up some of the production now going to the Fort St. John plant, thereby relieving the bottleneck.

The British Columbia Petroleum Corporation announced a revised price schedule on November 22, 1974. The price of gas was increased in all categories except old flowing gas. Even this category received some benefit as infill wells and outpost wells drilled in old pools will benefit by price increases. The Corporation plans to have a series of meetings in Calgary to discuss the pipe-line extensions. In summary, it can be demonstrated that the British Columbia Petroleum Corporation has acted in good faith with the petroleum industry. The Corporation is confident that additional gas will flow in 1975/76 as a result of the plans as outlined.

The Corporation at present is assisting industry in finding the most prudent use of petroleum and natural gas. At the request of the Provincial Government, the Petroleum Corporation is studying the economic, environmental, engineering, and marketing feasibility of a 100,000-barrel-a-day oil refinery in the Province, and is currently studying the feasibility of establishing a petrochemical industry.

BRITISH COLUMBIA ENERGY COMMISSION

Chairman: A. R. Thompson

The authority of the British Columbia Energy Commission is provided for in the *Energy Act* assented to on April 18, 1973.

responsibilities	<p>The Commission comprises three departments which deal with areas of responsibility under Parts II, III, and IV of the Act.</p> <p>Part II—Energy Resource Management:</p> <p>The duties under this part are to report when requested by the Lieutenant-Governor in Council on all matters pertaining to energy resources within the Province.</p> <p>Part III—Regulation of Energy Utilities:</p> <p>The duties under this part are the regulation of all energy utilities within the Province, excepting British Columbia Hydro & Power Authority.</p> <p>Part IV—Regulation of Petroleum Industry:</p> <p>The duties under this part, when fully proclaimed by Order in Council, are to regulate and control within the Province the petroleum products industry.</p>
reports	<p>The major task undertaken by the Resource Management Department in 1974 on behalf of the Province of British Columbia was the preparation of submissions to the National Energy Board on the following subjects:</p> <ul style="list-style-type: none">1 Oil Export Hearings2 Natural Gas Price Hearings3 Supply and Deliverability of Natural Gas in Relation to Reasonably Foreseeable Requirements for Use in Canada and Potential for Export Hearings. <p>Also a report was prepared for the Provincial Government on the British Columbia Energy Supply/Demand Forecast 1974 to the year 2006.</p>
activities	<p>The Utilities Department in 1974 held a number of hearings upon applications for Certificates of Public Convenience and Necessity, and amending filed rates and tariffs. The Department also reviewed the annual reports of the utility companies within its jurisdiction, and considered for approval applications for changes in security financing for two utility companies. In addition, the Department dealt with a variety of consumer complaints against utility companies.</p> <p>During 1974 the Petroleum Department investigated refined product price increases associated with the Canada-wide crude price increase of April 1, 1974, and drafted maximum price guidelines which limited increases to consumers. An investigation was carried out into the sufficiency of refinery capacity in British Columbia to determine whether there is a need for additional capacity. A study was made into the outlook for demand, supply, and price of refined petroleum products in British Columbia. Many complaints</p>

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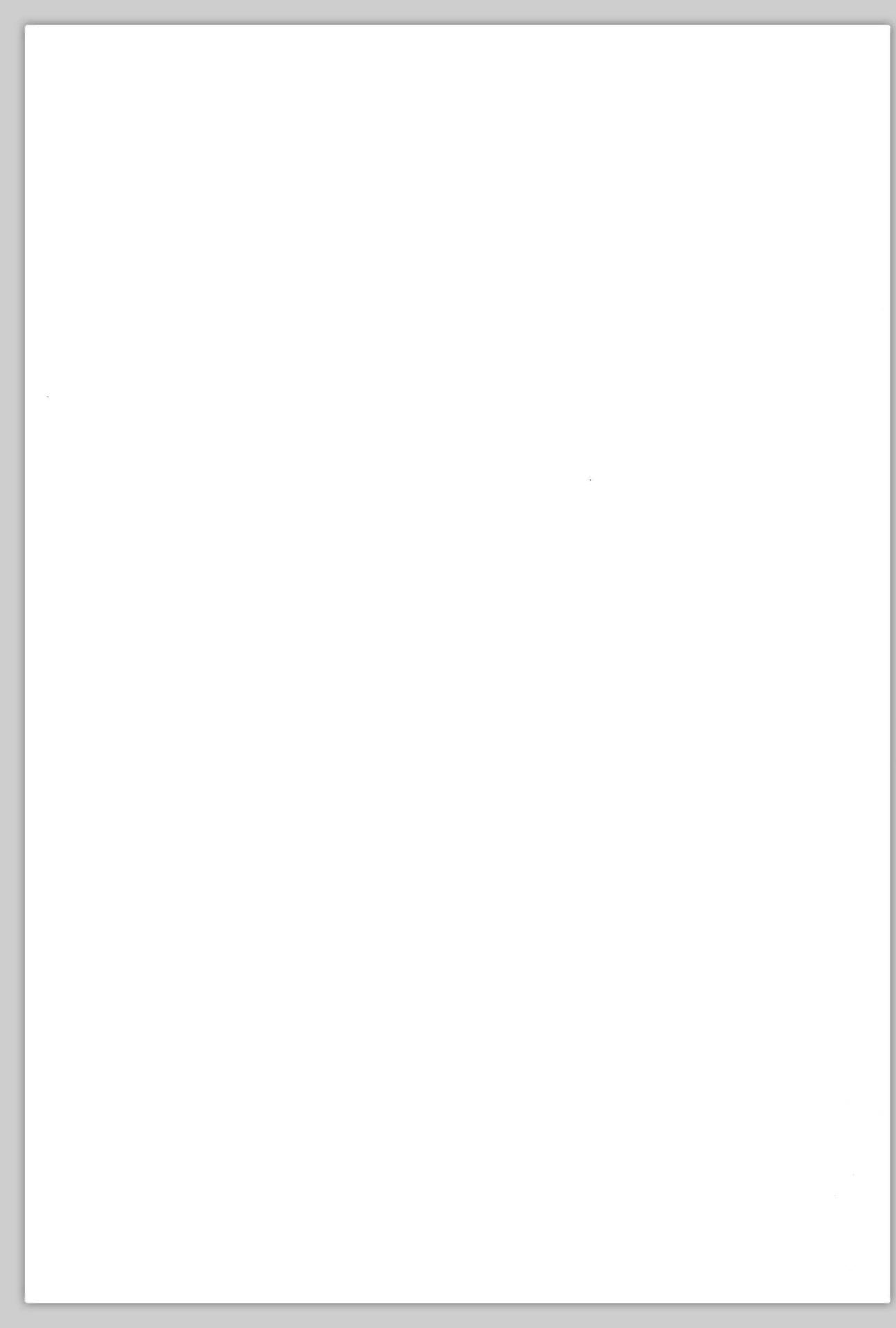
concerning propane price increases were received and studies are under way to determine what relief can be achieved.

The Commission is required under the *Energy Act* to make its own annual report to the Lieutenant-Governor in Council on the 1st day of March in each year for the preceding calendar year. This report should be consulted for a more detailed statement of the operation of the Commission.

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