

MINISTRY  
OF THE  
ATTORNEY-GENERAL

PROVINCE OF BRITISH COLUMBIA

ANNUAL REPORT  
FOR THE YEAR ENDED DECEMBER 31  
1976



*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 Ministry of the Attorney-General of the Province for the year 1976 is herewith respectfully submitted.

GARDE B. GARDOM, Q.C.  
*Attorney-General*

*Office of the Attorney-General*  
*June 1977*

Colonel the Honorable Walter P. Owen, O.C., M.C.  
Minister of the Interior of the Province of Ontario

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The Annual Report of the Ministry of the Attorney General of the Province  
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ARTHUR B. GARDOM, O.C.  
Attorney General

Office of the Attorney General  
June 1977

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## INTRODUCTION

DAVID H. VICKERS, Chairman, Justice Development Commission

This Attorney-General's Annual Report of 1976 is the third report submitted in the history of the Ministry. In past years we have recorded the accomplishments of the individual units of the Ministry—the facts, the statistics, and programs of each separate unit.

This year we have expanded this standard format to provide a general overview illustrating the concepts, challenges, goals, and direction of the administration of justice. For it is these factors that mould the service programs of the Ministry and affect the over-all quality of the justice system.

In my four years with the Ministry, we have attempted to expand the parameters of the justice system—to encourage the participation of community members through justice councils, and to promote stronger links with the local service elements of other Government ministries. We have attempted to develop an appreciation, both within the Ministry itself and in the community, that the administration of justice is often the funnelling point of a variety of social problems. To simply react to these problems as they present themselves is no longer sufficient. Instead, we must plan and anticipate and further develop ties with the community.

The team policing project in the City of Vancouver provides an excellent example of the community, a service unit of the administration of justice, and representatives from the Human Resources and Health Ministries working together.

One of the most notable events in the recent history of the Ministry was the creation of the Justice Development Commission. Although there were times when the work of the Commission received criticism from sectors within the administration of justice and the public, I am convinced the accomplishments achieved through the Commission's work will continue to provide an established foundation for future justice administrations to build upon.

The functions of the Justice Development Commission are found in section 5 of the *Administration of Justice Act*, S.B.C. 1974, c. 3, which reads as follows:

“5. It is the function of the commission

- (a) to develop co-ordinated plans for the future development of the administration of justice in the Province in all its aspects;
- (b) to promote, establish, supervise, and finance research respecting all aspects of the administration of justice within or without the Province;
- (c) to report from time to time to the minister respecting the results of its research, inquiries, and investigations and make recommendations for change, reorganization, and general improvement of the administration of justice;
- (d) to conduct research or inquiries into a particular aspect of the administration of justice and to report and make recommendations to the minister thereon;
- (e) to enter into agreements or arrangements with the Government of Canada or any province or agencies thereof, or with universities, municipalities, regional districts, or any other person or organization for the purpose of research, inquiry, or investigation of, or assistance in, the administration of justice;

- (f) to provide financial assistance to any person or organization undertaking research, inquiries, or investigations under this Act, or operating programmes and projects on behalf of the commission;
- (g) to develop experimental programmes and projects respecting any aspect of the administration of justice, and, with the approval of the minister, to lease buildings, facilities, and employ staff necessary to initiate, develop, and operate such programmes and projects; and
- (h) to perform any other function respecting the development of the administration of justice as the Lieutenant-Governor in Council may order.”

The peak of the Commission's activities occurred in fiscal years 1974/75 and 1975/76 and revolved around the assumption of responsibility for the operation and maintenance of Provincial Courts from local municipalities. This move included:

- (a) A co-ordination of all levels of trial courts. The long-term objective was to insure a minimum standard of services to all courts. In 1974, 80 per cent of all trial activity was criminal in nature and at the level of Provincial Court.
- (b) The development of sound management practices and procedures for the operation of all levels of court services. Included in these moves was the creation of Court Administration, which assumed a large volume of work from local municipalities and the Provincial Department of Finance whose Government Agents had provided services to Court Registries in the County and Supreme Court throughout the Province with the exception of Vancouver, Victoria, New Westminster, and Nanaimo.
- (c) The development of a Provincial Crown Counsel Service.
- (d) The rationalization and improvement of family counselling and probation services which were then centred in many social services departments of local municipalities.

In the course of this vital work the Commission undertook major reviews of management procedures and practices throughout the total justice field and instituted many developmental programs relating to the administration of justice. Details of these programs are contained in publications of the Commission and the two Annual Reports of the preceding fiscal years.

In the past fiscal year it became clear that the major work of the Commission was concluded. The Commission maintained a research department under the able directorship of Dr. Pauline Morris. In addition, the Commission carried out grant funding for developmental projects and agency core funding.

We have now concluded that our work can appropriately be carried out within the Ministry of the Attorney-General and there is no further need for the continued existence of the Justice Development Commission.

In the circumstances, on behalf of the Commission, I now recommend to Government that the *Administration of Justice Act* be repealed upon the following conditions:

- 1 That appropriate steps be taken to insure that the services presently delivered by the Commission be delivered by Ministry personnel. In that regard all present employees of the Justice Development Commission should be assured similar working relationship within Government service.

- 2 Appropriate amendments be made to the *Attorney-General Act* to include, *inter alia*, those functions formerly held by the Commission and enumerated in section 5 of the legislation.

I want to take this opportunity to extend to all those persons who were and are connected with the work of the Commission my sincere thanks for a job well done. The Commission was intended to be a change agent and in that regard it was highly successful. It has clearly demonstrated that effective change can be carried out in an operational setting. Fundamental changes in the administration of justice within this Province have been accomplished and we are all proud to have been a part of that exciting period of our history.

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## OPENING STATEMENT

“The law not only is,  
it is also being and becoming.”

*Chief Justice Bora Laskin (1973)*

The only constant one can apply to the nature of society is that it is a continually changing structure, always being altered by changing life-styles, goals, and living environments.

Any institution designed to serve society, whether it be the law, the administration of justice, or education, must embody society's dynamic character. Institutions can not survive if they stand impervious to social change.

The challenge facing the Ministry of the Attorney-General is to provide sound administration for the various components of the administration of justice—police, Crown counsel, corrections, and courts—while at the same time allowing the flexibility to respond to change in social demands. In seeking this goal, the Ministry must continually strive to strike a balance between efficiency and effectiveness. For, although the Ministry is responsible for the organization, maintenance, and efficiency of the justice system, it is the courts that are designed to hear and try cases and to deliver justice.

Any administrative policy, regardless of its efficiency, that would thwart the court's ability to do justice impinges on the total effectiveness of the justice system. If the system's effectiveness—its ability to deliver justice to the individuals coming before the courts—is sacrificed, the system becomes impotent.

This situation was emphasized in a 1973 Ontario Law Reform Commission report on the administration of the courts, and is equally applicable to the total administration of justice:

“A systems approach to the administration of the courts, that is the orderly and rational process of efficient management, is not free from difficulty. . . .

“While there are many effective management techniques which can be borrowed from business and government generally, they must be adapted specially for the operation of an institution that is typical of neither a business nor a government agency.

“Above all, it must be remembered that the intended product of the court system is justice, of which efficiency, convenience, and cost are only constituent parts and do not together comprise the whole.”

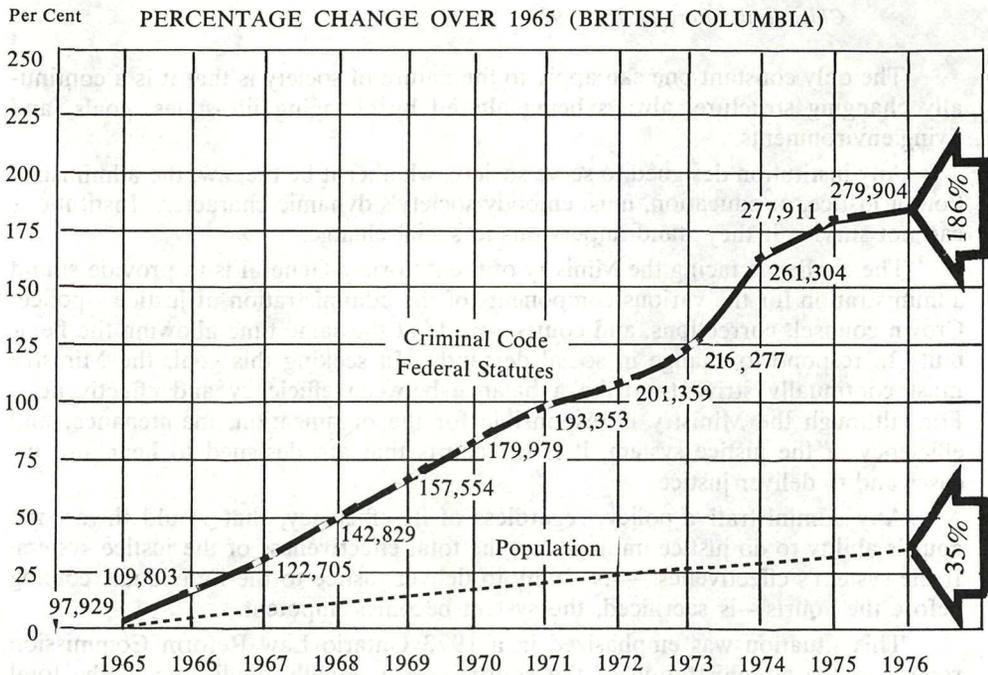
In the past year, the Ministry recorded a stabilization in the increase in the Province's crime rate and in the numbers of people in the Province's remand centres.

It is anticipated that this stabilization in service demands will allow the Ministry the opportunity to further explore and develop future local service requirements.

Although the Ministry assumes fiscal, planning, and manpower training at the Provincial level, it has become apparent that each region in the Province poses a unique set of challenges to the administration of justice. The Ministry is attempting to address these challenges directly at the regional level through the appointment of regional administrative directors and through the encouragement of local community input into the justice system.

The emerging popularity of crime prevention programs sponsored by local police departments is testimony that the general public can be involved in a more active way in the policing and over-all administration of justice system. This has

## CRIMINAL CODE, FEDERAL STATUTE OFFENCES, POPULATION



British Columbia Ministry of the Attorney-General, Justice Information Systems

also proven true in the success of impaired driving courses that were originally promoted and developed by community-based groups, and are now sponsored by the Corrections component of the Ministry.

Local justice councils, already in operation in some of the regions, provide a focal point for community discussion on the wide concerns of the justice system. The councils function as community-based entities open to all interested individuals. The councils stand independent from Government, with the Ministry providing regional co-ordinators to act as planning and communication resources. But the justice councils provide just one possible means of initiating community input. Women's groups, chambers of commerce, and charity organizations also exist as potential resources.

The management decentralization of court administration and corrections is also another possible means of stimulating regional incentive. Each of these components now has a regional administrator within each of the six justice regions in the Province. While policies continue to be set at the Provincial level, operations are the responsibility of the regional directors.

The availability of the regional administrators to respond to the concerns of local community groups creates a two-way information flow—the Ministry becomes sensitized to the aspirations and demands of the particular community, and the community is made aware of the challenges and limitations of the Ministry.

For, just as the law has its limitations, so the administration of justice also has its limitations. Like the law, the administration of justice is not the only mechanism

acting to control human behaviour in the interests of order, nor is it the only mechanism to deal with the resolution of social conflict. The family, the church, and the school are well-known institutions which, among other things, attempt to mediate or deal with social conflict.

As a society we could in no way afford the cost of providing a police officer to monitor the actions of each citizen; nor would we want to. Instead, we rely on the willingness and co-operation of most individuals to stay within the law, and employ our policing resources when co-operative means fail.

The unique nature of criminal activity in British Columbia presents a challenge to both the community and the Ministry. The prominent heroin trade with its international connections, complex distribution networks, and resulting effects of prostitution, bookmaking, and loan sharking demand intensive police investigation and often complex trials to bring the individuals involved before the law.

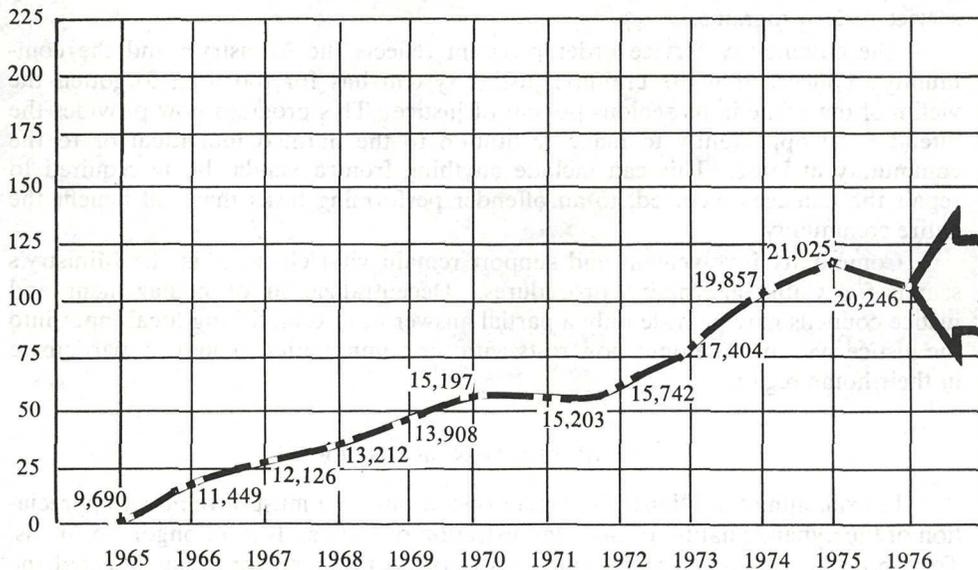
The Ministry and the community must work together to determine their priorities. Indeed, there are individuals whose "minor" infractions must be dealt with. And, indeed, there are others whose "major" infractions must also come before the law.

But should we employ the same system to deal with both?

In an era of increasing numbers of Municipal, Provincial, and Federal laws, should we continue to rely on the full impact of the entire administration of justice to deal with all infractions? Or are there more effective alternatives that can be utilized?

**CRIME AGAINST PERSON (ACTUAL OFFENCES) — MURDER, ATTEMPTED MURDER, MANSLAUGHTER, RAPE, SEXUAL OFFENCES, WOUNDING, ASSAULTS, AND ROBBERY**

Per Cent PER CENT CHANGE OVER 1965 (BRITISH COLUMBIA)



The Ministry continued to be actively involved in 1976 in developing alternative methods to the full trial process.

In the Small Claims Courts the Ministry observed that the judge was often used mainly as an arbitrator in a financial conflict between two parties. The court referee now provides an impartial arbitrator to the parties in conflict before a court appearance in an attempt to resolve the dispute. This system has proven successful not only in diverting cases but also in reaching a mutually satisfactory method of debt repayment so that the parties involved do not have to return to court to obtain enforcement orders.

Throughout the Ministry, diversion programs are also being utilized and refined. Simply put, diversion programs are designed to divert from the justice system those disputes that can be resolved fairly and properly by more appropriate methods.

Diversion can also take place at any point in the administration of justice—a probation officer preparing a pre-court inquiry into an accused's background may suggest a diversion program to Crown counsel, or a police officer apprehending a juvenile on a first shoplifting offence may feel that police attention, combined with a report to the parents, may be a sufficient deterrent.

Pre-trial screening has proven beneficial in other areas. To better settle family disputes, resources were provided for people to reach an out-of-court settlement through the use of no-fault agreements.

It has long been felt that the adversary system was not appropriate in most family problems when the clients are amenable to conciliation counselling. The family counsellors of the Corrections Branch see themselves as being primarily responsible to the clients, using the court as an important resource.

Alternatives to imprisonment are the cornerstone of our corrections policy. As we recognize that not all people run afoul of the law for the same reasons, we must develop different methods of dealing with different offenders.

The Corrections component of the Ministry offers a range of alternatives from custody facilities, forest camps, and community correctional centres to community service order programs.

The community service order program reflects the Ministry's and the community's concern that the criminal justice system has for too long forgotten the victim of the crime in its zealous pursuit of justice. This program now provides the offender the opportunity to make restitution to the harmed individual or to the community at large. This can include anything from a vandal being required to repair the damages incurred, to an offender performing tasks that will benefit the entire community.

Community involvement and support remain vital elements in the Ministry's search for viable alternative procedures. Decentralization of management and justice councils may provide only a partial answer to re-establishing local input into the justice system. The onus now rests with the communities to actively participate in their home regions.

#### ADMINISTRATION OF JUSTICE

In examining the Ministry's current operations, one must develop an appreciation of the dynamic nature of the administration of justice. It is an ongoing process. To appreciate its current status one must look to the past, for it has affected the current operation, and to the future to appreciate the direction of the administration of justice.

## THE PAST

Within the past decade a collection of factors have prompted a national awareness of the state of the justice system, both provincially and federally.

Under the terms of the *British North America Act*, judicial responsibility, among other things, was divided between the Federal and provincial governments. The provinces were made responsible for the establishment, maintenance, and management of provincial prisons; the administration of both civil and criminal justice within the province; and the enforcement of provincial statutes. Two other areas of concern were property and civil rights within the province, and the establishment and tenure of provincial offices and the appointment and payment of provincial officers.

Each province interpreted these responsibilities somewhat differently. In some provinces these duties were performed by two separate ministries, in others by as many as four. In British Columbia the Ministry of the Attorney-General assumed the entire spectrum of responsibilities.

Traditionally, the Provincial Government divided its responsibilities with the municipal governments. The local governments were responsible for the staffing, operation, and maintenance of the municipal courts, providing probation officers, and family court counsellors in their jurisdiction. But the Province's growth, and the increase in demand for court services, prompted the Provincial Government to re-examine the organization of the administration of justice.

If one looks steadily at an object for a length of time, the object becomes blurred. One has to stand back to regain one's perspective—to see the object as a portion of the greater whole.

The Ministry of the Attorney-General, in examining its operations, could not focus on any one component within the administration of justice. The Ministry had to put the individual components in perspective—to see them as composite parts of the whole. For only in examining the whole could an appreciation of each section's contribution to the over-all picture be gained.

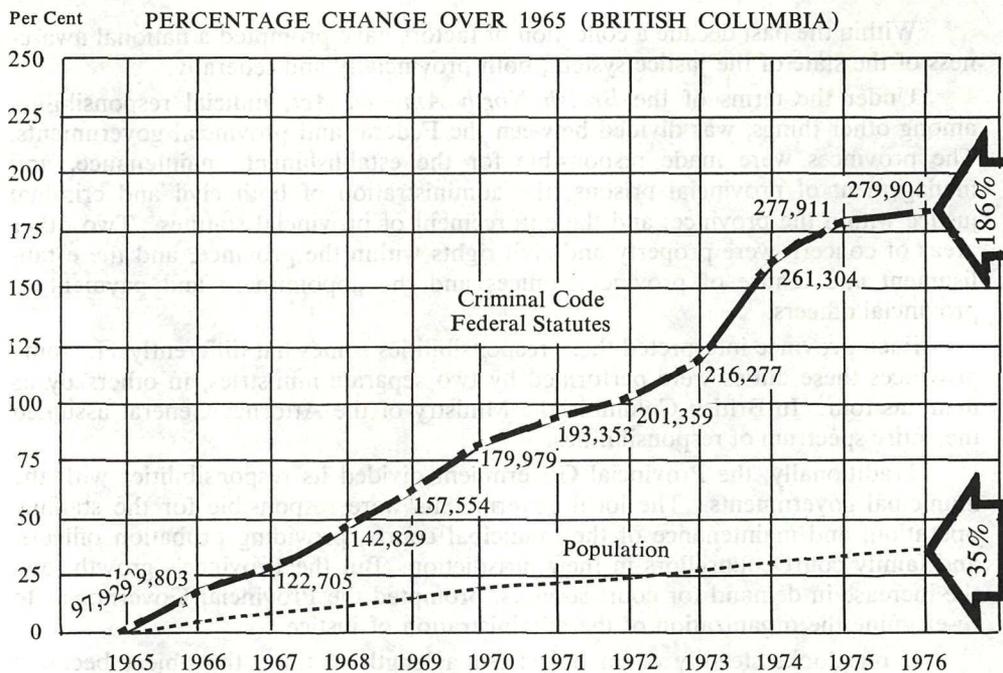
What soon became apparent was the inter-relationship of each of the components. Although police, corrections, and the courts each provided a unique contribution to the over-all administration of justice, the efforts and policies of one eventually had an effect on the other. The nature of charges laid by the police affected the nature of court activity, which in turn affected the character of the local inmate population.

But it became evident that some service components were administratively fragmented internally. The courts, although serving as a single entity in the over-all administration of justice, were under municipal jurisdiction and were subject to a different slate of operational procedures from one area to another.

A similar situation existed in the policing component. The police also were an important link in the over-all administration of justice, but there was often a striking difference in training standards between the various municipal police forces within the Province.

Such variances affect the quality of the total administration of justice. If each of these components was to realize itself as a part of an integrated administration of justice, then it became vitally important that the regional branches within each component view themselves as a cohesive entity, implementing a uniform set of administrative policies.

## CRIMINAL CODE, FEDERAL STATUTE OFFENCES, POPULATION



British Columbia Ministry of the Attorney-General, Justice Information Systems

To achieve this, the Ministry assumed Provincial responsibility for the administration of all courts that had been under municipal jurisdiction, and set up a central body to provide operational uniformity—the Court Administration component. A similar principle, applied to the municipal forces, led to the B.C. Police Commission, created to help achieve uniform operational and training standards.

The drive toward operational uniformity affected all the service components within the Ministry. Forms were standardized. Operation and procedure manuals were issued. And a new emphasis was placed on incorporating modern management techniques to effectively manage and co-ordinate technical and manpower resources, both within the regional operations of the various service components, and in the over-all administration of justice.

### 1976

The year 1976 was a period of consolidation in the Ministry of the Attorney-General. The various service components had completed, or were in the process of completing, their drive toward operational uniformity. In the process of instituting standard operations, the Ministry had developed new programs, new ideas, and new resources. The time had come to assess their progress.

The push to provide standardized procedures had revealed the necessity of effectively monitoring the current status of any one program or component. The Ministry has now developed the tools to achieve this.

The *Budget Planning* unit, following two and a half years of study and development, has now adopted a new interdepartmental finance system.

Unlike its predecessor, which could account for expenditures only after the funds had actually been paid out, the new system has the capacity to reveal what funds have been committed as well as those that have been paid out. The system shows the true financial picture of the Ministry and has proven a valuable fiscal management tool.

In the future, this system will be adapted to determine the correlation between the aims of an individual program, the fiscal resources it demands, and the effectiveness of that program.

The *Systems and Procedures* section now offers the Ministry both the manpower and computer resources to design operational computer systems and interpret raw data into management information systems.

Computer systems have been introduced at the Provincial Court Building in Vancouver and now provide court case information—charges laid, age of case, scheduling times, and stage of case. This court list system has proven a valuable tool for pinpointing the recurring problems in bringing individuals promptly before the courts.

The Systems and Procedures section also completed the definition of a police index inquiry system that provides police officers computer access to existing police information on persons, locations, incidents, vehicle licence numbers, etc.

By effectively utilizing the computer's resources, statistical overviews can be prepared to show the relationships between police efficiency, resulting court cases, ratio of convictions, numbers of offenders given to corrections, and financial costs of the entire operation.

The *Facilities Management* unit of the Ministry also employs a systems approach to determine the current and future facilities requirements of all components of the Ministry.

Just as health, educational, and other services are affected by shifts in population, projected growth patterns, and administrative policy changes, so the service, and consequently the facilities requirements of the Ministry of the Attorney-General, are also affected. Taking these factors into consideration, the Facilities Management unit has prepared an intensive demographic study of the Province, and an inventory of the facilities currently in use by the Ministry.

The thrust toward standard operational procedures had also included an emphasis on providing standardized manpower training within the components of the administration of justice.

The Court Administration Component actively reviewed and developed new programs in 1976

Reviewing:

- A task force examined the effectiveness of the Sheriff Services Division.
- A task force examined the role of court reporters.

Programs:

- Pre-trial programs were being developed to reduce trial delay.
- Witness management programs were being developed to reduce the cost through overtime of police witnesses through the Courts.
- Alternatives were being developed to the adversary system for those kinds of Provincial and municipal regulatory offences that can be better handled through other procedures.

## THE FUTURE

"The art of progress is to preserve  
order amid change,  
and change amid order."

*Alfred North Whitehead*

Some goals had been reached in 1976. Standard operational procedures were realized in most of the service components. The Police College was a reality and was developing advanced training seminars for mid-management police executives and for those already serving in the force. The courts were now operating under a standard set of administrative policies. Some valuable technological resources had been developed.

But there are still challenges to be met.

In the courts, for example, standardizing operational procedures has proven to be but one small step in realizing the full co-ordination of all the participants of a trial—the judge, Crown counsel, litigant, witnesses, lawyers, court reporters, sheriffs, and court clerks.

New programs and new attitudes will be required to fully realize the co-ordinated operation of the courts—an achievement that would result in the reduction of unnecessary trial delay.

The challenge confronting the courts—to fully co-ordinate internal resources to offer a better service—parallels the challenge confronting the over-all administration of justice.

Instituting standard operational procedures had proven to be the first step in realizing the full co-ordination of all the components encompassed by the administration of justice. Decentralization of management is the second phase.

Management decentralization will allow the regional administrators to gain a working familiarity with the over-all administration of justice within a compact version of the Provincial picture. Regional administrators of different components will now promote greater co-ordination of justice services at the regional level. If this can be achieved, it could well lay the foundation for full co-ordination of justice services on a Provincial scale.

In assessing the future development of the administration of justice, the Ministry of the Attorney-General must consider the significance of the stabilization in the increase in the Province's crime rate.

Should this be a continuing trend, the Ministry may have a greater opportunity to expand crime prevention programs in the community, and further concentrate on the organization and development of the civil justice system.

The Ministry also intends to further explore alternative procedures within the justice system that will offer more convenient, less costly services.

The National Task Force on the Administration of Justice, created by Canada's Attorneys-General in January 1976, promises to play an important role in the future development of justice systems across Canada.

The task force was developed to examine the existing justice services in Canada and to gather data relating to the cost of delivery of these justice services, including both operating and projected capital costs. Although the preliminary findings are still under review, it is evident that many of the challenges facing the British Columbia Ministry of the Attorney-General are shared by the majority of provincial justice administrations.

By identifying the major issues on a national basis, it is hoped that national exploratory committees can be formed to deal with specific areas of concern. Employing this method, the individual provinces will gain the practical experience and knowledge of other administrations and will apply this toward finding more permanent solutions.

In planning for the future the Ministry of the Attorney-General must also assess the eventual impact of the current zero population growth. Should the Ministry commit itself to labour and capital intensive programs in light of a stabilizing population that may not exert the demand that has previously been experienced?

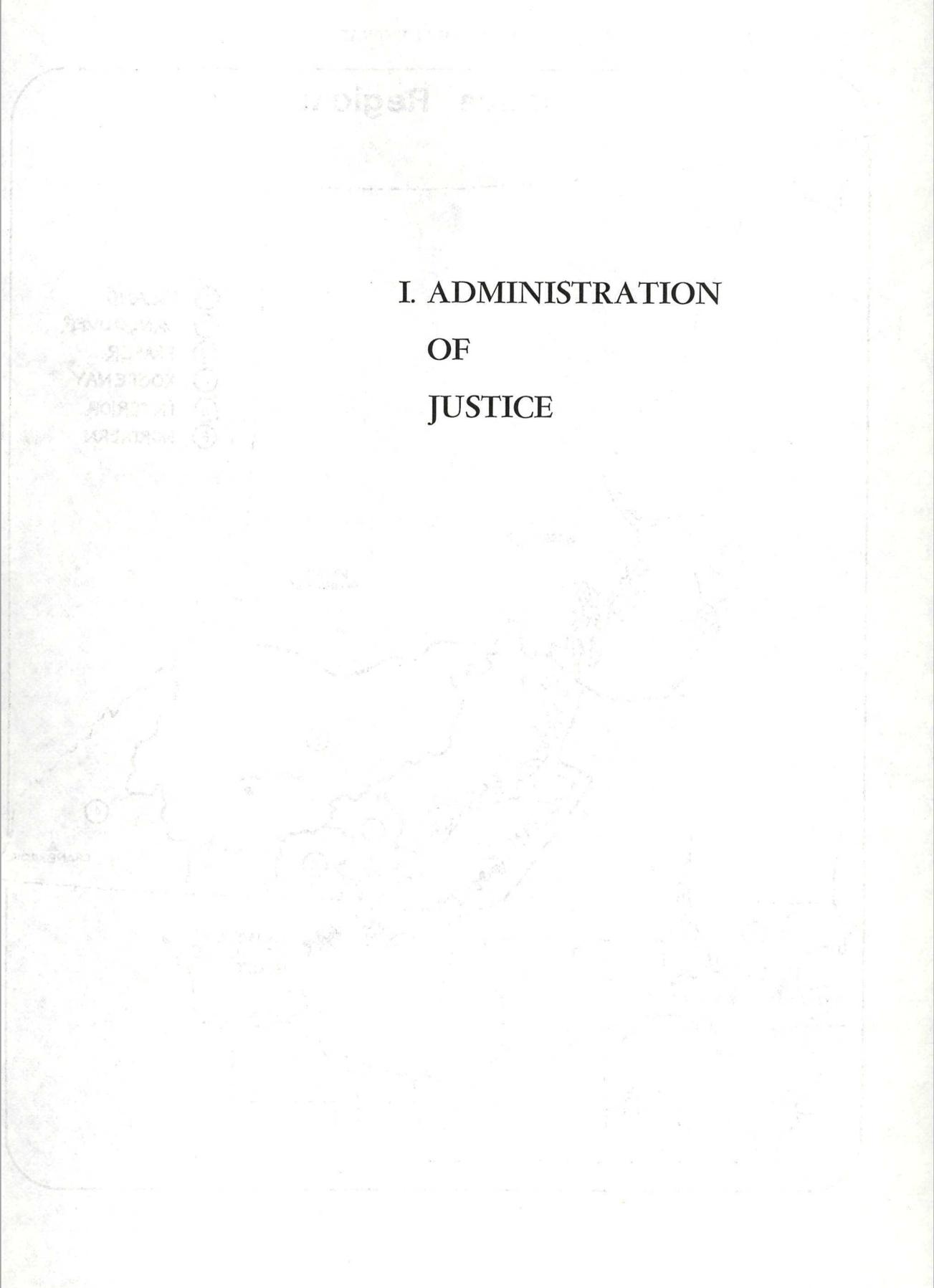
The creation of a Justice Institute, a central educational institution to provide the training programs for all the components in the Ministry, is one of the Ministry's priorities. For, without proper training and proper training facilities, it will be most difficult to improve efforts in crime prevention and the resolution of conflict, and to develop alternatives to present services.

All resources available to the Ministry—the community, regional administrators, and the manpower and technological resources of the Ministry itself—will be extensively utilized to prepare for the future role of the administration of justice.

Region

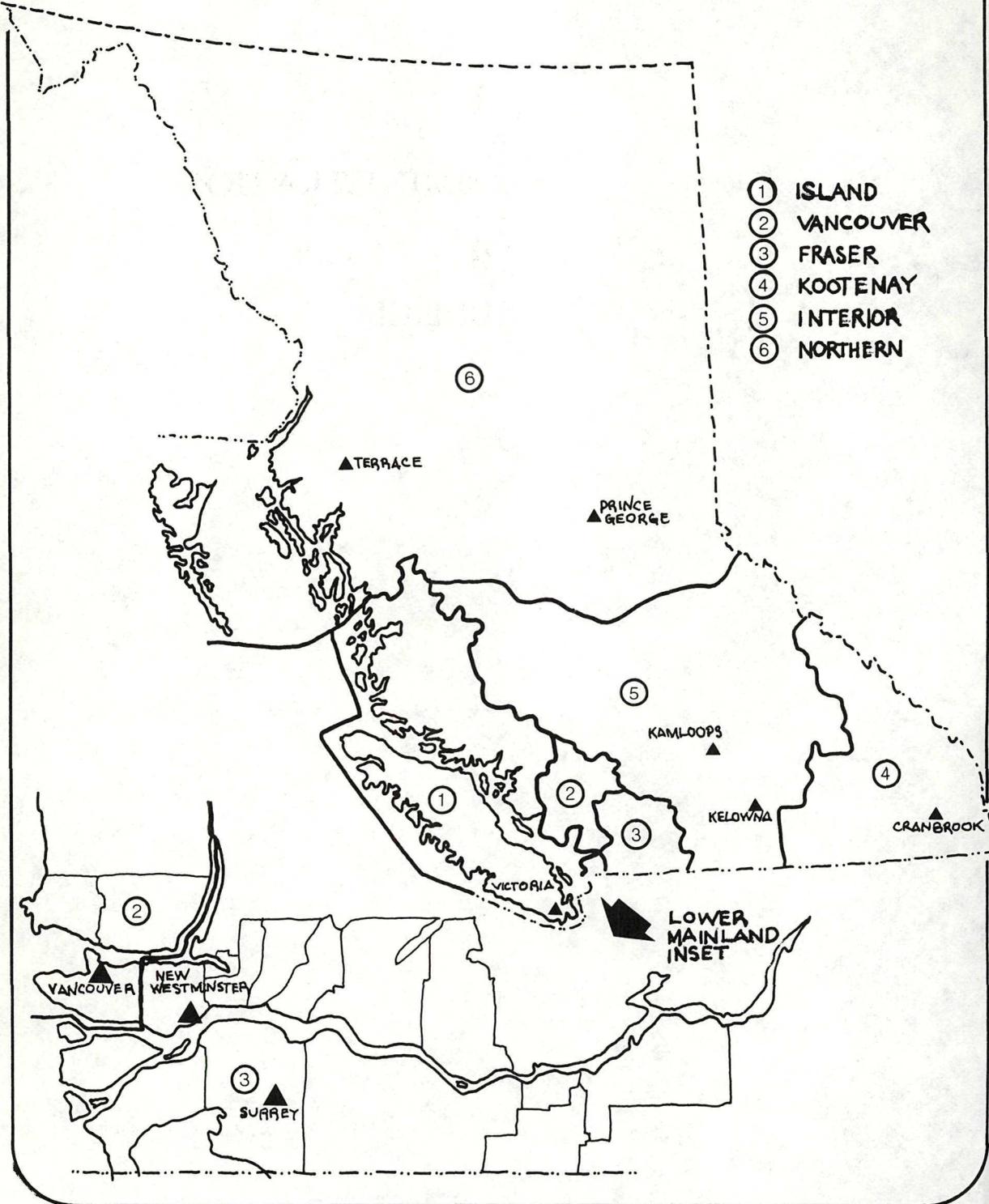
I. ADMINISTRATION  
OF  
JUSTICE

- ①
- ②
- ③
- ④
- ⑤



# Justice Regions

- ① ISLAND
- ② VANCOUVER
- ③ FRASER
- ④ KOOTENAY
- ⑤ INTERIOR
- ⑥ NORTHERN



## COURTS

Director: Associate Deputy Attorney-General DENNIS R. SHEPPARD

### GENERAL ADMINISTRATION

Plans were formulated in 1976 for the management decentralization of Court Administration through the appointment of regional administrative directors in each of the Province's six justice regions.

Following the extensive work completed at the Provincial level in providing standard operational procedures to all courts in the Province to ensure a uniform quality in the delivery of justice, this component viewed the decentralization of management as the next step in the re-establishment of local input.

Each of the three internal branches in Court Administration—Court Reporters, Sheriff Services, and Court Administration—will each have a regional director reporting to the regional administrative head in their justice region.

In the past year, task forces were created to study the use of court support staff, and to examine the status of the Sheriff Services Division.

There are now some 450 sheriffs within the Ministry of the Attorney-General performing courtroom security duties, jury guard functions, prisoner escorts, execution of civil documents, summons, and subpoenas, and witness escorts.

Since the introduction of Sheriff Services in 1974, municipal police officers, who had previously performed most of these court-related duties, have been relieved of most of their court-related functions and have returned to their primary role of policing the community.

### COURTS PLANNING

Director: FRAN PREVOST

The purposes of the Courts Planning component are to provide an overview in qualitative and quantitative terms of the performance of the Provincial, County, and Supreme Courts in the Province. Quantitative studies include the design of court information systems regarding case loads, expenditures, manpower, and facility allocations and the assessment of the data and information produced.

Qualitative assessments include the examination of court services with a view to ascertaining whether or not the courts are achieving their explicit purposes. Studies regarding particular types of offences, the length of time for disposal of offences, and the relationship of court procedures to other justice services and procedures are also carried out.

This component provides special assistance to the Courts regarding administrative procedures and systems employed in the courts, legal assistance is provided regarding administrative procedures and form; special studies and position papers are prepared for the Minister and the Deputy Attorney-General at their request; special assistance is given on joint projects undertaken within the Ministry on special topics such as services to natives, services to children, impaired drivers, and drug abusers.

The Courts Planning Group undertakes the design and implementation of special projects and in these cases have management and administrative responsibility. Such projects include the establishment and extension of the Small Claims Referee, the reorganization of Family and Children's Court Services, and the Hearing Officer.

In 1976 the Courts Planning Group

- assisted in the preparation of the new *Supreme Court Rules*;
- completed a report which assessed the impact on Provincial Courts of current diversion programs;
- continued a review and assessment of diversion schemes in other countries.

### **PUBLIC TRUSTEE**

Director: C. W. FOOTE

The Public Trustee protects the estates and financial interests of minors and mentally disordered persons and settles the estates of deceased persons where no other person is competent to act by

- *direct administration* of the estates and trusts of minors, mentally incompetent persons, and deceased persons as guardian, committee, executor, trustee, and administrator, and under power of attorney;
- *monitoring*—seeing that trusts for minors or mentally incompetent persons are properly performed;
- *investigation*—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 persons.
- *providing legal representation* for those mentally disordered persons or minors for whom the Public Trustee has or may obtain authority to act.

There are approximately 1,600 estates of deceased persons and affairs of approximately 4,500 mentally incompetent persons under administration. About 500 infants' estates are also managed by the office.

A trust review section of the office tries to make sure that trusts for minors or mentally incompetent persons are properly performed, open for independent review, and reasonably secure against loss. Over 2,500 estates are now monitored by the Public Trustee.

The investigation section of the office receives numerous reports each day which require looking into the estates, financial affairs, or legal claims of minors and mentally disordered persons reported as being imposed upon or taken advantage of.

The office also provides legal representation for mentally disordered persons, minors, and the estates of deceased persons.

### **CORRECTIONS**

Director: DR. JOHN EKSTEDT

The services provided by the Corrections Branch include

- *prevention*—individual counselling and community information, education, and involvement (1.1 per cent of operational budget);
- *pre-court*—pre-court inquiries on juveniles and adults, conciliation counselling, diversionary counselling, and activities (5.6 per cent);
- *pre-trial bail supervision*—custodial remand (juveniles and adults), noncustodial remand (juveniles) (17.9 per cent of operational budget);

- *court services*—court resource services, pre-sentence report preparations (juveniles and adults), custody and access report preparation (family matters) (4.7 per cent of operational budget);
- *probation*—supervision of juveniles and adults on probation, enforcement of maintenance orders, provision of specialized attendance programs for juveniles and adults, and special probation programs such as community service and Impaired Drivers' Courses (19.7 per cent of operational budget);
- *institutional*—a total of six security centres, 11 forest camps, three special program facilities, and seven community correctional centres, and one isolated camp, which provide varying levels of security and programming from wilderness programs, farming, and prison industries to continuance of education and employment in the community (49.7 per cent of operational budget);
- *re-entry from prison*—parole supervision for British Columbia parolees, temporary absence, community investigations and supervision (1.3 per cent).

In the past year the Community Services Division, Institutional Services Division, and Inspection and Standards Division, which had formerly existed as three separate divisions within the component, were consolidated, and now answer to one regional administrative head in each of the Province's six justice regions.

In 1976, those offenders granted temporary absences for reasons of employment earned a total of \$940,000, of which 50 per cent was paid back into the community through restitution and fines. A total of \$51,480 was paid toward room and board at the community correctional centres, \$152,736 was paid toward family maintenance, \$72,917 toward debts, and the remaining \$179,860 paid into income tax.

The community service order program recognized the responsibility of an offender to make restitution to the harmed individual or to the community. Community Service officers operated in 24 locations throughout the Province and worked closely with service clubs and the community at large in the development of these programs. Use of this program increased 261 per cent in 1976 over the previous year and, although no evaluative system has been created to date, the general response from the community appears to be favourable.

The Corrections Branch tables a separate annual report in the Legislature.

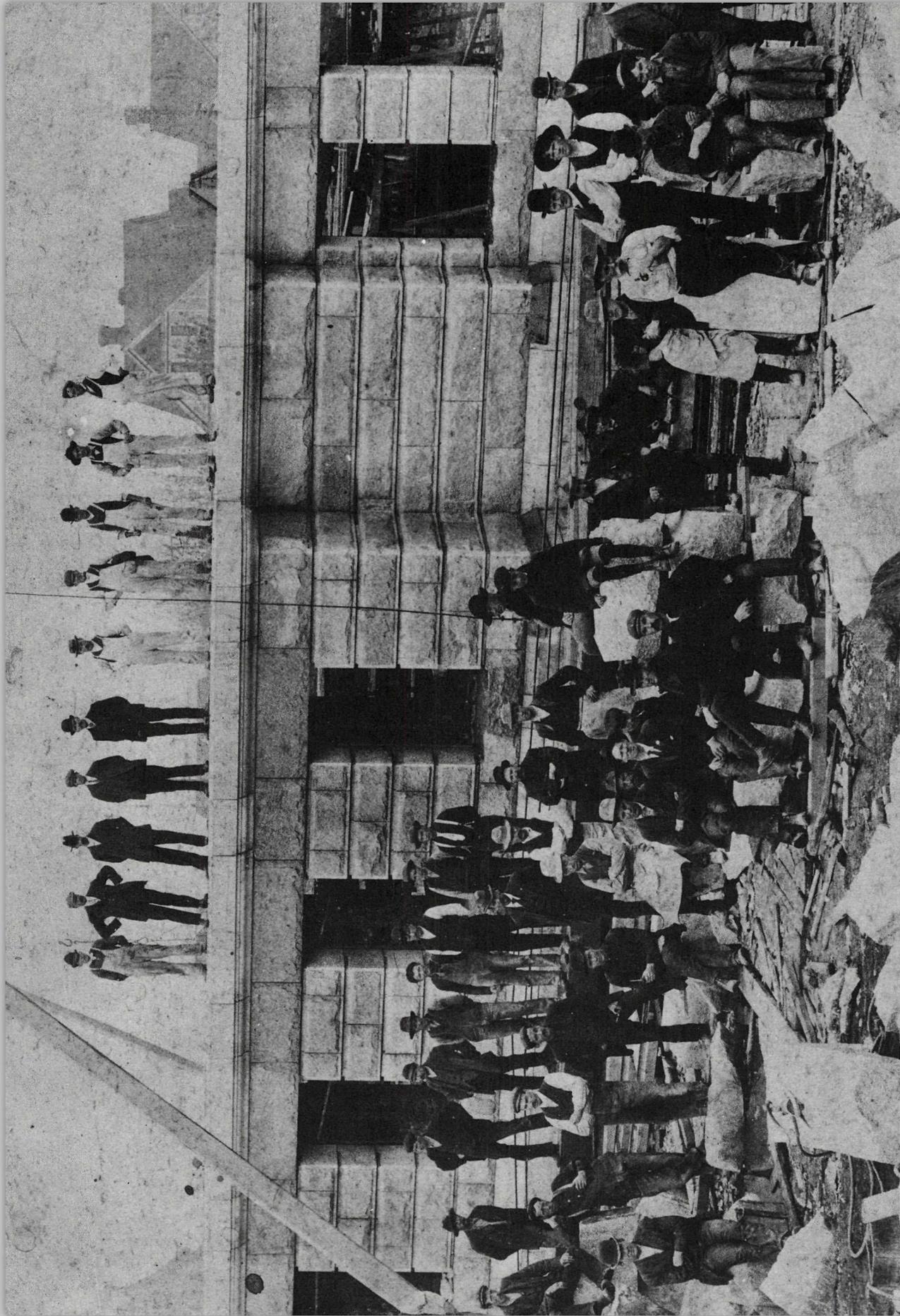
## B.C. POLICE COLLEGE

Director: GERRY KILCUP

The B.C. Police College is the implementation arm of the Police Commission. It is here that the educational ideals and standards set forth by the Commission are realized.

Municipal police recruits attend a three-year program in which classroom learning is continually supplemented by field experience. The programs offered by the Police College—from legal studies to social sciences to practical police techniques—are aimed at assisting police officers to gain

- an understanding of the moral, social, and legal framework of society;
- an understanding of the community, its values, aspirations, difficulties, needs, and resources;



Building the Courthouse, Vancouver, B.C.

- considerable personal strength, autonomy, and self-understanding;
- the ability to understand and communicate with others;
- technical knowledge and competence of the highest order.

Although the Police College has heavily concentrated on new recruit training, plans are under way to initiate the Police Commission's continuing educational policies for members of police forces. In the near future, training seminars for middle management and supervisory personnel will be offered, as well as workshops for constables who have been in the force for a number of years.

In 1976 the Police College developed and provided the training for two emergency response teams to serve the Province. The teams utilize a tri-level approach incorporating the skills of a tactical team, negotiators, and a field commander to handle potentially violent situations.

### **CO-ORDINATED LAW ENFORCEMENT UNIT**

Director: DR. MALCOLM MATHESON

The Co-ordinated Law Enforcement Unit was developed because of a need for a specialized task force which could wage a persistent attack on concentrated criminal activity, such as narcotic trafficking, loan sharking, "white collar" commercial crime, major thefts, and vice.

Structurally, CLEU is three-tiered—the Joint Forces Operation undertakes the actual investigations of criminal activity through a co-ordinated effort involving such diverse bodies as Federal Fisheries, Customs and Postal officials, RCMP, municipal police forces, and CLEU's own investigative team.

The Legal Section is responsible for the prosecution of those persons arrested by the JFO. The Criminal Law Director and the staffs of the Vancouver and Victoria Regional Crown Counsel offices are responsible for legal advice to investigators and prosecutions arising out of the efforts of the two JFO units.

The Policy Analysis Division handles a variety of duties such as evaluative research of specific areas of organized crime, examination of existing legislation to assess its efficiency, administrative duties, and arranging seminars and training courses for police, regulatory bodies, and others involved in the continuing fight against the criminal element.

Due to the sophisticated nature of "modern" crime, CLEU members must continually update their skills and knowledge to effectively police criminal operations. CLEU members have attended seminars in 1976 on surveillance equipment training, economic crime training, introduction and advanced analysis training courses, plus international seminars on organized crime prevention.

The Co-ordinated Law Enforcement Unit tables separate reports to Cabinet and the Legislature.

### **CROWN COUNSEL**

Director: NEIL A. MCDIARMID, Q.C.

Efforts continued throughout 1976 to develop a permanent Crown counsel network to serve the Province, in the belief that a permanent Crown counsel would develop a working familiarity with, and would respond expeditiously to the demands of the criminal justice system.

Twelve Regional and District Crown Counsel have been appointed in the Province, and now assume the responsibility of *ad hoc* Crown counsel appointments in their area. It is hoped that the ability to provide leadership and guidance through Regional Crown Counsel will lead to the better administration of justice.

In the continuing attempt to create a more effective organization, a *Crown Counsel Handbook* was completed and distributed and a Crown Counsel Seminar was held in Vancouver in March 1976.

### REGIONAL JUSTICE CO-ORDINATORS

Director: DON McCOMB

The Ministry has provided six Regional Justice Co-ordinators to act as planning and communication resources to the 52 Justice Councils that have developed in the Province. The regional co-ordinators also act as a liaison between the councils and the Ministry.

Justice Councils are designed to involve the general public in the administration of justice. With the active support of professional staff from the various components of the Ministry—Police, Corrections, Legal Services—Justice Councils work to improve justice services at the local community level.

The typical Justice Council is comprised of members of the community working together on problems they have identified, contributing to the planning of new programs, and informing their community about needs and priorities in justice services. Membership in the councils is open to any interested individual, and although the councils are a community-based entity, standing independent of Government, they often draw on the services of the regional co-ordinators.

In providing a focal point for community discussion on the wide concerns of the justice system, the Justice Councils provide a central forum for all community organizations. In this way, duplication of effort can be considerably curtailed.

The councils do not follow a restricted, binding format. Instead, policies and meeting structures are left to the individuals involved to formulate. It is hoped that the community effort within these councils will expand in the future and provide assistance to the administration of justice.

In the past year the councils themselves initiated the first Justice Council Conference which was held in Cranbrook. This is viewed as a progressive step in expanding local Justice Council concerns to Provincial and eventually Federal matters.

Some of the programs in which Justice Councils have been involved are Impaired Driving Programs, Diversion Programs, and development of community-based resources.

## II. COMMISSIONS

**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. As was stated in last year's report, the nature of the Commission's work does not call for a high degree of visibility, nor, in the ordinary course of events, 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.

A complete account of the Commission's work during 1976 may be found in its own Annual Report, which is tabled separately, but the following summarizes some of the Commission's achievements over the past year.

Final reports were submitted to the Attorney-General on the following:

- The Extra-Judicial Use of Sworn Statements.
- Minors' Contracts.
- The Rule in *Bain V. Fothergill*.

Working papers have been circulated on:

- Statute of Frauds.
- *Hollington v. Hewthorn*.
- Attachment of Debts Acts.
- Creditors' Relief Act.
- Execution Against Land.

Working papers in progress include:

- Bulk Sales Act.
- Class Actions.
- Statute of Frauds.
- Woodmen's Lien for Wages Act.
- Proof of Foreign Marriages.

**JUSTICE DEVELOPMENT COMMISSION**

Chairman: DAVID H. VICKERS

Executive Director: MARK KRASNICK

The Justice Development Commission currently consists of two components—Grant Funding and the Research Centre.

**RESEARCH CENTRE**

Director: DR. PAULINE MORRIS

The Justice Research Centre's primary function is to consolidate and to coordinate the Ministry's research efforts. In its advisory capacity, the centre's staff is available for consultation on matters pertaining to research originating at any location across the Ministry. In addition to its service role, the centre is expected to undertake self-initiated research tasks.

The centre provides a visible and consistent entry point into the Provincial justice system for those persons desiring to do research, regardless of the independent or dependent nature of the research applicant's funding.

In 1976 the Justice Research Centre

- completed *Cui Bono*—a study of Legal Aid and Community Law Offices in the Province, on the request of the Legal Services Commission;
- completed a working paper entitled *Remand in Custody—Some Proposals*.

Work continued on

- impaired driving research;
- Use of discretion in administrative tribunals.

As well, the Research Centre has accepted outside research requests from

- the Law Foundation of British Columbia, to conduct a study into the Changing Role of the Lawyer in a Changing Society;
- the Solicitor General of Canada, to do a study on the Images of Law.

## GRANT FUNDING

Director: MAURICE SHAW

The Justice Development Fund is open to applications in two funding categories—core funding and demonstration/developmental funding.

*Core funding*—Core funding refers to the Government's support for basic administrative costs such as administrative salaries, office overhead, transportation, and clerical expenses. Only established agencies may apply for funding in this category.

Agencies funded in 1976/77 were	\$
Elizabeth Fry Society of B.C. ....	30,000
Elizabeth Fry Society—Kamloops .....	29,958
Elizabeth Fry Society—Okanagan .....	26,936
John Howard Society of B.C. ....	85,800
John Howard Society of B.C.—Kamloops .....	40,000
John Howard Society of Vancouver Island .....	59,552
Lower Mainland St. Leonard's Society .....	30,530
M2 Canadian Job Therapy .....	27,000
Dick Bell-Irving Home .....	10,250
B.C. Borstal Association .....	6,000
Salvation Army .....	15,840
Vancouver People's Law School .....	35,000
Hatfield Society .....	11,970
Victoria Native Diversion Program .....	14,582
Minus One .....	35,000
<b>Total</b> .....	<b>458,418</b>



Scene in the Courtroom, Nanaimo, B.C., on the occasion of the 100th anniversary.

*Demonstration/developmental funding*—This funding is for projects which investigate new models for the delivery of justice services. This category does not include the maintenance of existing services. Following is a list of demonstration projects funded in 1976/77:

*Police and Community Services*—This project, started in August 1975, is a two-year program demonstrating "team policing" and the development of improved co-ordination between the police, probation, social services, courts, and the public at the community level. Funding: \$119,919.

*Delta Unified Family Court Volunteer Co-ordinator*—This project is the community extension of the Unified Family Court Pilot Project. The co-ordinator recruits volunteers to develop and operate programs and activities to which probationers can be referred in order to provide them with situations in which they can learn necessary life skills. Funding: \$20,863.

*Nanaimo Family Life Volunteer Co-ordinator*—The Co-ordinator of Volunteers serves on an interagency basis, to recruit and screen volunteers, and to provide instruction and placement of volunteers in suitable locations. For example, the co-ordinator instructs and places volunteers in co-operation with Community Corrections for one-to-one probation supervision and adult parole cases. Funding: \$23,964.

*Unified Family Court Pilot Project Evaluation*—This research project is conducting an in-depth evaluation of the Unified Family Court Pilot Project. Funding: \$23,400.

*Community Diversion Centre*—This Victoria Diversion Project operates their program at the pre-charge, pre-trial, and pre-sentence levels. The staff identifies those individuals in conflict with the law who can best be diverted to a suitable program making use of the community resources available. Funding: \$65,000.

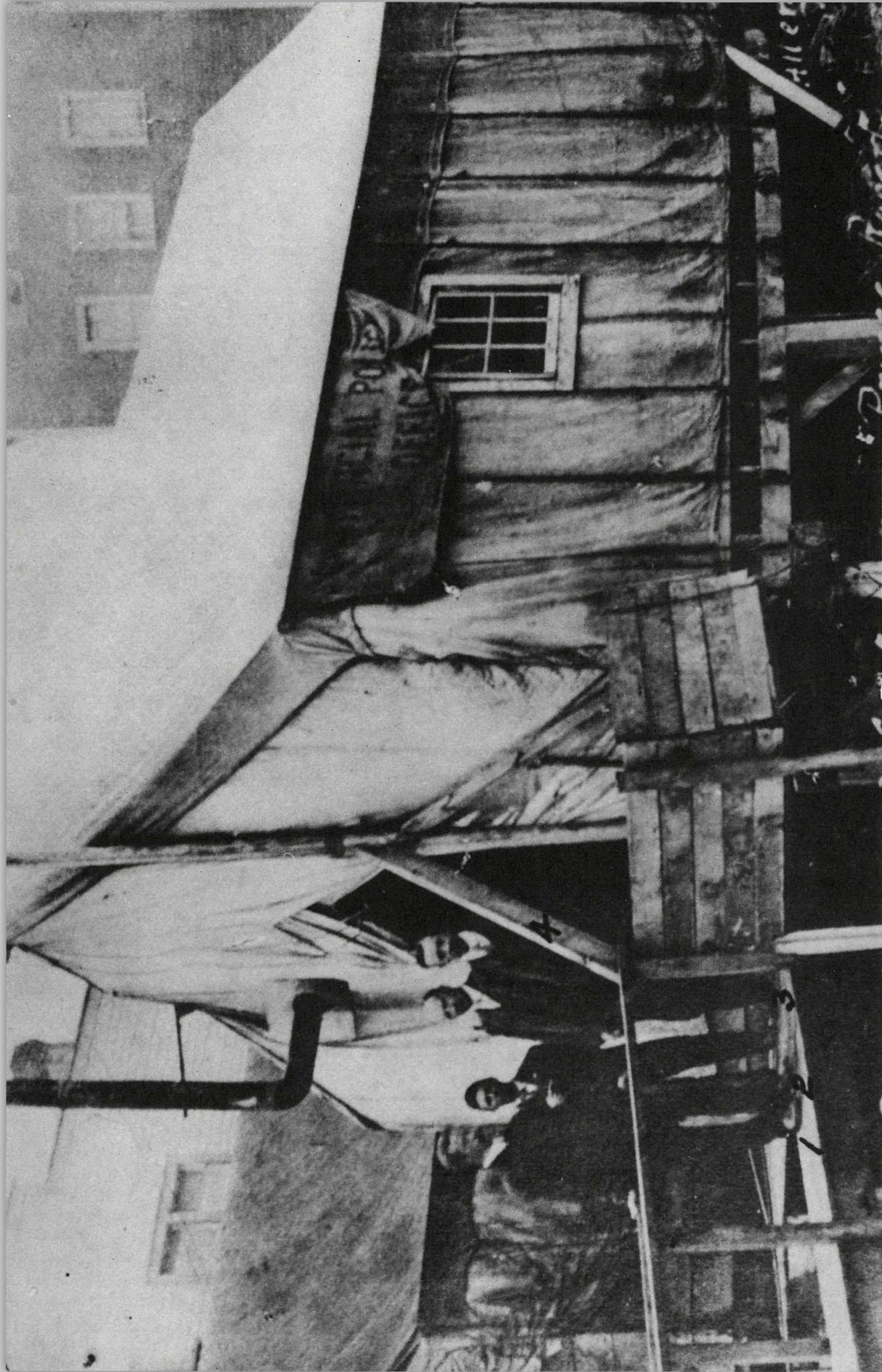
*Target Canada*—This is a two-month project to produce a slide/sound production on Native Values to examine native people's view of modern technology and the effects it has had on their life-style and culture. The production will be used in training programs by the Police College and Corrections. Funding: \$8,875.

*"Three Birds With One Stone"*—This project hired one staff member to carry out three jobs—to implement community service work supervision, co-ordinate an impaired drivers' course, and operate a juvenile attendance centre. It provides several services in a small community that does not need a full-time specialist in any one of these three areas. Funding: \$9,395.

*Native Law Centre*—The Justice Development Fund paid tuition and book fees for five non-status native persons to attend the University of Saskatchewan Native Law Centre for a six-week summer preparatory course, as a condition of admission to the Faculty of Law in British Columbia. Funding: \$5,250.

*Allied Indian and Metis Society*—This society operates the only halfway house in British Columbia for males of native ancestry. Their purpose is to provide supporting services for native offenders and through work release programs and supervision of temporary absences, parole and probation, assist in their reintegration into society. Funding: \$21,000.

*Native Indian correctional workers*—This project will provide two native staff to work in the correctional centres located in Kamloops and Prince George. It will help decrease the high percentages of natives serving both the definite and indefinite parts of their sentences by assisting them in planning a realistic "release plan" to obtain parole. Funding: \$20,000.



First B.C. Police Office, Prince Rupert, B.C., 1908. Left to right: Judge J. McB. Young, Lionel Crippen, William Manson (Government Agent, later M.L.A.), William Vickers (Chief Constable, B.C. Police).

## LEGAL SERVICES COMMISSION

Chairman: DON JABOUR

The programs which provide legal services to the public are administered by the Legal Services Commission, created under the *Legal Services Commission Act* (1975) "to see that legal services are effectively provided to, and readily obtainable by, the people of British Columbia, with special emphasis on those people to whom these services are not presently available for financial or other reasons."

"Other reasons" has been interpreted to include geographic isolation, cultural and language barriers, to economic disadvantages.

Programs funded in 1976 include

- *native programs*—native legal information counsellors working out of community offices;
- *native courtworkers*—native counsellors providing assistance to natives in court;
- *legal aid*—funds are provided to the Legal Aid Society of B.C. to manage criminal and family tariffs and to operate 14 regional offices;
- *community law offices*—a total of 14 throughout the Province utilizing staff lawyers and information counsellors to provide legal services;
- *public schools legal education*—development of curricula concerning law and the legal system from elementary to senior levels;
- *public information and libraries*—work through public libraries to distribute material and hold seminars and workshops on law and legal rights;
- *public legal education*—development of media programs and public meetings to explain law, legal rights, and the legal system;
- *training*—development of training programs for professional and non-professional staff working in community law and legal aid offices.

Attention is being directed to further inform the public in general and youth in particular about the law, legal procedures, and rights and responsibilities under the law with a view to reducing conflict and criminal acts. Efforts are being increased to provide legal assistance at earlier stages where conflict can be resolved without resorting to the courts.

The Legal Services Commission tables an individual annual report in the Legislature.

## B.C. POLICE COMMISSION

Director: DR. JOHN HOGARTH

The B.C. Police Commission is responsible for policing standards, research, recruitment, and training, and the adjudication of disciplinary matters regarding police conduct. The Commission, with police chiefs and police union representatives, has set standards for uniforms, discipline, and training. Special senior management training sessions have been conducted. Along with the police forces, research into crime patterns and police allocations have been carried out.

In the past year, the B.C. Police Commission has encouraged police executives to use modern management principles in identifying problems and opportunities, selecting priorities, developing work plans, assigning resources, and organizing developmental projects. In aiding individual police departments to pinpoint their objectives and then to plan realistic methods of achieving those objectives, the advisory role of the Commission continues to grow.

A most important project of the Police Commission has been in the area of crime prevention, where, to date, it has helped initiate more than 70 projects throughout the Province. These efforts have included reducing opportunities for crime, the resolution of crime in the community without invoking further criminal procedures, public education, and improving police-community relations.

The B.C. Police Commission tables a separate annual report in the Legislature.

III. OFFICE  
OF THE  
DEPUTY  
ATTORNEY-GENERAL

**POLICY PLANNING**

Director: MARK KRASNICK

The Policy Planning Group serves as a policy co-ordinating vehicle for the Ministry of the Attorney-General, linking Ministerial priorities and goals with those of Government, and preparing policy briefing material for decision-makers.

In the past year, some of the areas addressed by the policy planning unit were

- *family law*—reviewing the recommendations of the Royal Commission on Family and Children's Law in the areas of matrimonial property rights, Unified Family Court, maintenance, native lay panels, and children's law;
- *impaired driving*;
- *new Liquor Act and regulations*;
- *law reform and new legislation*.

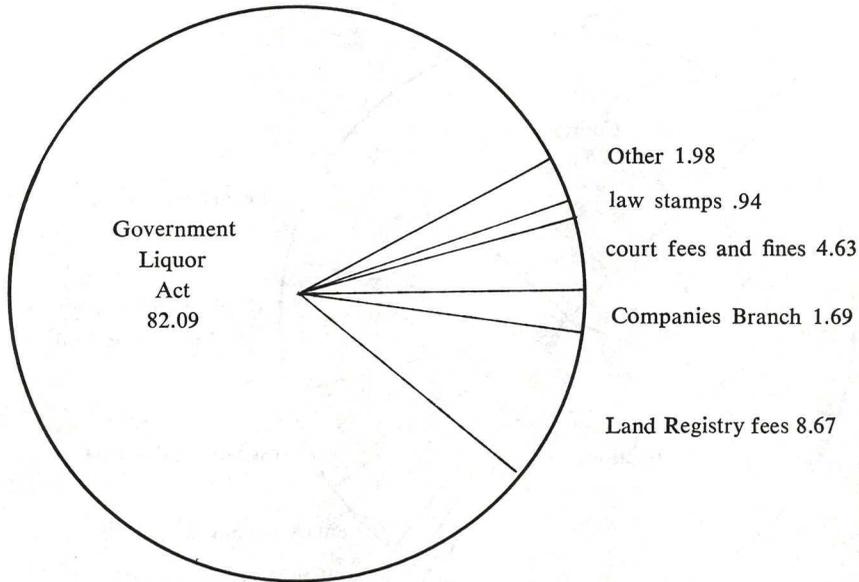
**BUDGET POLICY**

Executive Director: RALPH BAKER

In the past year the Budget Policy Division concentrated on the development of a Financial Planning System. The system, developed in conjunction with the Systems and Procedures section of the Ministry, is viewed as an essential management tool allowing program managers to monitor and measure the efficiency and effectiveness of the various departmental programs by relating actual performance to estimated performance, both fiscally and managerially.

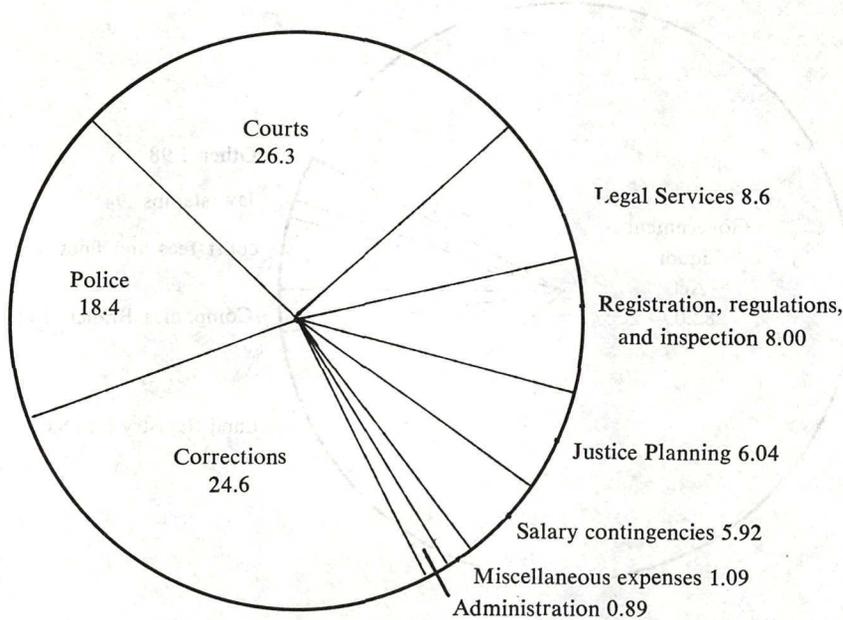
This system has effectively standardized the financial reporting mechanisms of all of the components in the Ministry.

ACTUAL REVENUES, 1975/76



	\$	Per Cent
Companies Branch .....	3,096,819	1.69
<i>Fire Marshal Act</i> fees, etc. ....	989,238	0.54
<i>Insurance Act</i> .....	223,102	0.12
Law stamps .....	1,707,281	0.94
<i>Securities Act</i> .....	197,222	0.11
<i>Administration Act</i> fees .....	192,312	0.11
Land Registry fees .....	15,814,044	8.67
Sheriffs' fees .....	1,013,619	0.56
Court fees and fines .....	8,450,821	4.63
<i>Government Liquor Act</i> .....	149,684,581	82.09
<i>Motion Pictures Act</i> .....	88,829	0.05
<i>Real Estate Act</i> .....	67,153	0.04
Trade licences .....	96,285	0.05
Miscellaneous receipts .....	723,894	0.40
	182,345,200	100.0

ACTUAL EXPENDITURE, 1975/76



	\$	Per Cent
Administration .....	1,045,312	0.89
Justice Planning .....	7,123,011	6.04
Legal Services .....	10,136,085	8.60
Courts .....	31,024,159	26.32
Police .....	21,696,360	18.41
Corrections .....	29,044,640	24.64
Registration, regulation, and inspection .....	9,542,352	8.09
Miscellaneous expenses .....	1,291,579	1.09
Salary contingencies .....	6,977,030	5.92
	117,880,528	100.0

## REVENUE FOR PERIOD 1966/76

1966/67		\$53,167,623
1967/68		\$59,939,699
1968/69		\$66,349,732
1969/70		\$73,328,899
1970/71		\$77,751,093
1971/72		\$99,975,120
1972/73		\$114,020,983
1973/74		\$130,814,864
1974/75		\$146,888,172
1975/76		\$182,345,200

**LAW REFORM CO-ORDINATOR**

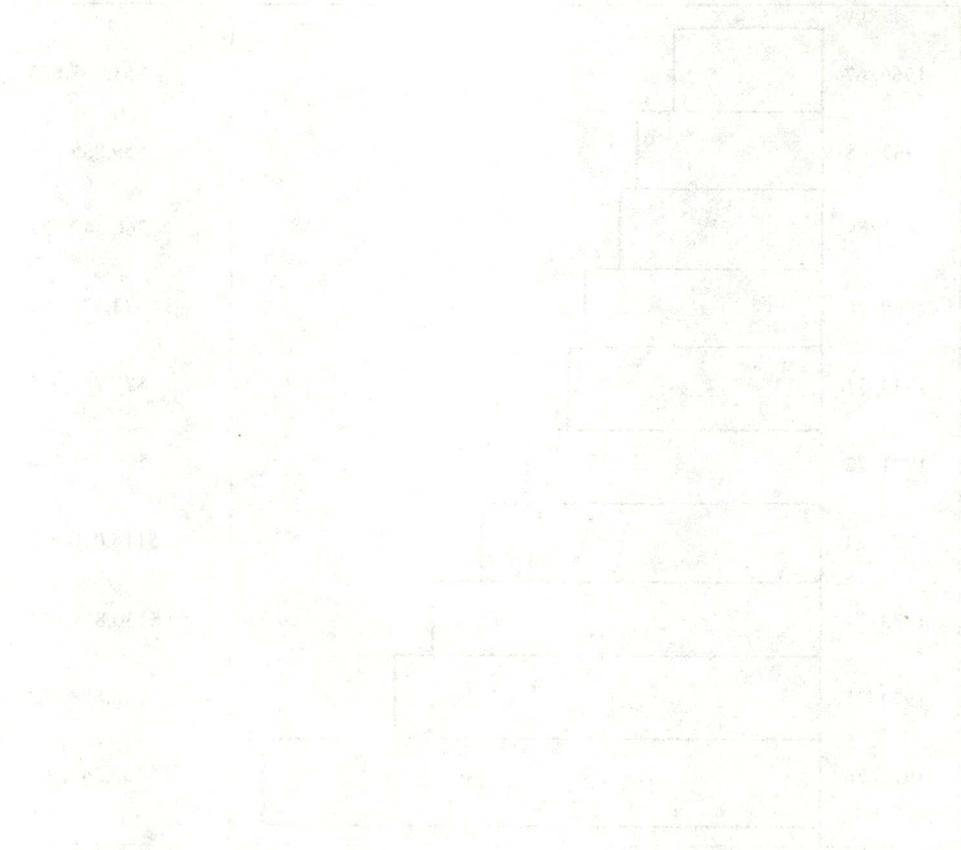
A. B. THORVALDSON

Because of the many working papers and proposals developed by the Federal Law Reform Commission, the Ministry appointed the law reform co-ordinator to act as Federal-Provincial liaison officer to maintain contact with the Federal Justice Department and the Solicitor General, and to provide a Provincial focal point for law reform activities.

**LEGAL SERVICES TO HANDICAPPED**

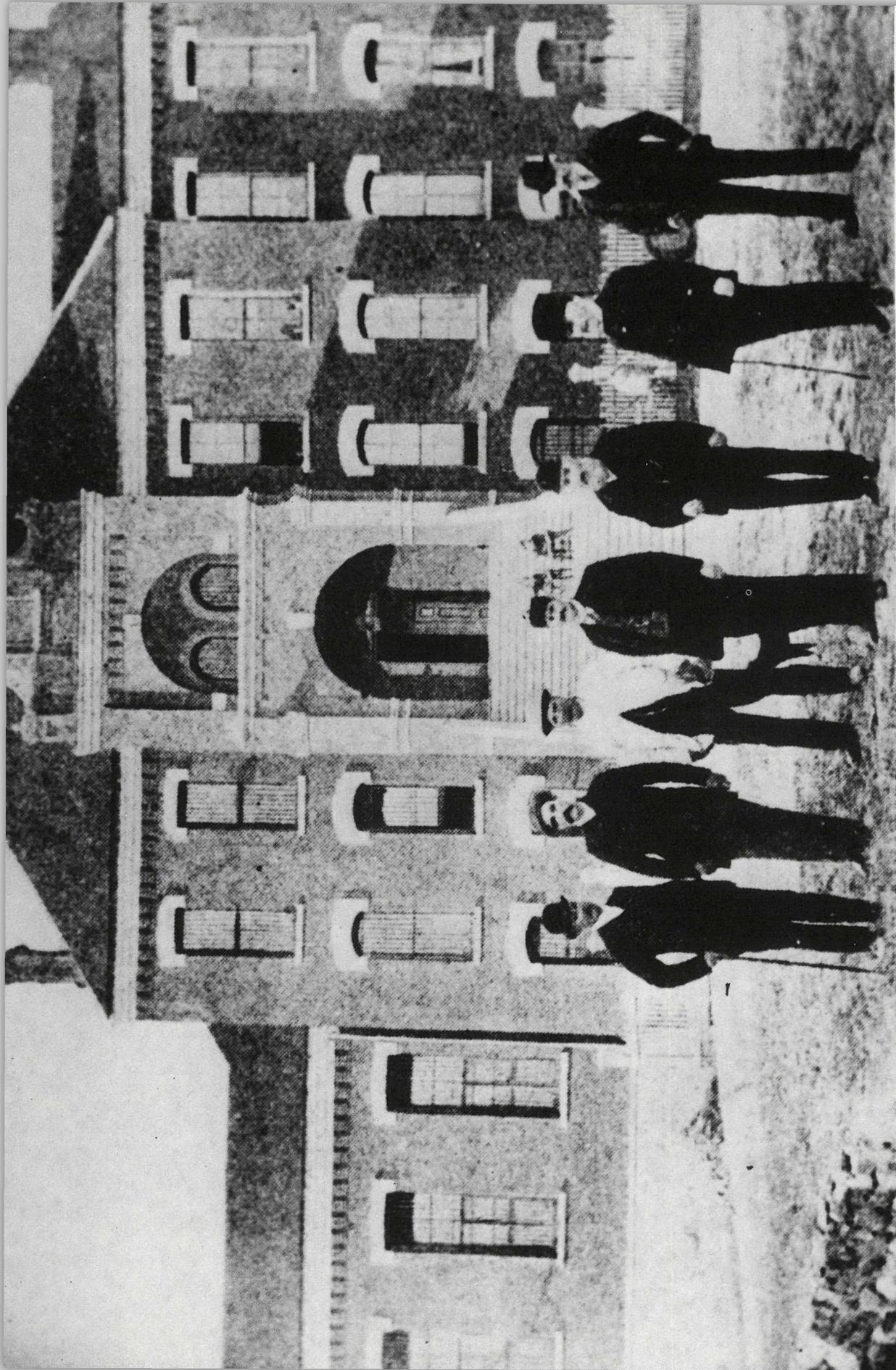
MARK RAETZEN

This unit works in conjunction with the various handicapped organizations throughout the Province in the review and assessment of existing and proposed legislation as it applies to the handicapped population. In this way the emphasis is placed on adopting an active anticipatory role, rather than merely reacting to problems as they arise.



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Hillside Jail, Victoria, B.C. (1892-95). Left to right: Guard Joseph Mellon, Jailer Robert Liddell, Head Guard Almond Thomas, Warden R. F. John, Head Jailer William Muldoos, Guard C. H. F. Blake, and Jailer E. J. Parsons.

IV. LEGAL SERVICES  
TO  
GOVERNMENT

## LEGAL SERVICES TO GOVERNMENT

The Attorney-General's function is twofold.

First, the Attorney-General is an elected representative who heads a Government ministry. He is also a member of Cabinet obliged to advance the interests of his Ministry among his Cabinet colleagues, in caucus and the Legislature.

But there is a second function of the Attorney-General that dates back to the late 18th century. At that time it became apparent that the sovereign could not appear in his own courts to support his interests in person throughout the British Colonies. It was recognized that he could be represented by his attorney, who bore the title His Majesty's Attorney-General. His role also includes that of legal adviser to all ministries of Government and to the Cabinet.

Because the Attorney-General must also be able to advise Government and provide legal opinion irrespective of the implications and independent of the consequences that might flow therefrom, the Attorney-General must show a degree of independence quite different from that required by any other member of the Cabinet.

In the fur-trading, gold rush days of the Province, the Attorney-General, along with a small legal staff, could adequately handle the demands of legal adviser to Government.

After the Second World War, however, the demands and complexities of various areas of law began to multiply, and the staff solicitors began to develop their own specialities.

Today, the result of this specialization is reflected in the Legal Services to Government arm of the Ministry. Five separate components—Civil Law, Criminal Law, Constitutional and Administrative Law, Legislative Counsel, and Statute Revision now support the Attorney-General in his role of providing legal services to Government.

### CIVIL LAW

Director: GERALD H. CROSS, Q.C.

This branch of the Ministry represents the Crown's interests in civil matters. Simply put, this branch is to Government what a corporate lawyer is to a corporation.

The day-to-day tasks performed by this component are

- participating as counsel to Cabinet and committees, particularly those dealing with legislation;
- formulation and initial drafting of legislation and regulations, Orders in Council;
- advising and drafting contractual arrangements;
- interpretation of legislative provisions;
- legal services with regard to foreclosure proceedings where Government mortgages are involved;
- engagement and instruction of counsel for litigation and other hearings involving Government ministries or agencies;

- participation in court proceedings as well as in hearings before the Pollution Control Board;
- conveyancing of land;
- advising on and participating in arbitration proceedings;
- acting on behalf of the Government in negotiations, financial or otherwise.

The Civil Law component comprised nine lawyers and a director in 1976, all working out of the Victoria headquarters.

### CRIMINAL LAW

Director: NEIL A. MCDIARMID, Q.C.

The Criminal Law component

- provides the general administration of the Headquarters staff concerned with the administration of criminal justice;
- is responsible for the operation of Regional Crown Counsel throughout the Province;
- speaks on behalf of the Ministry in giving directions to the police;
- advises all Government ministries on matters of prosecution and the criminal law.

In 1976 there was a continuing and expanding need for the services of the lawyers representing the Criminal Law component. Members of the component participated in the Uniform Law Conference of Canada, and on the Policy Analysis Division of the Co-ordinated Law Enforcement Unit, where their skills are used in the examination of existing criminal legislation and in evaluative research of specific areas of organized crime.

One of the major concerns of this component is the decriminalization of Provincial statutes. This component hopes to bring to the attention of various Government ministries the penal provisions of the various statutes for which they are responsible. From this information they could then consider other and more effective ways of dealing with offenders than through the criminal law process.

## REVISION OF STATUTES

Associate Deputy Attorney-General: DR. GILBERT KENNEDY, Q.C.

This branch of the Legal Department revises and rewrites the Provincial statutes into simple, intelligible language.

Because statutes are amended from time to time, provisions dealing with a specific topic are often found in a variety of statutes under many different headings.

The goal of the Statute Revision component is to materially reduce the numbers of Provincial statutes by consolidating all the provisions that deal with any one topic into one statute incorporating standardized terminology. Provisions governing livestock, for example, are found in a collection of statutes that use a variety of terms, e.g., livestock, herds, cattle, cows, etc. This component has continued in co-operation with Legislative Counsel in reviewing the *Interpretation Act* to provide uniform rules to include, within an expression, those things that have formerly been referred to in a number of ways.

The computer terminal has continued to be of assistance and has allowed this component to conduct searches of the statutes of the Province on a retrieval basis.

## LEGISLATIVE COUNSEL

Director: G. ALLAN HIGENBOTTAM

The functions and purpose of the office of the Legislative Counsel are

- to receive instructions for legislation from all ministries of Government, to research and investigate all aspects of the proposed legislation, to discuss with ministerial officials and Cabinet committees the proposed legislation in all its stages, and to draft and revise the legislation to its final stage;
- to type and record draft legislation in all its stages, arrange the legislation for printing, and co-ordinate this process with the Queen's Printer;
- to maintain and update a library of Federal, Provincial, and English statutes;
- to advise all ministries of Government respecting prospective legislation or regulations and give opinions on legal matters arising out of legislation or regulations;
- 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;
- to advise the Government and Members of the Legislature on the form of bills and legislative procedure in respect to public bills;
- 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 1976, this component drafted 67 bills for presentation in the Legislature. Eleven were left on the order paper and 56 were approved. A further 25 bills were in various stages of preparation.

**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

Director: MELVIN H. SMITH

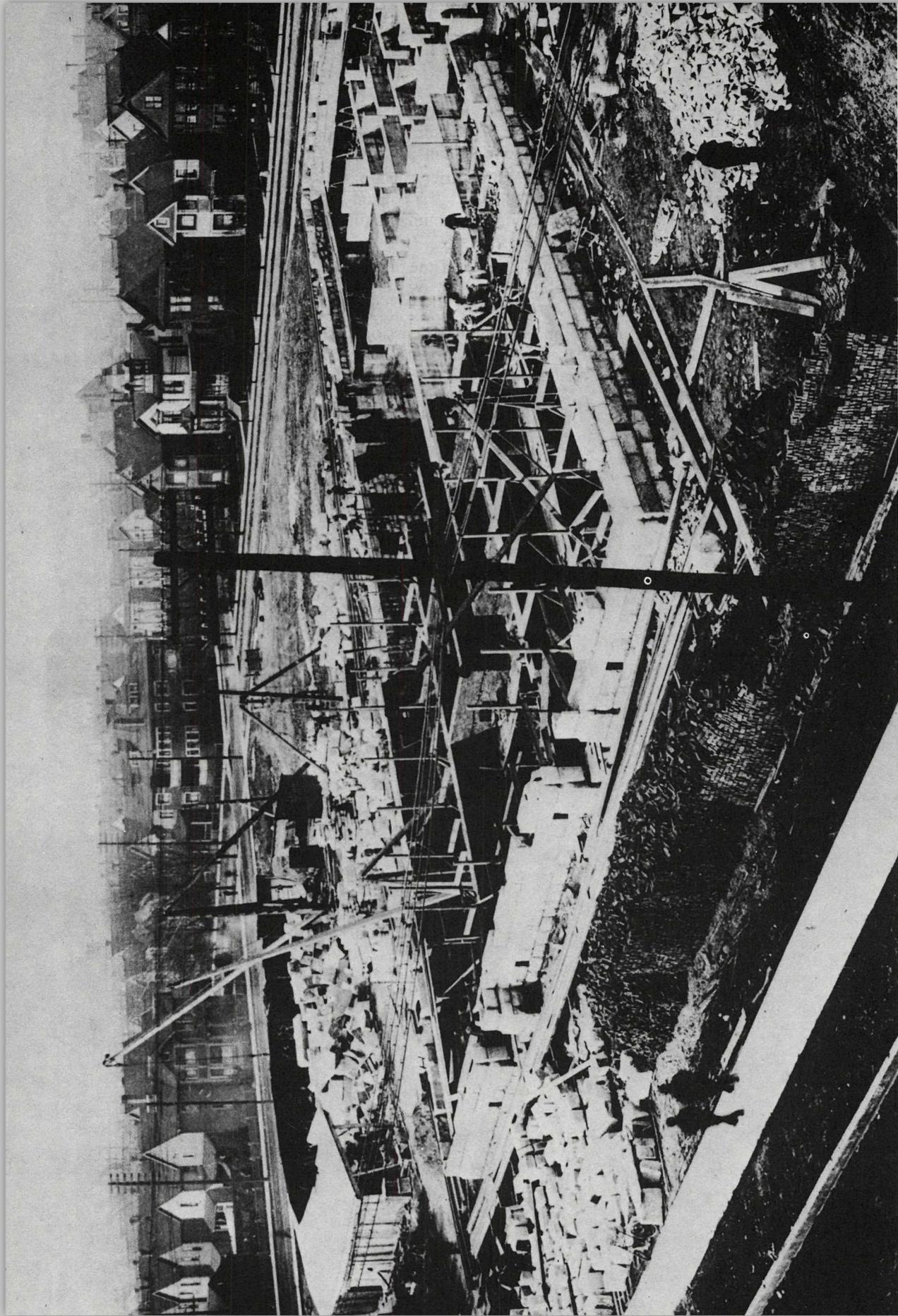
The functions of the Constitutional and Administrative Law section of the Ministry are

- to furnish advice on all constitutional law matters that arise within the Government;
- to directly represent the Attorney-General in all constitutional litigation as it arises, including preparation of the law; liaison with Government ministries whose legislation is in question; acting as counsel, and where appropriate, appointing counsel;
- to monitor Federal legislation and programs, present or proposed, and assess their constitutionality;
- to assess Provincial implications of treaties or other international obligations entered into by Canada and prepare Provincial responses to subject-matters of this kind emanating from the Hague Conference on Private International Law, UNIDROIT, and UN agencies;
- to deal with all applications for judicial review served upon the Attorney-General, except in criminal matters and, where appropriate, appointing or acting as counsel;
- to act upon all notices of proceedings before Federal boards or commissions, such as Canadian Transport Commission, Canadian Radio Television and Telecommunication Commission, National Energy Board, in applications in which the Province has an interest; to prepare the appropriate Provincial response and acting or appointing counsel;
- to assist numerous Provincial boards and commissions, including committees of Cabinet, on administrative procedure matters and other administrative law issues;
- to provide legal advice to inter-ministerial committees on a variety of subjects;
- to provide legal advice to the Intergovernmental Relations Branch on Federal-Provincial matters generally.

In 1976 this branch of the legal services to Government

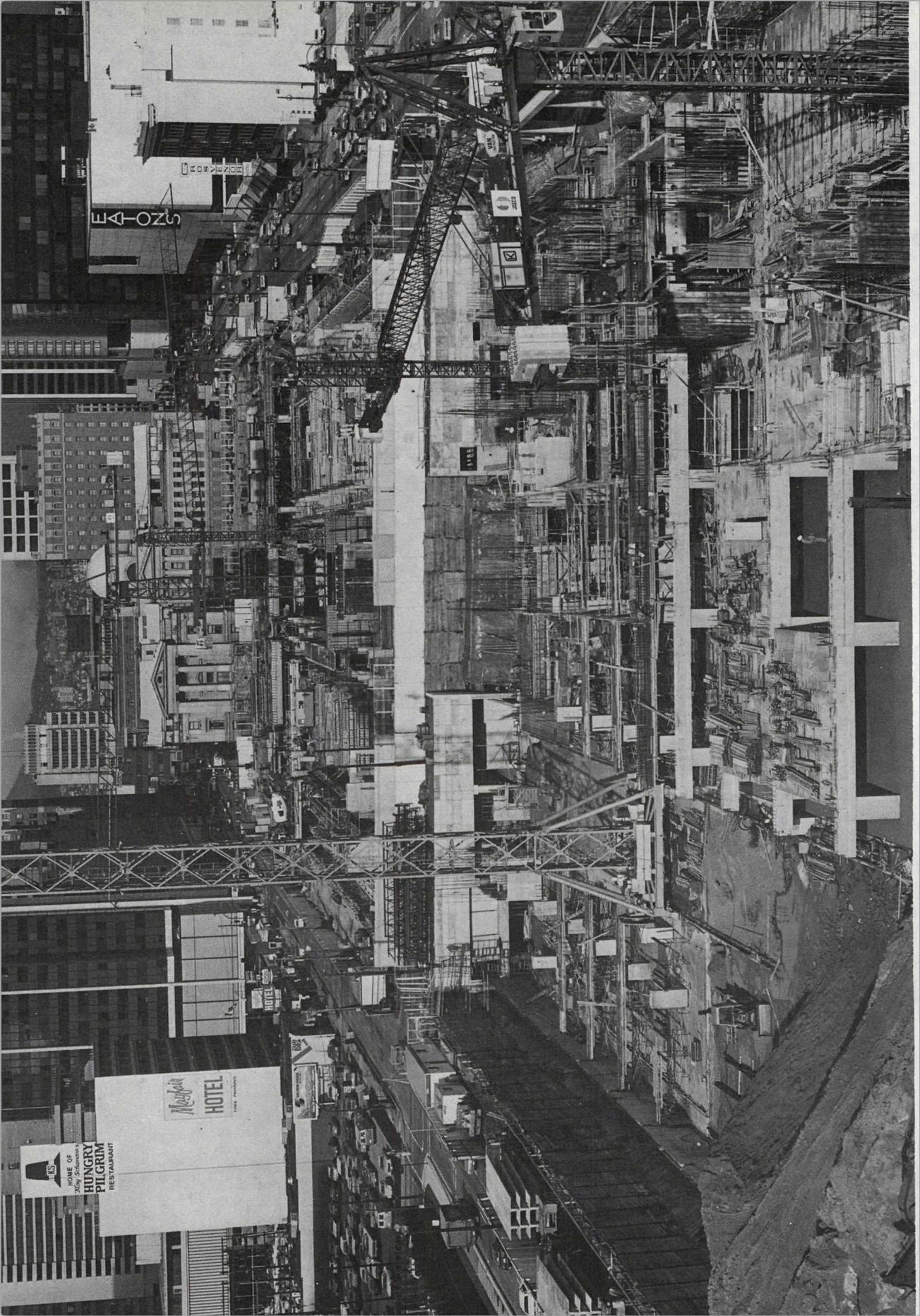
- was directly involved in 10 constitutional cases heard by the Supreme Court of Canada; in five of these the Province was a litigant and in the remaining five the Province intervened either in support of another province's legislation or in opposition to Federal legislation;
- was engaged in preparation and (or) as counsel in approximately 30 proceedings at various stages before either the Supreme Court of Canada, the Court of Appeal, the Supreme Court of British Columbia, or the Federal Court of Canada;
- actively intervened on the Province's behalf before the Canadian Transport Commission with regard to Pacific Western Airlines; the E & N Railway and other railway abandonment applications; also intervened before the Canadian Radio, Television and Telecommunications Commission with regard to the B.C. Telephone Company rate application;

- assisted many inter-ministerial committees, including the Anti-Inflation Committee, Committee on Maritime Boundaries, and the Committee on Electronic Payment Systems;
- analysed Federal initiatives in a variety of areas (*Bank Act, Commission Act, Borrower's Protection Act*) from a constitutional and practical perspective and made recommendations to the Cabinet for an appropriate Provincial response;
- was actively involved in the work of the Western Task Force on Constitutional Trends established by the Western Premiers at their spring 1976 meeting;
- advised the Premier on continuing discussions initiated by the Prime Minister of Canada regarding the patriation of the *British North America Act* to Canada.



Foundation for the Courthouse, Vancouver, B.C., under construction, March 7, 1908.

V. BOARDS  
AND  
TRIBUNALS



## ORDER IN COUNCIL PATIENTS REVIEW BOARD

CHAIRMAN: JUDGE H. S. KEENLYSIDE

The British Columbia Board of Review in respect of Order in Council patients was set up for the Ministry of the Attorney-General at the request of Cabinet in the fall of 1969.

The constitution of the British Columbia Board is by appointment and is made up of three members—a legal representative and two psychiatrists. The Board meets regularly to review the health records of those individuals committed to mental institutions after the courts have accepted the individual's plea of insanity.

The Board meets at the Forensic Psychiatric Institute (Riverview) approximately on a two-weekly basis, and reviews six to eight patients at each sitting. The patient is seen and interviewed personally and may be accompanied by legal counsel, nursing staff, family, or other interested persons. The medical records, and where applicable court transcripts, are reviewed. The recommendations of the rehabilitation conferences held by the treatment staff are also considered.

The Board's recommendations are then forwarded to the Ministry of the Attorney-General, and in turn, are discussed in Cabinet. Any release provisions require an Order in Council.

In this independent role, the Board stands between the treatment staff as the protagonist of the patient, and the Government with its concern for public safety.

## B.C. BOARD OF PAROLE

Chairman: S. ROCKSBOROUGH SMITH

The Board of Parole has two statutory functions to perform under section 150 of the *Prisons and Reformatories Act* (Canada)—to inquire from time to time into the cases of young adult prisoners sentenced to indeterminate periods and, where it thinks proper, to permit prisoners serving such sentences to be paroled under conditions approved by the Solicitor General of Canada. Furthermore, it is assumed by the legislation that the Board will monitor the supervision of those placed on parole and where the conditions of parole are not being maintained, will consider the suspension or revocation of the parole.

The objective of the definite/indeterminate sentence, enacted by the Government of Canada in 1949, is to provide a special type of sentence to enable the young-adult offender (age 22 and under) who has failed in the past to respond to supervision in the community to undergo a period of institutional training followed by release on parole. The Board's task then is to satisfy itself that the offender has reached the stage in his training where he is ready and able to accept the responsibilities of community living under the supervision and direction of a probation officer. He is then released to continue his training in the community on parole.

There were 77 hearings held in 1976; 167 paroles were successfully completed, 62 were revoked.

**CORONERS**

Director: Associate Deputy Attorney-General ALEX L. PEARSON

There are 154 Coroners in British Columbia, 47 of which are doctors, 13 are Provincial Court Judges, 4 are lawyers, and 90 are lay persons. The Coroners are authorized to conduct inquiries and inquests into accidental, sudden, or unnatural deaths in order to determine cause of death.

During 1976, 256 inquests conducted in public with a six-man jury were held, and 3,479 Coroner's inquiries without a jury and without a public hearing, but resulting in reports to the Attorney-General, were carried out.

There are only two operating Coroners' facilities, in Vancouver and New Westminster. The Vancouver office contains the Coroners' laboratory and also houses the Supervising Coroner of the Province.

A move is under way to initiate a Chief Coroner's Office, similar to that already in existence in Alberta and Ontario, to assume responsibility of all Provincial Coroner activities.

**VI. REGULATORY  
AND  
REGISTRATION**

## REGULATORY AND REGISTRATION

This component of the Ministry had, until mid-1976, administrative responsibility for the following departments which have since been transferred to the Ministry of Consumer and Corporate Affairs:

- Liquor Administration,
- Liquor Board,
- Auditors' Certification Board,
- British Columbia Energy Commission,
- Credit Unions and Co-operatives,
- Companies Office,
- Securities Branch,
- Real Estate and Insurance Branch,
- Corporate and Financial Services Commission,
- Rentalsman,
- Motion Picture Classification,
- Rent Review Commission.

The following components remain under the jurisdiction of the Ministry of the Attorney-General.

## LAND REGISTRY SERVICE

Director, Legal Services: J. V. DiCASTRI

There are seven land registration districts in the Province. The business of each office is conducted by an officer called the Registrar; 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 the dual role of quasi-judicial officer and administrator, are to interpret correctly the *Land Registry Act* and all applicable law, and to 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 office in order to secure uniformity and to perform other such duties as may be assigned by the Attorney-General. The Inspector is also available to advise the Registrars on all legal matters and to perform the duties of Registrar.

In 1976 the volume of business in the seven Land Registry Offices showed an increase over the level of the previous year. The number of applications received in 1976 totalled 462,636 as compared to 426,214 in 1975. This figure is restricted to fees—simple transfers, 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 in 1976 totalled \$17,075,176.37 as compared to the 1975 total of \$14,806,808.79.

After 18 months of intensive study, the *Land Registry Act* has been updated and revised and is expected to be introduced in the legislature this year.

A practice manual, consolidating the rules of the Land Registry into one volume, was completed and distributed to the seven offices in the past year.

### **B.C. RACING COMMISSION**

Commissioner: R. E. COLLIS

The Racing Commission is empowered to "govern, direct, control, and regulate horse-racing in the Province," and to fulfil this responsibility, the Commission is guided by the Rules and Regulations of Horse-racing.

With the co-operation of the track operators, the licensed horse-owners, jockeys, and all other personnel employed in the industry, as well as the Canada Department of Agriculture, under whose supervision the pari mutuel betting is operated, horse-racing in British Columbia enjoys the full confidence of the public.

Patrons wagered an overwhelming \$100,033,988 in 1976 on thoroughbred, standardbred, and quarterhorse racing.

The B.C. Racing Commission tables a separate annual report in the Legislature.

### **OFFICE OF THE FIRE MARSHAL**

Fire Marshal: H. K. JENNS

Under authority of section 92 of the *British North America Act*, the Province is charged with the responsibility for protection of life and property. The *Fire Marshal Act* is the statutory vehicle by which the Government of the Province of British Columbia establishes standards for fire safety.

The Fire Marshal's Office provides a nucleus for fire safety activities within the Province and for the regulations of the Act. It functions in the realm of fire investigation and prevention, whereas the matter of fire suppression has been delegated to the local level of government.

Deaths from fire in the Province were down to a total of 110 in 1976, a reduction of 15 per cent from the 1975 total of 129. Although the total number of fires dropped to 7,447 in 1976 from 7,795 in 1975, the dollar loss rose to 77.7 million from 66.5 million in the previous year.

A separate statistical report is prepared by the Fire Marshal and published annually. Following the Attorney-General's presentation to the Legislature, this report is circulated to interested agencies and intensively details the workings of the Office of the Fire Marshal.

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**VII. SUPPORT  
SERVICES**

THE YEAR 1894

1894

## CENTRAL LIBRARY SERVICES

Acting Director: MARIAN RICHESON

This component of the Ministry provides a clearinghouse for information and reports prepared by the different components of the Ministry. It serves as a depository of library material for the Ministry and also assists the service branches in their organization of reference and resource information. All acquisitions for libraries throughout the Ministry are selected by this component.

## PERSONNEL SERVICES

Director: PETER CLARK

The Personnel Services Branch is responsible to the Deputy Minister for all matters relating to personnel administration such as recruitment and selection, classification and organization, labour relations, training, records management, etc.

In 1976, 1,343 persons were hired to replacement or new positions.

This section worked closely with the Classifications Branch in their major reorganization and completed the study of 125 individual classification requirements.

The Vancouver Regional Personnel Office was opened in 1976 and will serve the entire Lower Mainland area.

## FACILITIES MANAGEMENT

Director: FRAN PREVOST

The Facilities Management component services the entire Ministry in examining the existing facilities currently in use and in preparing studies for future development. In 1976 this component was involved in

- the preparation, verification, and updating of an accurate facility inventory of all spaces occupied by the Ministry and assisting the Ministry of Highways and Public Works in verifying their own inventory records;
- the preparation of a proposal to computerize the facility inventory information; working with Justice Information Services to develop a computer program capable of showing all the data, retrieving specific data, and analysing groups of data;
- the preparation of a capital expenditures budget for 1977/78, monitoring facility expenditures and cash flow, and recommending project expenditures;
- providing programming assistance in several major building projects, including
  - Vancouver Courthouse Blocks 61 and 71,
  - Vancouver Remand Centre at 222 Main Street,
  - New Westminster Courthouse,
  - Kamloops Courthouse,
  - Terrace Courthouse;
- assisting Court Services in establishing headquarters in Victoria, and arranging for Regional Managers' offices in the six justice regions in the Province;

- assisting the Corrections component in consolidating headquarters in Victoria, arranging for Regional Directors' offices in the six Corrections regions, and decentralizing the Vancouver Community Services offices;
- assisting the support services of the Ministry in consolidating office locations in Vancouver, and establishing offices for Central Library Services in Vancouver and Victoria;
- working in conjunction with the Ministry of Highways and Public Works on numerous small projects throughout the Province, including obtaining new leases, reassigning office space in Government buildings, and performing minor renovations.

## SYSTEMS AND PROCEDURES

Director: BOB LEIGHTON

This component of the Ministry develops the necessary computer information systems to enable the operational, management, and planning functions of the component managers within the Ministry.

While the primary emphasis of this component is to install comprehensive information systems, of necessity its role embraces a wide range of procedural and other systems matters which support the main objectives.

The organization of this component remains unchanged, with individual groups servicing Police, Courts, and Corrections. A fourth group services the administrative and non-criminal justice areas of the Ministry.

## POLICE

During 1976, this component completed the design of a Police Index Inquiry System (PIES). When in operation, this system will provide an indexing capability for the Vancouver City Police Department in dealing with its vast amount of existing police information.

This proto-type system will be undertaken as a joint project of the Vancouver City Police, the City of Vancouver, and the Ministry of the Attorney-General. On satisfactory completion of the tests, it has been agreed that the City of Vancouver will continue the operation under its own arrangements.

If the testing period proves successful, it is anticipated that arrangements will be made to install the system, with appropriate modifications of scale, in a number of locations throughout the Province.

Of major importance to the Police component is the agreement whereby access can be provided to motor-vehicle ownership information from the computer system of ICBC.

## COURTS

In the past year, this component completed

- consolidation of the court list information system, which collects the vast amount of data concerning the day-to-day operations of the court, and cases brought before them, and provides information to the judiciary, court administrators, and others responsible for the efficient operation of the courts;

- on-line information systems were installed at the Provincial Court at 222 Main Street in Vancouver. Because this location handles a significantly larger proportion of the total case loads of the Provincial Courts, there is a demand for instant information on status of persons and cases. During the past year the necessary on-line systems to furnish all concerned with this information were designed, installed, and put into operation.

### CORRECTIONS

This section completed a master plan for the upgrading and extension of all information services for the administration of the Province's correctional services—institutional, probation, pre-sentence, investigation, etc.

Comprehensive surveys of information needs were carried out and now await Treasury Board approval.

The Systems and Procedures section also played an important role in the installation of the new finance system.

### FINANCE AND ADMINISTRATION

Director: RALPH BAKER

The Finance and Administration Division functions as the general administration and support program for the entire Ministry and is responsible for

- budget planning and preparation,
- budget control,
- accounting,
- payroll,
- personnel,
- purchasing.

During the 1975/76 fiscal year, revenue amounted to \$182,345,200 and expenses totalled \$117,880,528, leaving an excess of \$64,464,672.



**ACTS ADMINISTERED BY THE ATTORNEY-GENERAL**

- Absconding Debtors  
 Accumulations, 1967 (rep. 1975, c. 53 o/c)  
 Administration  
 Administration of Justice  
 Age of Majority  
 Air Space Titles  
 Aliens  
 Arbitration  
 Architectural Profession  
 Assignment of Book Accounts, 1961  
 Attachment of Debts  
 Attorney-General
- Bail  
 Bills of Sale  
 Bulk Sales
- Certified General Accountants  
 Certiorari Procedure (rep. 1976, c. 25 o/c)  
 Chartered Accountants  
 Commercial Tenancies  
 Community Regulation  
 Companies (s. 346 AG/remainder C&CA)  
 Conditional Sales  
 Constitutional Sales  
 Constitutional Questions Determination  
 Contributory Negligence  
 Coroners  
 Corrections  
 Counties Definition  
 County Courts  
 Court of Appeal  
 Court Rules of Practice  
 Creditors' Relief  
 Criminal Injuries Compensation  
 Crown Franchises Regulation  
 Crown Proceedings  
 Curators  
 Curfew (Unorganized Territory)
- Disciplinary Authorities Protection  
 Distress
- English Law  
 Equal Guardianship of Infants  
 Escheats  
 Evidence  
 Execution  
 Extra-provincial Custody Orders Enforcement
- Families' Compensation  
 Family Relations  
 Federal Courts Jurisdiction  
 Fire Marshal  
 Fireworks Regulation  
 Forged Transfers  
 Fraudulent Conveyances  
 Fraudulent Preferences  
 Frustrated Contracts
- Homestead  
 Horse-racing Regulation  
 Hotel Guest Registration
- Illusory Appointments  
 Infants  
 Inferior Courts Practitioners  
 Innkeepers  
 Insurance (s. 323 A.G./remainder C&CA)  
 Interpretation  
 Interprovincial Subpoena  
 Investment Contracts
- Judicial Review Procedure  
 Jury
- Land Registry (except ss. 102, 118A)  
 Lands Clauses  
 Law Reform Commission  
 Laws Declaratory  
 Legal Professions  
 Legal Services Commission  
 Legitimacy  
 Libel and Slander  
 Limitations
- Married Women's Property  
 Mechanics' Lien  
 Mortgagees' Legal Costs  
 Mortgagors' Relief  
 Municipal (Part XX, administration of justice)
- National Cablevision Limited Transfer of Jurisdiction  
 Notaries
- Occupiers' Liability  
 Official Guardian
- Partition  
 Patients' Estates  
 Pension Fund Societies  
 Perpetuities  
 Plans Cancellation  
 Police  
 Powers of Attorney  
 Prejudgment Interest  
 Privacy  
 Private Investigators' Licensing  
 Probates Recognition  
 Provincial Court  
 Public Officers' Security  
 Public Trustee
- Queen's Counsel  
 Quieting Titles
- Racing Commission  
 Reciprocal Enforcement of Judgments  
 Recognizances

Regulations  
Replevin  
Revised Statutes, 1966

Sale of Goods  
Sales on Consignment  
Security Bonding  
Settled Estates  
Sheriffs  
Short Form of Deeds  
Short Form of Leases  
Short Form of Mortgages  
Small Claims  
Society for the Prevention of Cruelty to Animals, 1968  
Society of Industrial Accountants of British Columbia  
Special Surveys  
Statute of Frauds  
Statutes

Summary Convictions  
Supreme Court  
Survivorship and Presumption of Death

Testator's Family Maintenance  
Trade Licences  
Traffic Victims Indemnity Fund, 1961  
Trespass  
Trustee  
Tug-boat Men's Lien

Unified Family Court  
Uniformity of Legislation

Variation of Trusts

Warehousemen's Lien  
Warehouse Receipts  
Wife's Protection  
Wills  
Woodmen's Lien for Wages

**DIRECTORY**

**Attorney-General**

THE HONOURABLE GARDE B. GARDOM,  
Parliament Buildings,  
Victoria, B.C. V8V 4S6.

**MINISTER'S OFFICE**

DOUG STRONGITHARM,  
Executive Assistant to the Minister,  
Parliament Buildings,  
Victoria, B.C. V8V 4S6.

**Deputy Attorney-General**

DAVID H. VICKERS,  
3rd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

**DEPUTY ATTORNEY-GENERAL'S OFFICE**

BRENT PARFITT,  
Executive Assistant to the Deputy  
Attorney-General,  
3rd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

**POLICY EXECUTIVE**

DAVID VICKERS,  
Deputy Attorney-General,  
3rd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

MARK KRASNICK,  
Director, Policy Planning,  
3rd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

JOHN EKSTEDT,  
Commissioner, Corrections Branch,  
3rd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

NEIL A. MCDIARMID, Q.C.,  
Director, Criminal Law,  
2nd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

DON JABOUR,  
Chairman, Legal Services Commission,  
200, 744 West Hastings Street,  
Vancouver, B.C.

DENNIS R. SHEPPARD,  
Associate Deputy Attorney-General,  
Court Headquarters,  
Law Courts, 850 Burdett Avenue,  
Victoria, B.C.

DR. JOHN HOGARTH,  
Chairman, B.C. Police Commission,  
1755, 409 Granville Street,  
Vancouver, B.C. V6C 1T2.

FRAN PREVOST,  
Director,  
Courts Planning and Facilities,  
500, 1190 Melville Street,  
Vancouver, B.C.

GERRY KILCUP,  
Director, B.C. Police College,  
1755 West First Avenue,  
Vancouver, B.C. V6J 4R5.

DON McCOMB,  
Director, Justice Councils,  
947 Fort Street,  
Victoria, B.C. V8V 3K3.

DR. MALCOLM MATHESON,  
Director, Co-ordinated Law Enforce-  
ment Unit,  
2588 Cadboro Bay Road,  
Victoria, B.C.

**POLICY PLANNING**

MARK KRASNICK,  
Director, Policy Planning,  
3rd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

**BUDGET PLANNING**

RALPH BAKER,  
Director,  
3rd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

**Legal Services to Government**

**CIVIL LAW**

GERALD CROSS, Q.C.,  
Director, Civil Law,  
1st Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

## CRIMINAL LAW

NEIL A. McDIARMID, Q.C.,  
Director, Criminal Law,  
2nd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

CONSTITUTIONAL AND  
ADMINISTRATIVE LAW

MELVIN H. SMITH,  
Director, Constitutional and Adminis-  
trative Law,  
3rd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

## LEGISLATIVE COUNSEL

G. ALLAN HIGENBOTTAM,  
Senior Legislative Counsel,  
Parliament Buildings,  
Victoria, B.C. V8V 4S6.

## STATUTE REVISION

DR. GILBERT D. KENNEDY, Q.C.,  
Associate Deputy Attorney-General,  
Parliament Buildings,  
Victoria, B.C. V8V 4S6.

## LAW REFORM COMMISSION

LEON GETZ,  
Chairman,  
1055 West Hastings Street,  
Vancouver, B.C.

**Administration of Justice**

## COURTS BRANCH

DENNIS R. SHEPPARD,  
Associate Deputy Attorney-General,  
Court Headquarters,  
Law Courts, 850 Burdett Avenue,  
Victoria, B.C.

DAVE WARREN,  
Deputy Director,  
Court Headquarters,  
Law Courts, 850 Burdett Avenue,  
Victoria, B.C.

CLINTON FOOTE,  
Public Trustee,  
635 Burrard Street,  
Vancouver, B.C.

## CORRECTIONS BRANCH

## HEAD OFFICE

JOHN EKSTEDT,  
Commissioner,  
3rd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

## CROWN COUNSEL

NEIL A. McDIARMID, Q.C.,  
Director, Criminal Law,  
2nd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

## B.C. POLICE COMMISSION

DR. JOHN HOGARTH,  
Chairman,  
1550, 409 Granville Street,  
Vancouver, B.C. V6C 1T2.

CO-ORDINATED LAW ENFORCEMENT  
UNIT

DR. MALCOLM MATHESON,  
Director,  
2588 Cadboro Bay Road,  
Victoria, B.C. V8R 5J2.

JUSTICE DEVELOPMENT  
COMMISSION

MARK KRASNICK,  
Executive Director,  
3rd Floor, 1016 Langley Street,  
Victoria, B.C. V8W 1V8.

## JUSTICE TRAINING

GERRY KILCUP,  
Acting Director,  
1755 West First Avenue,  
Vancouver, B.C. V6J 4R5.

## LEGAL SERVICES COMMISSION

DON JABOUR,  
Chairman,  
200, 744 West Hastings Street,  
Vancouver, B.C. V6C 1A5.

## REGIONAL CO-ORDINATORS

DON McCOMB,  
Director,  
947 Fort Street,  
Victoria, B.C. V8V 3K3.

**Boards and Tribunals**

**PROVINCIAL COURT**

HIS HONOUR LAWRENCE C. BRAHAN,  
 Chief Judge of the Provincial Court of  
 British Columbia,  
 800 West Georgia Street,  
 Vancouver, B.C. V6C 1P6.

**CORONERS**

GLEN McDONALD, LL.B.,  
 Supervising Coroner,  
 240 East Cordova Street,  
 Vancouver, B.C. V6A 1L3.

**ORDER IN COUNCIL PATIENTS  
 REVIEW BOARD**

JUDGE H. S. KEENLYSIDE,  
 Chairman,  
 5642—176A Street,  
 Surrey, B.C.

**B.C. PAROLE BOARD**

S. ROCKSBOROUGH SMITH,  
 Chairman,  
 1975 Melville Street,  
 Vancouver, B.C. V6E 2W6.

**Regulatory and Registration**

**LAND REGISTRY OFFICES**

J. V. DiCASTRI,  
 Director, Legal Services,  
 5th Floor, Courthouse,  
 850 Burdett Avenue,  
 Victoria, B.C.

**B.C. RACING COMMISSION**

R. E. COLLIS,  
 Commissioner/Secretary,  
 210, 4259 Canada Way,  
 Burnaby, B.C.

**FIRE MARSHAL**

H. K. JENNS,  
 Chief Fire Marshal,  
 2780 East Broadway,  
 Vancouver, B.C.

**Support Services**

**FINANCE**

GORDON HOGG,  
 Director,  
 947 Fort Street,  
 Victoria, B.C. V8V 3K3.

**PERSONNEL**

PETER CLARK,  
 Director, Personnel Services,  
 947 Fort Street,  
 Victoria, B.C. V8V 3K3.

**SYSTEMS**

BOB LEIGHTON,  
 Director, Systems and Procedures,  
 7th Floor, 1190 Melville Street,  
 Vancouver, B.C.

**FACILITIES**

FRAN PREVOST,  
 Director, Facilities Management Unit,  
 500, 1190 Melville Street,  
 Vancouver, B.C.

**LIBRARY AND INFORMATION  
 SERVICES**

Ms. MARIAN RICHESON,  
 Acting Director,  
 200, 744 West Hastings Street,  
 Vancouver, B.C.

**REGIONAL MANAGERS****Court Administration***Region 1:*

JIM HACK,  
201 Burns House,  
26 Bastion Square,  
Victoria, B.C.

*Region 2:*

HUGH GAFFNEY,  
302, 1190 Melville Street,  
Vancouver, B.C.

*Region 3:*

ROY PETTIT,  
320, 522 Seventh Street,  
New Westminster, B.C.

*Region 4:*

DENIS MITCHELL,  
204, 14A—13th Avenue South,  
Cranbrook, B.C.

*Region 5:*

DON KIDD,  
301, 1174 Battle Street,  
Kamloops, B.C.

*Region 6:*

STEVE RUMSEY,  
505, 280 Victoria Street,  
Prince George, B.C.

**REGIONAL DIRECTORS OF CORRECTIONS**

E. W. HARRISON,  
Regional Director of Corrections,  
400, 805 West Broadway,  
Vancouver, B.C.

G. CHAPPLE,  
Regional Director of Corrections,  
Room 350, 546 St. Paul Street,  
Kamloops, B.C.

A. E. NEUFELD,  
Regional Director of Corrections,  
3198 St. John's Street,  
Port Moody, B.C.

J. GRAHAM,  
Regional Director of Corrections,  
Box 2181,  
Prince George, B.C.

J. KONRAD,  
Regional Director of Corrections,  
1693 Highview Street,  
Abbotsford, B.C.

B. JACK,  
Regional Director of Corrections,  
Room 209, 2951 Tillicum Road,  
Victoria, B.C.

**REGIONAL AND DISTRICT CROWN COUNSEL***Region 1A:*

J. W. ANDERSON,  
Regional Crown Counsel,  
1701, 740 Burdett Avenue,  
Victoria, B.C.

RICHARD ANTHONY,  
Senior Prosecutor,  
407, 620 View Street,  
Victoria, B.C.

*Region 1B and 1C:*

D. BLEDSOE,  
Regional Crown Counsel,  
Court-house, 35 Front Street,  
Nanaimo, B.C.

*Region 2:*

A. E. FILMER,  
Regional Crown Counsel,  
Box 10125, Pacific Centre,  
400, 700 West Georgia Street,  
Vancouver, B.C.

R. B. DONALD,  
Senior Prosecutor,  
222 Main Street,  
Vancouver, B.C.

*Region 3:*

A. K. HOEM,  
Regional Crown Counsel,  
201, 5766—176A Street,  
Surrey, B.C.

*Region 4A:*

SEAN MADIGAN,  
Regional Crown Counsel,  
102, 80A Sixth Street,  
New Westminster, B.C.

*Region 4B:*

J. L. GIBSON,  
Regional Crown Counsel,  
81, 77 College Street,  
Chilliwack, B.C.

*Region 5:*

B.C. WEDDELL,  
Regional Crown Counsel,  
201, 1460 Pandosy Street,  
Kelowna, B.C.

*Region 6A:*

D. RYNEVELD,  
District Crown Counsel,  
102, 135—10th Avenue South,  
Cranbrook, B.C.

*Region 6B:*

M. G. L. ANGENE,  
District Crown Counsel,  
373 Baker Street,  
Nelson, B.C.

*Region 7:*

R. C. HUNTER,  
Regional Crown Counsel,  
1165 Battle Street,  
Kamloops, B.C.

*Region 8:*

A. S. K. COOK,  
Regional Crown Counsel,  
519, 280 Victoria Street,  
Prince George, B.C.

*Region 9:*

M. E. FULMER,  
District Crown Counsel,  
1, 535 Third Avenue West,  
Prince Rupert, B.C.

**REGIONAL JUSTICE CO-ORDINATORS**

*Director:*

DON R. MCCOMB,  
947 Fort Street,  
Victoria, B.C.

*Region 1 (Vancouver Island):*

Contact person:  
DON R. MCCOMB, Director.

*Region 2 (Vancouver):*

LARRY GOBLE,  
Regional Justice Co-ordinator,  
309, 1740 West Georgia Street,  
Vancouver, B.C.

*Region 3 (South Fraser):*

Contact person:  
LARRY GOBLE.

*Region 4 (North Fraser):*

BETTY TARRANT (Mrs.)  
District Justice Co-ordinator,  
309, 1740 West Georgia Street,  
Vancouver, B.C.

*Region 5:*

Interior:  
BILL MERCER,  
Regional Justice Co-ordinator,  
302, 1174 Battle Street,  
Kamloops, B.C.

Okanagan:

DON ROBERTSON,  
District Justice Co-ordinator,  
206, 260 Harvey Avenue,  
Kelowna, B.C.

*Region 6 (Kootenays):*

JIM MAJCHER,  
Regional Justice Co-ordinator,  
25—10th Avenue South,  
Cranbrook, B.C.

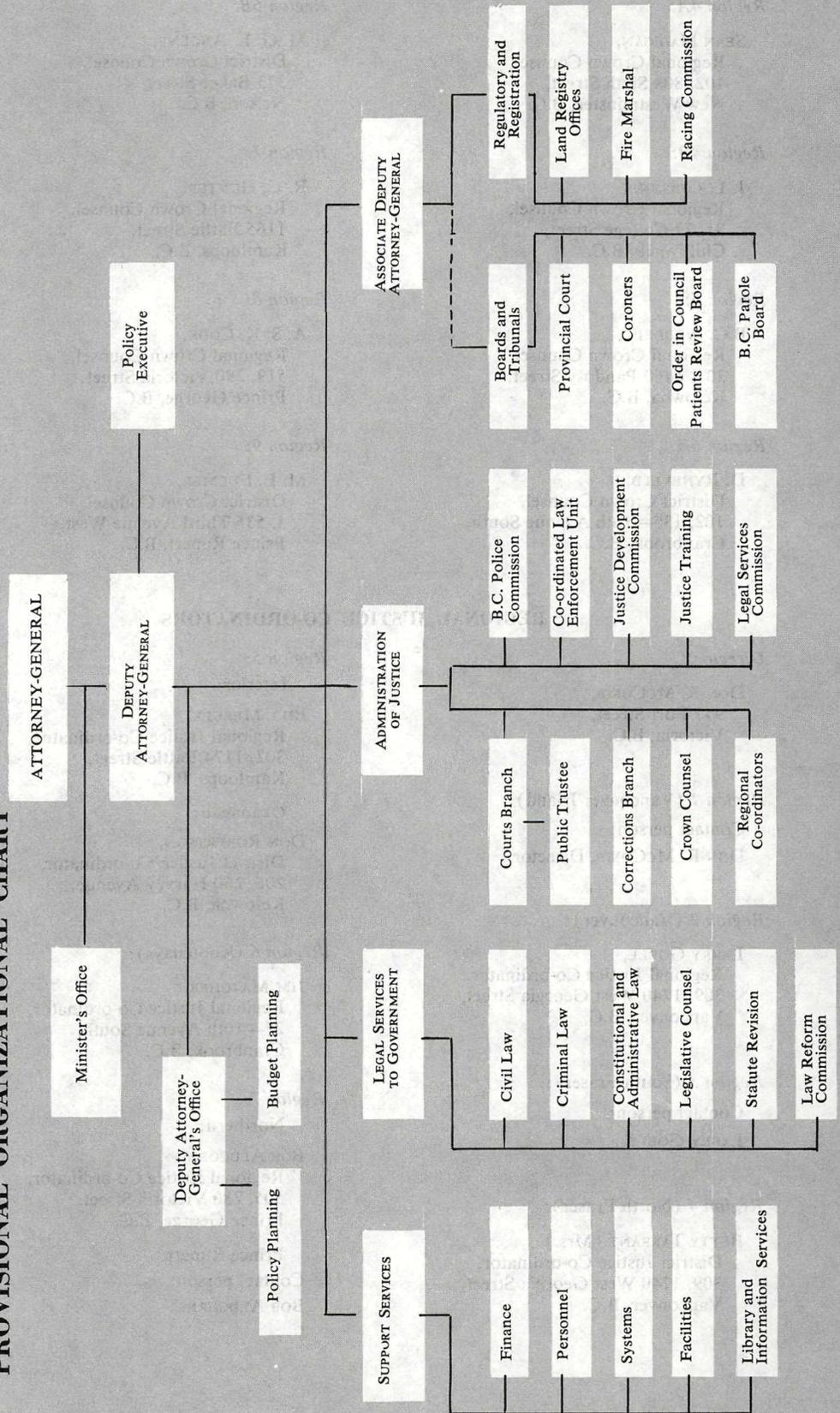
*Region 7:*

Northern:  
BOB ALDCORN,  
Regional Justice Co-ordinator,  
505, 280 Victoria Street,  
Prince George, B.C.

Prince Rupert:

Contact person:  
BOB ALDCORN.

**PROVISIONAL ORGANIZATIONAL CHART**



## CREDITS

The Attorney-General's 1976 Annual Report was written and compiled by  
Gail Gravelines.

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