

## ***The Administrative Justice Office: an Update on Recent Activities***

### *The new Administrative Tribunals Act*

With the new *Administrative Tribunals Act* (the ATA) being given Royal Assent on May 20, 2004, the Administrative Justice Office has been busy over the summer with a number of related activities:

- *Proclamation:*

The general reform provisions of the ATA, which comprise the “menu of options” (sections 1 to 61), were proclaimed into force on June 30, 2004 by Order in Council 646. These sections are applicable to the various tribunals only when the consequential amendments to a tribunal’s enabling legislation are proclaimed, which gives flexibility to co-ordinate the effective date of proclamation for a particular tribunal with that tribunal’s needs and readiness to adopt the new provisions.

In that regard, OIC 646 also provided for the proclamation of the consequential amendments for the Community Care and Assisted Living Appeal Board, the Financial Services Tribunal, the Passenger Transportation Board, and the Safety Standards Appeal Board, all of whom were ready to implement the new legislative requirements. In addition, section 62, which applies to the BC Review Board appointed under the Criminal Code, was also proclaimed into force.

By OIC 684, July 7, 2004, two other “minor” amendments were proclaimed: one to immediately assist the Mental Health Review Panels to obtain the evidence they need for hearings, and the other to make the proclamation of certain WCB amendments clearer.

The intent is for the balance of the amendments to be proclaimed this fall, in consultation with tribunal chairs. The AJO has already consulted most affected tribunal chairs about the targeted proclamation date for their tribunal, with mid-October the anticipated date for most, and late November/early December targeted for the balance. The 2003 Administrative Tribunals Appointments and Administration Act will also be repealed by proclamation, but only when all tribunals governed by it have come under the ATA’s corresponding provisions.

- *House-keeping amendments to the ATA:*

As can be expected with legislation of the ATA’s complexity, some minor cross-referencing errors and oversights have been identified (some by sharp-eyed tribunal members), so some house-keeping amendments are anticipated for this fall. Tribunals that are directly affected have already been consulted by the AJO.

*A new location:*

In July, the AJO moved to its permanent location at 300-702 Fort Street, Victoria, slightly ahead of the originally scheduled move date of November 1; however, the excitement of an early move was quickly “dampened” by an air conditioning pipe bursting the very first night in the new office! Luckily, there was little damage to files, but the building restoration work has only just been completed. The AJO’s mailing address and phone and fax numbers remain the same: PO Box 9210 Stn Prov Govt, Victoria, V8W 9J1, 250-387-0058 (phone) and 250-387-0079 (fax).

*New Director, Legislation and Law Reform:*

The AJO is pleased to advise that Richard Rogers has been appointed to the position of Director, Legislation and Law Reform, commencing October 4, 2004. A graduate of the UBC Faculty of Law, and a private practitioner for several years, Richard gained extensive administrative law experience as the former Registrar of B.C.’s Property Assessment Appeal Board. As Registrar, Richard was a member of the team that developed legislative amendments for that tribunal’s flexible and enabling powers and authorities, and also participated directly in the development and implementation of the Board’s then new rules of practice and procedure, which provided a strong and effective framework for the Board’s adoption of case management and dispute resolution processes. A former member of BCCAT who participated in many of the BCCAT workshops and conferences, Richard will be well known to many of BCCAT’s members.

*Some of the other AJO Activities:*

The AJO has also been busy over the summer, supporting various individual boards in conducting their merit-based appointment processes, and also meeting with the Circle of Chairs and the BCCAT Board of Directors. The Executive Director will be participating in a CLE program October 7, addressing the ATA, and later that month will be a panel member at BCCAT’s annual conference.

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