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ADMINISTRATIVE  
TRIBUNALS

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2009—2010

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Appeal Tribunal*

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# BCCAT News

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## Recent Interesting Developments

News from the province of Saskatchewan indicates that the government, at the recommendation of Judge David Arnot, chief commissioner of the Saskatchewan Human Rights Commission, is planning to dissolve the Saskatchewan Human Rights Tribunal. As observed by Judge Arnot, the Saskatchewan Human Rights Tribunal has no security of tenure, no financial security and no administrative independence. They don't have the three features of judicial independence that is required for the public to have confidence in the decisions of tribunals.

The answer for this in Saskatchewan is a recommendation to dissolve the tribunal, which, in fairness, handles only a small number of cases each year (only 4 last year and 12 in each of the previous few years) and place the cases directly before the court. No word on any suggestion of any alternate solution such as providing tenure, financial security and administrative independence to the Tribunal.

In the meantime, the BC Law Institute (BCLI) has announced that it has been asked by the BC government to conduct legal research and analysis concerning workplace dispute resolution mechanisms in the province. The organization is a "charitable not for profit law reform

agency that carries out scholarly research, writing and analysis for the purposes of promoting law reform." In a June 30, 2010 press release, the BCLI stated:

"The BCLI will be conducting an international review of approaches to resolving workplace conflict and investigating the range of labour and employment conflict resolution systems in operation in other parts of Canada and select other countries, with a view to highlighting the strengths and weaknesses of various approaches."

This review will involve a number of boards and tribunals, including the BC Human Rights Tribunal. Heather MacNaughton, who was

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## BCCAT Continues to Move Forward

The directors have decided to pursue development and upgrading of the BCCAT website as a priority. We realized that communication and interaction are essential to the purpose of the organization. The internet is an incredibly powerful tool which, when used effectively, will notably in-

crease our ability to respond to the needs of our members and generally to promote the interests of administrative justice. In addition to the original domain name of bccat.net, we have now secured the domain name bccat.org. We welcome suggestions from our members concerning the information and features you would like to see on our website.

We will also be developing and upgrading our membership data base to better serve our members and to enhance the efficiency and effectiveness of our organization.

Members of the executive will be meeting shortly with a consultant to start designing the new data base.

## Recent Interesting Developments—Continued

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appointed Chair of the BC Human Rights Tribunal in 2000, was informed in June that, after ten years, the government had decided not to renew her appointment at the end of July 2010.

A replacement has yet to be named and a recent newspaper article indicates that plans may be in the works to post the job as a part-time position.

Heather has been a strong supporter of BCCAT since

her arrival in BC, having served on the executive of the board of directors and chairing the education committee. She has long been a champion of education and training for those appointed to agencies, boards and tribunals. Under her coordinating supervision, BCCAT has successfully developed several courses and workshops for new, as well as experienced, decision makers in administrative justice. Heather also managed to secure several funding grants, which, in addition to facilitating course develop-

ment, enabled BCCAT to market and deliver educational programs throughout BC and elsewhere across Canada. In 2009, Heather was a recipient of the BCCAT recognition award for exceptional contribution in the field of administrative justice. We hope that she will continue to contribute to BCCAT in particular and to the system of administrative justice in general even after her present appointment ends.



*By Law Proposal that the current two year Director terms be amended to give the option of election of a one year term to allow greater opportunity to participate.*

## Upcoming BCCAT By-Law Amendment Proposal

A proposal to amend our bylaws will be introduced at the Annual General Meeting on October 4, 2010. Our nominating committee, headed by Margaret Ostrowski, has received consistent feedback that a two-year term may be too long for many people who would otherwise wish to participate and contribute as a mem-

ber of the BCCAT board of directors. Consequently, section 27(1) of our bylaws, which presently specifies that all directors and officers shall be elected for a two-year term, will be amended to state that all directors and officers may be elected for a term of one or two years. This should allow greater op-

portunity to participate for those who otherwise would not have been able to do so.



## Group Membership Initiative Successful

The BCCAT group membership initiative introduced in 2009 has proven to be quite successful. Thanks to Anne-Marie LaFleur and Nora Jackson for spearheading this initiative, with support from Steve Guthrie, our treasurer. While membership revenues have dropped somewhat,

our membership numbers have increased and participation in the various BCCAT courses and workshops has remained relatively strong. This occurs in the face of government cutbacks of training funds and other economic pressures. We have continued the group membership initiative

through this year and hope to see continued positive results.



# BCCAT Wants Your Help

The directors of BCCAT are all volunteers who contribute time and effort toward devising, developing and delivering ideas, plans and programs to benefit administrative law decision makers in the course of their work, and to promote and improve the system of administrative justice. You have likely noticed that several names tend to reappear when different BCCAT projects and initiatives are discussed. That is not indicative of a “closed

shop”; rather, it shows that there is a lot of work to do and only so many people presently available to do it.

We welcome any help and encourage the involvement of “new blood” in all of BCCAT’s activities. If you have some time or expertise that you could donate, BCCAT would be most pleased to welcome you and your contribution. With several new initiatives and overhauls presently under way or

happening soon, we surely look forward to any and all help we can get.



*“Decisions, Decisions, Decisions” is the theme of this years conference, which is shaping up to be another exciting, interesting, and enjoyable day.”*

## BCCAT 2010 Conference Looking Good

The upcoming BCCAT conference, with its theme of “Decisions, Decisions, Decisions” is shaping up to be another exciting, interesting and enjoyable day, featuring first-rate presenters and facilitators. Situated on the beautiful banks of the North Fraser River, the conference facility boasts ready access by public transportation, ample parking for vehicles, and a recently renovated building.

An address by the Deputy Attorney General, Mr. David Loukadelis, highlights the day, which features workshops, plenary sessions and panel discussions specifically intended to be useful and informative for administrative decision makers of all kinds.

As always, there will be an administrative law update session, which may prove more interesting than ever this year. At a rate

of only \$250 plus HST for members and \$300.00 plus HST for non-members, which includes lunch, it’s a bargain you won’t find too often in other places.

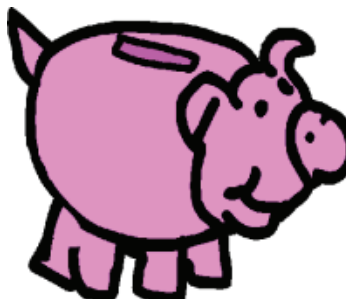
Thanks to Simmi Sandhu for anchoring the organizing committee and to Walter Pylypchuk, Helen del Val, Sarah McEwen, Anne-Marie LaFleur and Steve Guthrie for their excellent work on the committee.

## HST and BCCAT

The introduction of the HST has necessitated some restructuring of pricing for BCCAT courses and workshops.

As of July 1, 2010, each course fee has remained the same as it previously was; however, an addi-

tional 12% is now charged and remitted for HST.



**All Articles on Pages 1 through 3 were submitted by BCCAT President Iain Macdonald**





## **BC Council of Administrative Tribunals**

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**Volunteers needed!!  
BBCAT Executive and  
Committees. We have many positions  
available – let us know your time  
availability and we will find a spot for  
you. Contact  
[Margaret.Ostrowski@gov.bc.ca](mailto:Margaret.Ostrowski@gov.bc.ca).**

## **User Friendly AdminLawBC Website Continues to Expand**

AdminLawBC.ca – launched January 14, 2009 – is the first website in Canada to bring information on the complete range of administrative law resources together under one domain.

“Administrative law affects us in numerous ways every day,” explains the Honourable Judge Pedro de Couto, President of the Board, Justice Education Society. “Increasing access to our province’s administrative law resources allows British Columbians to find the correct information they need quickly and easily.” Highlights of AdminLawBC.ca include:

- Information and video resources that provide an introduction to administrative law

and types of tribunals

- The BC Admin Law Directory with links and contact information for over 100 tribunals
- Contacts for individuals and organizations that provide public speakers
- A glossary of administrative law terms
- Translated text in Chinese, Hindi and Spanish

“Knowing the appropriate tribunal exists and how disputes are settled is essential to fair justice,” said BCCAT president Iain Macdonald. “The public interest is well-served through the creation of this informative and important legal resource.”

The website continues to be developed, with the recent

addition of four new videos that provide information on how to prepare for tribunal hearings – including First Steps, In-Person Hearings, Telephone Hearings and Written Submissions. The next phase of development will see all seven video resources closed captioned in multiple languages, making the website more accessible for all British Columbians.

AdminLawBC was developed as a partnership between the Justice Education Society and the British Columbia Council of Administrative Tribunals (BCCAT), with funding support from the Notary Foundation of BC and The Law Foundation of BC. Check it out at [www.adminlawbc.ca](http://www.adminlawbc.ca)

# **REGISTER NOW !**

## **B.C. Council of Administrative Tribunals 2010 Conference & Annual General Meeting**

### **Decisions, Decisions, Decisions.....**

Monday, October 4, 2010

- River Rock Conference Centre  
8811 River Road  
Richmond, BC

At this year's Conference, the Office of the Attorney General will address BCCAT. Hear from judges and experienced professionals in administrative law on all aspects of making decisions, including:

- Weighing and summarizing evidence
  - Logic for decision makers
  - Delivering oral reasons
  - Procedural Fairness for Regulators
- How to avoid making a decision - Resolve it!
- Framing this issue - effect on your findings and reasons

We will also have the always popular Administrative Law update.

The full day conference, including a buffet lunch at \$250 for BCCAT members and \$300 for non-members, plus HST.

**To Register for the Conference go to:**

**<http://www.bccat.net/conferences/Members/Registration.asp>**

**Hotel accommodation at River Rock available at a special rate of \$139 per night for one bedroom suites. To make a reservation call the River Rock Hotel: 1-866-748-3718 and specify you are attending the BCCAT Conference and request the special rate**