



BCCAT's Statement on Tribunal Independence

The BC Council of Administrative Tribunals (BCCAT) recognizes the administrative justice sector is composed of tribunals, boards, commissions, regulatory colleges, and other institutions. BCCAT recognizes government's role in establishing the legislative regime that sets out the jurisdiction of these bodies. Government may also play a role in the appointment of members after merit-based competitions.

The work of administrative tribunals spans from quasi-judicial adjudication to policy work and touches on many aspects of British Columbians' lives: tenancy issues, utility rates, small claims disputes, property assessments, and apprehensions or other detentions relating to mental health.

In order to carry out their respective mandates and as a matter of law, the administrative justice sector **must** make their decisions independently. The degree of independence required will vary depending on the nature of the decision. Independence requires decision-makers to make decisions on the basis of the facts and law before them free from improper interference.

This independence is not only legally mandated, but a cornerstone supporting democracy and the rule of law. A party appearing before an administrative decision-maker must know that their decision will not be improperly influenced and have confidence in the decision-making institutions that affect them.

Furthermore, if a party feels that a decision is flawed, the governing legislation or the courts' inherent jurisdiction will always provide a method to review an impugned decision. It is inappropriate to criticize decision-makers outside the established appeal or review procedure with the intent of changing subsequent decisions.

It is important that the administrative justice sector and its stakeholders support the independence of decision makers and, in turn, the rule of law.