

Ministry of  
Attorney General  
and Minister Responsible  
for Multiculturalism

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2007/08  
Annual Service Plan Report

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## Message from the Minister and Accountability Statement

I am very pleased to present the Ministry of Attorney General *2007/08 Annual Service Plan Report*. This report highlights our recent achievements, as well as the Ministry's activities and performance during the fiscal year that ended March 31, 2008. Much of the Ministry's work focused on the justice system transformation, to provide earlier solutions and faster justice; as well as the launch of WelcomeBC to support early newcomer settlement and welcoming communities.

Justice transformation highlights this year include progress on the community court and prolific offender pilot projects. Both projects involve the co-ordination of agencies and services to make the justice system more integrated and responsive. The Ministry's awarding winning Court Services Online project continues to increase justice system accessibility and efficiency. By significantly reducing the amount of paper used in the court system, this project is also shrinking the Ministry's carbon footprint.

In the area of multiculturalism and immigration our main focus has been the launch of WelcomeBC. WelcomeBC brings together, under one umbrella, British Columbia's immigrant settlement and multiculturalism programs and services to support integration of newcomers and welcoming and inclusive communities. The Ministry made significant progress in implementing a range of initiatives under WelcomeBC in 2007/08.

I would like to take this opportunity to thank each individual in the Ministry for the ongoing commitment and dedication that makes it possible for the Ministry to achieve its important justice system and multiculturalism goals and ultimately, Government's vision for a prosperous and just province.

The Ministry of Attorney General *2007/08 Annual Service Plan Report* compares the actual results to the expected results identified in the Ministry's *2006/07–2008/09 Service Plan*. I am accountable for those results as reported.

A handwritten signature in black ink, which appears to read "Wally Oppal". The signature is written in a cursive, flowing style.

Honourable Wally Oppal  
Attorney General and Minister Responsible for Multiculturalism

June 20, 2008



# Annual Report

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# Highlights of the Year

The Ministry of Attorney General accomplished many significant achievements in 2007/2008, some of which are highlighted below.

## Innovation and Access to Justice

- *Court Services Online* —

In March 2008, Court Services Online won the Premier's Award province-wide Innovation category for its innovative, province-wide electronic court registry. Court Services Online provides electronic court services to the public via the Internet, 24 hours a day, seven days a week. It is the first comprehensive system of its kind in Canada, and a leading justice technology innovation in North America.



*Premier's Award Presentation*

- *Small Claims Court Pilot* — In November 2007, the Ministry of Attorney General and the Provincial Court of British Columbia launched the small claims court pilot project at Robson Square in Vancouver and in Richmond. A 'night court' is included at Robson Square. The purpose of the project is to test new processes that will help users of the provincial court to find earlier solutions in their civil cases. The 'night court' sittings are held one evening every two weeks, to allow more access for people who cannot attend during regular business hours.
- *Violation Ticket Centre* — The centralized processing centre for all provincial violation ticket disputes was launched in May 2007. The Centre has a toll-free call number: 1 877 661-8026 for public inquiries regarding disputes and provides consistent and accurate information in nine languages, including Punjabi, Farsi and Vietnamese. Most violation tickets issued by enforcement officers are for *Motor Vehicle Act* offences. Violation tickets are also issued for offences under many other statutes such as the *Commercial Transport Act*, *Fisheries Act*, *Forest Act*, *Liquor Control* and *Licensing Act*, *Litter Act*, *Park Act*, and *Wildlife Act*.
- *Videoconferencing* — Court Services continues to expand the use of videoconferencing, particularly for remand, bail and sentencing hearings. In 2007/08, the number of videoconference hearings increased by 22 per cent over the previous year. The use of videoconferencing also reduces the Ministry's carbon footprint: 4,966,591 prisoner escort kilometres were offset by the use of videoconference technology.

- ***Prolific Offender Management*** — In February 2007, the prolific offender management project was set up in five pilot communities — Kamloops, Nanaimo, Prince George, Surrey, Victoria (Capital Regional District) and Williams Lake — to test an integrated approach to reducing crime by more intensively managing the small number of offenders who commit a large proportion of crime.
- ***Community Court*** — Construction of Vancouver’s Downtown Community Court began in 2007. The Court aims to integrate community social services and health resources with the justice system to address crime in Vancouver’s downtown core, in a timely and meaningful way. The court will open in 2008.
- ***Child Protection Mediation Project*** — The Child Protection Mediation Program continued to grow at an exponential rate in 2007–2008 with almost 1,000 cases mediated, high settlement rates (in over 70 per cent of completed mediations all issues were resolved), and very high satisfaction rates by participants.
- ***Children in Mediation Project*** — The British Columbia Children in Mediation Project was launched in June 2007, initially in 11 locations and expanded province-wide in March 2008. The goal of this project is to facilitate and enhance parent decision-making by including children in the family mediation process.
- ***Family Maintenance Enforcement Program*** — Once again, the Family Maintenance Enforcement Program was responsible for ensuring many families received the financial support they were due (\$165 million in support payments were collected).
- ***Nanaimo Family Justice Services Centre*** — The Nanaimo Family Justice Services Centre opened April 2, 2007, as a “front door” to the justice system. This pilot project operates jointly with the Legal Services Society and offers a range of services to families undergoing separation and divorce, including information, education, assessment, referral, legal services, dispute resolution and self-help services. In the first eight months of operation, more than 2,400 client visits were served by the centre.



*Opening of Nanaimo Family Justice Centre*

### **Legislation Enhancing Democratic and Human Rights and Supporting Vulnerable Adults**

- ***Electoral Reform Referendum 2009 Act*** — The Attorney General introduced legislation to allow a second referendum on an alternative electoral system. The referendum will be held in conjunction with the next scheduled provincial general election on May 12, 2009. The bill was given Royal Assent on March 31, 2007.



- *Ending Mandatory Retirement* — As of January 1, 2008, British Columbia's *Human Rights Code* protects all people 19 and over from discrimination because of their age. Among other things, this means that employees cannot be forced to retire because of their age. This change allows workers to remain in the workforce, while enabling employers to retain those with significant skill sets and experience.
- *Adult Guardianship and Planning Statutes Amendment Act, 2007* — This legislation received Royal Assent on November 22, 2007. When brought into force, it will clarify and modernize the laws governing how decisions are made for adults who are incapable of making decisions on their own. This will help ensure that British Columbians have the best tools possible for making effective incapacity plans in the areas of health and personal care, and financial and legal matters. Our guardianship laws will respect both individual autonomy and independence, and will protect adults who become incapable without established plans, or whose plans fail for some reason.

### Legal Highlights

- *Pickton* — The Pickton trial began in January 2007 and ended December 9, 2007 when the jury found Robert W. Pickton guilty of six counts of second degree murder. He was sentenced on December 11, 2007 to the mandatory minimum of life imprisonment and will not be eligible for consideration of parole for 25 years. The case is now in the appeal phase.
- *B.C. v. Imperial Tobacco Canada Ltd et al. — Health Care Cost Recovery* — British Columbia has commenced a health care cost recovery action pursuant to the *Tobacco Damages and Health Care Costs Recovery Act*. The Act confers on the government the right to sue tobacco manufacturers for the recovery of tobacco-related health care costs resulting from the manufacturers' breach of duty. The Province alleges that the tobacco industry knew the risks of smoking since the 1950's and that the industry knew that tobacco was addictive since the 1960's and concealed these facts from British Columbian consumers resulting in increased use of tobacco products. The Province seeks to recover health care costs resulting from this use from the tobacco industry.
- *Work with First Nations* — Consultation with First Nations remains significant for Government. Ministry lawyers have been working to assist client ministries in implementing meaningful consultation and accommodation measures that will meet the needs of First Nations, the public, and Government. The Ministry also supports negotiations of modern day treaties. The Ministry works closely with First Nations through its Multiculturalism and Anti-Racism Program.

### Federal/Provincial Highlights

- *Changes to Criminal Law* — Led the development of a report and recommendations on methamphetamine production, trafficking and use, which has resulted in the introduction of changes to criminal law to address these issues.

- *Addressing Cybercrime* — Led the development of a report and recommendations on cybercrime that has resulted in changes to the *Criminal Code of Canada*, including offences relevant to online child sexual exploitation, including Internet luring.

### Effectively Supporting Newcomers

- *WelcomeBC launch* — In June 2007, the Government of British Columbia announced WelcomeBC, a strategic framework that brings British Columbia's programs and services that support settlement and integration of immigrants and initiatives for welcoming communities under one umbrella.
- *Settlement workers in schools* — In October 2007, the ministries of Attorney General and Education announced the settlement workers in schools initiative to provide orientation information and support to newly arrived families and connect them to services and resources in the school and community. This initiative is operating in 10 school districts in the Lower Mainland, Abbotsford and Greater Victoria and will be expanded to an additional 11 school districts in September 2008.
- *ESL for Adults* — Over the past year, English Language Services for Adults have been increased, including expansion of free adult English language classes to a higher level, expansion of tutor-supported adult English language learning to many more communities throughout the province, and increased offerings of adult English language programming intended to better equip the learners for the labour market.
- *Outreach services for newcomers* — Under WelcomeBC, Government has awarded \$1.6 million over two years to a consortium of service agencies for a new pilot program for immigrants who need ongoing assistance to adapt to living in British Columbia. Five mobile, interdisciplinary teams of two staff each will provide services for immigrant families in their own homes. The teams will serve as a resource for information on child care, health, Canadian customs, language-training classes and pre-employment training services.



## Purpose of Ministry

The Attorney General is the law officer of the Crown and has a legal duty to see that the administration of public affairs is in accordance with the law. As the Minister Responsible for Multiculturalism, the Attorney General leads cross government programs and services to attract, settle and integrate newcomers.

The Ministry provides both prosecution services in criminal matters and legal services to Government in civil matters. Prosecutions in criminal matters are conducted by Crown counsel who, following a police investigation, independently consider whether there is substantial likelihood of conviction based on the available evidence, and, if so, whether the public interest requires a prosecution. Legal services in civil matters are provided by Ministry lawyers to Cabinet, ministries and certain public agencies. The Attorney General does not provide legal advice to the general public.

### *Our Key Priorities*

*Justice Transformation — Early Solutions and  
Faster Justice*

*WelcomeBC — Early Newcomer Settlement and  
Welcoming Communities*

### *What we do:*

- *Give legal advice to Government.*
- *Represent Government before courts and tribunals.*
- *Prosecute criminal matters.*
- *Fund Legal Aid and Family Maintenance Enforcement.*
- *Provide family justice counselling.*
- *Provide services for the operation of the courts.*
- *Draft legislation.*
- *Fund the Human Rights system.*
- *Administer WelcomeBC.*

### *What we don't do:*

- *Give legal advice to or represent individuals or groups outside Government.*
- *Pay directly for individuals or groups to have legal representation.*
- *Interfere with decisions of judges, Crown counsel, or administrative tribunals.*

We provide and fund justice services that enable disputes to be settled out of court. In consultation with the Legal Services Society, we manage the provincial funding of legal aid. The Family Maintenance Enforcement Program assists in the collection of child and spousal maintenance from spouses who have not honoured their support payment obligations.

The Ministry leads criminal, civil, family and administrative justice transformation to promote early solutions to problems and faster justice. Our responsibilities also include the Province's human rights system and policy support for Government's democratic reform priorities. The Ministry also provides court services, such as facilities,

registry services, and security, to British Columbia courts: the British Columbia Court of Appeal (in four locations), the British Columbia Supreme Court (in 26 locations) and the Provincial Court of British Columbia (in 87 locations). Ninety-eight per cent of British Columbians live within one hour of travel time to a court.

Through WelcomeBC the Ministry designs and delivers programs and services, including English language training and settlement services, through third party agencies. The Ministry also funds communities and organizations to promote multiculturalism and prevent racism.

## Strategic Context

### *Rule of Law*

*The rule of law is a fundamental principle in a free and democratic society. It means that only laws properly made or created can affect or limit our freedom. No person is above the law and we are all protected by the law and its process.*

The Ministry's operations and its ability to achieve its goals are influenced by significant external factors.

### Justice System

Access to justice is one of the most fundamental values in a democratic society. It is also one of the most constant challenges of the justice system.

The Ministry is only one of many participants in the justice system and does not, and should not, have full control or authority. The *Criminal Code of Canada* is federal legislation administered by the Province. Criminal, civil and family justice system participants such as judges, the police, lawyers and Crown counsel must act and make decisions independently and free from interference. Yet all participants must work together to ensure a fair system that serves the public interest and is open to public scrutiny.

The nature of crime is becoming more complex. Gang violence, organized crime, and technology-based crimes such as child pornography, debit and credit card fraud, and identity theft, which are serious concerns, are more difficult to prosecute. The hardening of the criminal population (longer records, more serious crime and increased incidence of mentally disordered criminals) also adds to prosecution complexity.

In addition, longer delays, increasing costs and complexities in the criminal, civil and family justice systems are pressing problems. This has led the Ministry to pursue significant justice reforms over recent years and resulted in a new emphasis in 2007/2008 on justice transformation. Progress in justice transformation is reflected in the Ministry highlights discussed earlier.



*Vancouver Law Courts*

## Legal Services

Government's demand for legal services is increasing. Complexity and volume of civil litigation affects government just as it does other parties to litigation. The demand for legal services to Government is impacted by important initiatives such as health care, the New Relationship with First Nations, Climate Action and the 2010 Olympics.



## Newcomers

Immigration trends have an impact on the scope and focus of the Ministry's work with newcomers. Following the national trend, the number of immigrants arriving in B.C. in 2007 was lower than the previous two years, but still the third highest in the last 10 years.

British Columbia welcomes approximately 40,000 newcomers each year. Newcomers, including business people, skilled workers, international students, refugees and family members, arrive here from 180 countries. The top source countries for British Columbia are China, India, and the Philippines. While many newcomers arrive ready, willing and able to put their skills to use, others need extra assistance to adapt and thrive in their new surroundings.

## Climate Change

As a large Ministry that operates court houses and transports prisoners, Government's strong leadership in addressing climate change has significant implications for Ministry operations. The government passed the *Greenhouse Gas Reduction Targets Act* which will require that government operations be carbon neutral by 2010.



## *Changing Demographics*



*Prince George Oath Ceremony*

In less than ten years, the BC Public Service will lose up to 45 per cent of its management staff and up to 35 per cent of bargaining unit employees through retirement. In order to fulfill its mandate, the Ministry must compete with other employers for staff.

# Report on Performance

## Performance Plan Summary Table

<b>Justice System Key Outcome Indicator</b> For greater detail see pages 17 to 18	<b>2007/08 Target</b>	<b>2007/08 Actual</b>
Percentage of British Columbians who have a great deal or quite a lot of confidence in the justice system.	50.2% MAINTAIN OR IMPROVE	41.8% NOT ACHIEVED
<b>Goal 1: A Ministry that is a leader in law reform and innovative justice processes</b> For greater detail see pages 18 to 20		
1.1 Ministry as a centre for promoting law reform		
1.2 Innovation in civil, criminal and administrative justice		
1.3 Ministry is innovative in providing legal services		

<b>Goal 2: An effective criminal justice system</b> For greater detail see pages 20 to 23	<b>2007/08 Target</b>	<b>2007/08 Actual</b>
2.1 Fair impartial and just criminal prosecutions and appeals		
2.2 Criminal prosecutions and appeals processed with appropriate speed		
2.3 Safe and secure criminal justice programs and services		
2.4 Reliable criminal justice services		
2.5 Public understanding of the criminal justice system		
Percentage of British Columbians 15 years and older who perceive that the criminal courts do a good job of:	Improve from baseline of:	
Providing justice quickly	11%	12% ACHIEVED
Helping the victim	16%	12% NOT ACHIEVED
Determining whether or not the accused is guilty	22%	28% EXCEEDED
Ensuring a fair trial for the accused	43%	54% EXCEEDED
Average time to disposition for:		
Traffic cases	209 days	294 days NOT ACHIEVED
Adult and youth criminal cases	179 days	215 days NOT ACHIEVED

<b>Goal 3: Effective civil and family justice systems</b> For greater detail see pages 24 to 27	<b>2007/08 Target</b>	<b>2007/08 Actual</b>
<b>3.1 Accessible and efficient civil and family court processes</b>		
<b>3.2 Accessible civil and family justice services as alternative to court</b>		
<b>3.3 Save and secure environment for resolving civil and family disputes</b>		
<b>3.4 Public understanding of the civil and family justice system</b>		
Average rate of client satisfaction with child protection mediation on a 5-point scale where 5 is very satisfied	3	4.5 EXCEEDED
Average rate of client satisfaction with small claims mediation on a 5-point scale where 5 is very satisfied	>4	4.3 ACHIEVED
Small claims settlement rate	>52%	59 % ACHIEVED
Average time to disposition for:		
— small claims settlement conferences	161 days	198 days NOT ACHIEVED
— small claims actions	300 days	359 days NOT ACHIEVED
— child protection hearings	17 days	23 days NOT ACHIEVED
— family hearings	114 days	132 days SUBSTANTIALLY ACHIEVED
Proportion of provincial population residing within one hour of travel time to court	98%	98% ACHIEVED
<b>Goal 4: Effective legal services enabling government to administer public affairs in accordance with the law</b> For greater detail see page 28	<b>2007/08 Target</b>	<b>2007/08 Actual</b>
<b>4.1 High-quality, cost effective legal services to government.</b>		
<b>4.2 Legal risks and issues managed proactively and strategically</b>		
Percentage of clients satisfied with: timeliness, quality and consistency of services	89%	No survey carried out



## Multicultural and Immigration

Goal: Effective immigrant settlement and adaptation services, and multiculturalism and anti-racism initiatives For greater detail see pages 29 to 31	2007/08 Target	2007/08 Actual
Improved settlement and socio-economic outcomes for immigrants		
Percentage of recent immigrants in language training who report greater ability to use English	78%	82% EXCEEDED
Number of communities that have participated in the Critical Incident Response Model program	30	30 ACHIEVED

## Goals, Objectives, Strategies and Performance Results

There was a transition in service planning with Government's 2008/09 service plans: goals, objectives, strategies and performance measures were streamlined. This year's report is based on the Service Plan developed in 2007/08, and therefore does not reflect these changes. Some notable changes that will be seen in next year's report include the streamlining of goals to three high level Ministry goals, as well as a reduced number of performance measures.

## Performance Results: Justice System

Performance Measure	2005/06 Baseline <sup>1</sup>	2006/07 Actual <sup>2</sup>	2007/08 Target	2007/08 Actual <sup>3</sup>
Percentage of British Columbians who have a great deal or quite a lot of confidence in the justice system	50.2%	46.5%	Maintain or improve baseline	41.8% NOT ACHIEVED

**Data Source:**

<sup>1</sup> Statistics Canada 2003 General Survey on Social Engagement (Cycle 17).

<sup>2</sup> BC Omnibus Survey conducted by BC Statistics from September 2006 through February 2007. This figure was previously 46.6 per cent in the 2007/08 Service Plan and has been adjusted to include the final survey results.

<sup>3</sup> BC Omnibus Survey conducted by BC Statistics from September 2007 through February 2008. The number of valid responses 1,935 and the margin of error  $\pm 2.20$  per cent.

## Discussion of Results

Public safety and an effective justice system are necessary for social stability and economic prosperity. Public confidence in the justice system is a key indicator of an effective justice system. However, the Ministry's performance is only one component of the many influences on public confidence.

The Statistics Canada 2003 GSS on Social Engagement measures confidence in public institutions and was used as the baseline for this measure. However the results are from the 2007/08 monthly BC Omnibus Survey conducted by BC Statistics, and have been rounded and averaged. Comparisons should be made cautiously as the surveys differed in sample size, and margin of error and were conducted four years apart. Since British Columbia data are now available the 2008/09 Service Plan uses the baseline from the BC Omnibus Survey.

## **Ministry Response**

The result reinforces the importance of the Ministry's justice transformation strategies. This direction is reflected in the 2008/09 Service Plan.<sup>1</sup> The Ministry also continues to work with the Ministry of Public Safety and Solicitor General to collect data on the perceptions and experiences of British Columbians with various components of the justice system. This research will contribute to a greater understanding of levels of public confidence in the justice system.

## **Goal 1: A Ministry that is a leader in law reform and innovative justice processes**

The law has a profound practical effect on the legal rights, duties and liabilities of individuals and organizations in our society. Law and justice processes must keep pace with contemporary society. The Ministry has a lead role in the debate and development of law that is just, principled, easy to understand and serves the public interest. The Ministry also leads development of innovative justice processes that are current, fair, simple and cost-effective.

### **Objective 1.1: Ministry as a centre for promoting law reform**

Law reform is a Ministry priority. By engaging in strategies that promote and support law reform, the Ministry assumes a central role in modernizing laws and justice procedures within the province. For example, the Ministry is a key participant in, and provides resources to support, the B.C. Justice Review Task Force, which recommends reforms through various working groups.

### **Objective 1.2: Innovation in civil, criminal and administrative justice procedures**

The Ministry is committed to continuous improvement of civil, criminal and administrative justice processes. The Ministry continually works with justice participants to develop new and improved procedures inside and outside the courtroom to increase the effectiveness of the justice system.

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<sup>1</sup> The Ministry of Attorney General 2008/09–2010/11 Service Plan is available at [www.bcbudget.gov.bc.ca/2008/sp/ag/default.html#1](http://www.bcbudget.gov.bc.ca/2008/sp/ag/default.html#1)

### **Objective 1.3: Ministry is innovative in providing legal services**

Innovative legal services to Government, including the use of alternatives to litigation for resolving disputes, support the Ministry as a leader in reform. Government and the public benefit from increased efficiencies resulting from technological and administrative innovations in the delivery of legal services.

#### **Strategies**

The following strategies are used to achieve this goal:

1. Examine the current justice system and research new knowledge on:
  - how to make the justice system more responsive;
  - how to provide better access to justice;
  - how to improve court processes;
  - how to reform current laws and legislation;
  - how to apply technology to justice system; and
  - how to make the justice system more efficient.

#### **Specific Justice Transformation Strategies for 2007/08–2009/10**

2. Transform the criminal justice system by developing:
  - an *integrated criminal justice network* comprised of provincial, local and community boards that would identify criminal justice priorities at all levels and address them collaboratively;
  - a *community prosecution* approach that would involve members of the community, law enforcement and other government agencies in problem-solving efforts; and
  - a *community court pilot* that would involve community agencies and use a collaborative problem-solving approach to low-level offences and minor street crime.

The first two strategies have been replaced with new strategies which will be reported on in the 2008/09 Annual Report.

3. Transform the civil and family justice systems by:
  - restructuring the delivery of justice services and developing:
    - *streamlined procedures* to simplify the procedural rules and forms that govern civil and family cases in the courts; and
    - *point-of-entry legal education and information services* that would educate, orient and guide the public through the civil and family justice systems, and increase public legal knowledge and understanding; improving, simplifying and modernizing civil and family law and justice processes.

## **Performance Measures and Targets**

The Ministry did not establish specific performance and outcome measures for this goal, since the strategies for this goal are intended to improve, modernize and reform law and justice processes. Therefore, the public confidence measure and the performance measures for goals two and three are key indicators of the success of goal one.

## **Goal 2: An effective criminal justice system**

The criminal justice sector comprises several separate independent, yet interdependent, organizations. Components include Prosecution Services, Court Services, Legal Aid, Corrections, Police Services and the judiciary. The system must be responsive and reliable. It must operate in a principled manner that serves the public interest. As a key participant, the Ministry strives for process that ensures the administration of justice is fair, impartial and just.

An effective criminal justice system requires and builds public confidence. The system must safeguard the rights of the accused and, at the same time, deliver justice on behalf of victims, accused and communities. This requires that the system operates with appropriate speed, is secure and efficient, and is understood by the public.

### **Objective 2.1: Fair, impartial and just criminal prosecutions and appeals**

This objective reflects the importance of fair process and balanced consideration of the interests of the victim, the accused, the witnesses, the families and the public. In determining whether cases should proceed to court, Crown counsel assess charges reported to them using two criteria: first, whether there is a substantial likelihood of conviction, and second, whether a prosecution would be in the public interest. Consistent and rigorous application of these standards contributes to the overall effectiveness of the criminal justice system. Careful charge assessments also remove a substantial percentage (17 per cent) of accused persons from the court process where appropriate. Two per cent out of these are directed to Alternative Measures. This ensures that court and Crown resources are used for the cases that warrant full prosecutions.

### **Objective 2.2: Criminal prosecutions and appeals processed with appropriate speed**

Criminal matters must be processed within a reasonable period of time or charges against the accused may be dismissed. Timeliness enhances public confidence in the justice process, minimizes distress and disruption for victims and the accused and their families, and leads to efficient use of court and Crown resources. For example, in most cases, Crown counsel conduct pre-charge screening and provide full disclosure documents and an initial sentencing position to the accused or counsel prior to the first appearance.

### **Objective 2.3: Safe and secure criminal justice programs and services**

The safety and security of all persons who attend or preside in court are critical to an effective criminal justice system serving the public interest. The Ministry provides an integrated threat assessment and risk management program that works in cooperation with law enforcement agencies; sets operational security policies for courthouse security screening and use of force; establishes courthouse security design standards; provides training for court security staff and promotes the use of technology and modern safety equipment.

### **Objective 2.4: Reliable criminal justice services**

Participants in the criminal justice system must be able to rely on events happening on the dates that the system sets. An effective and efficient system will ensure that the public can be certain that processes will take place when they are scheduled.

### **Objective 2.5: Public understanding of the criminal justice system**

Public confidence in the justice system is about perceptions of the system — which may or may not be based on factual information, knowledge of the system or experience in the system. Public understanding influences the level of citizen engagement in the system and therefore contributes to the effectiveness of the system.

## **Strategies**

The following strategies are used to achieve this goal:

- Operate the criminal justice system fairly and efficiently and with appropriate speed.
- Integrate, where appropriate, the work of criminal justice system participants, including sharing information about all parts of the system, in order to improve system operation and decision making.
- Examine the performance of the criminal justice system internally and from the perspective of the public.
- Determine the feasibility of criminal justice reform and innovation suggestions and implement those reforms that are supported.
- Apply technology to streamlined and effective criminal justice processes.
- Inform the public about the criminal justice system.

## Performance Results

Performance Measures	2005/06 Baseline <sup>1</sup>	2006/07 Actual <sup>2</sup>	2007/08 Target	2007/08 Actual <sup>3</sup>
Percentage of all British Columbians 15 years and older who perceive that the criminal courts do a good job of:				
Providing justice quickly	11%	13%	>11%	12% ACHIEVED
Helping the victim	16%	13%	>16%	12% NOT ACHIEVED
Determining whether or not the accused is guilty	22%	28%	>22%	28% EXCEEDED
Ensuring a fair trial for the accused	43%	52%	>43%	54% EXCEEDED

**Data Source:**

<sup>1</sup> Statistics Canada 2004 General Social Survey on Victimization (Cycle 18).

<sup>2</sup> BC Omnibus Survey conducted by BC Statistics from September 2006 through February 2007.

<sup>3</sup> BC Omnibus Survey conducted by BC Statistics from September 2007 through February 2008. The average margin of error was  $\pm 2.2$  per cent.

## Discussion of Results

Public perceptions of specific functions of the criminal courts are indicators of an effective criminal justice system and may contribute to understanding the sources of public confidence in the criminal justice system.

This measure reports the percentage of respondents who believe that the criminal courts are doing a good job in these specific functions. However, 54 per cent of respondents perceive the criminal courts are doing an average or good job providing justice quickly and 52 per cent helping the victim. Approximately 78 per cent of respondents perceive that the criminal courts are doing an average or good job determining whether the accused is guilty and 92 per cent perceive the criminal courts are doing an average or good job of ensuring a fair trial for the accused.

## Ministry Response

The Ministry continues to survey public perceptions of the criminal court and helping the victim, these results are used to inform its day to day operations and the development and implementation of justice transformation strategies.

## Performance Results

Performance Measures	2005/06 Actual	2006/07 Actual	2007/08 Target	2007/08 Actual
Average time to disposition for:				
Traffic cases	220 days	222 days	209 days	294 days NOT ACHIEVED
Adult and youth criminal cases	189 days	181 days	179 days	215 days NOT ACHIEVED

**Data Source:** Court Services CORIN database. Time to disposition for traffic cases is based on the date the notice of dispute was filed and the date the dispute was concluded. Time to disposition for adult and youth cases is based on the date of the first appearance in court and the concluded date. Adult and youth cases exclude those where the primary charge is an administrative one, such as breach of a court order or failure to appear.

## Discussion of Results

These measures relate to the ability of the criminal system to operate with appropriate speed and efficiency to deliver justice. These measures will continue to inform the Ministry's planning and development of reforms.

The increase in the time to disposition for traffic cases was primarily due to a temporary reduction in the number of Judicial Justices of the Peace that hear traffic cases in the Provincial Court. Consequently, the number of sitting hours available for traffic cases to be heard was significantly reduced, causing longer delays for traffic cases to be scheduled for court.

There are a number of factors that may potentially be leading to the increased time to disposition for criminal and youth cases. These could include: reduced court capacity, additional appearances and adjournments and increased caseload.

## Ministry Response

The Ministry is working with the Provincial Court to increase capacity for traffic court hearings. Additional Judicial Justices of the Peace have been added by the Provincial Court and case scheduling has been given priority. With enhanced adjudicator sitting strength, the hearing delays and time to disposition measures should be reduced.

Due to the independence of the Crown, judiciary, defence and other justice system participants, the Ministry is not able to directly control outcomes (including timeliness) in the justice processes. However, the Ministry will continue to investigate how factors such as court capacity, additional appearances and adjournments, and caseload contribute to the efficiency of justice processes.

## **Goal 3: Effective civil and family justice systems**

The civil and family justice systems help private parties solve problems and resolve disputes. The civil justice system also includes administrative tribunals that provide alternatives to court to resolve disputes between private parties and between individuals and Government. Effective civil and family justice systems are accessible, understood by the public and promote public confidence. This requires a range of dispute resolution options where procedures and costs are proportionate to the nature of the issues involved.

The Ministry's role in the civil and family justice systems includes providing effective court services including a safe environment; supporting access to justice; facilitating the development and use of problem-solving and dispute resolution options through processes that are most appropriate to the circumstances; and maximizing the performance of all components of the system.

### **Objective 3.1: Accessible and efficient civil and family court processes**

Timely, accessible and efficient civil and family court processes are necessary for the court to be an effective option for parties in dispute. Public confidence is eroded if the process becomes too costly, cumbersome or bureaucratic.

### **Objective 3.2: Accessible civil and family justice services as alternatives to court**

Effective civil and family justice systems must offer a range of alternatives to the traditional court system to support parties in resolving their disputes. Services must be accessible and affordable to parties who require them.

### **Objective 3.3: Safe and secure environment for resolving civil and family disputes**

The safety and security of individuals and families using the justice system are paramount to ensure willingness to utilize the full range of dispute resolution mechanisms. Voluntary participation in available options supports an effective system.

### **Objective 3.4: Public understanding of the civil and family justice systems**

Knowledge of the civil and family justice systems can lead to greater utilization and access to the system. It also relates to public confidence in the system. Public understanding influences the level of citizen engagement in the justice system and therefore contributes to its overall effectiveness.



## Strategies

1. Operate the civil and family justice systems fairly and efficiently.
2. Improve access to civil and family justice by:
  - simplifying and streamlining justice processes;
  - using and fostering a problem-solving approach to matters that engage the civil and family justice systems; and
  - providing to the public effective sources of information about law, legal processes and justice services.
3. Examine the performance of the civil and family justice systems internally and from the perspective of the public.
4. Determine the feasibility of suggested civil and family justice reforms and innovation and implement those reforms that are supported.
5. Apply technology to streamlined and effective civil and family justice processes.

## Performance Results

Performance Measure	2005/06 Baseline	2006/07 Actual	2007/08 Target	2007/08 Actual
Small claims settlement rate	52%	58%	>52%	59% ACHIEVED

**Data Source:** Data area collected by the Court Mediation Program.

## Discussion of Results

This measure tracks the proportion of disputes that reach settlement following a referral to the Court Mediation Program. Settled cases are defined as those that are resolved at mediation, including some disputes that are settled after referral, but before the mediation actually begins.

The performance results demonstrate that mediation continues to be an effective method of solving disputes. As a consequence the Ministry is building on the success in Provincial Court to make mediation increasingly accessible to British Columbians. In collaboration with the Office of the Chief Judge of the Provincial Court, the Ministry will be examining opportunities for expanding the scope of the Small Claims Pilot to other registries and for increasing the jurisdiction of the small claims court. Expanded availability of mediation services in the areas of family law and child protection are a particular priority for the Ministry of Attorney General.

## Performance Results

Performance Measures	2005/06 Baseline	2006/07 Actual	2007/08 Target	2007/08 Actual
Average rate of client satisfaction with child protection mediation on a 5-point scale where 5 is very satisfied	3	4.5	3	4.5 EXCEEDED
Average rate of client satisfaction with small claims mediation on a 5-point scale where 5 is very satisfied	4	4.3	>4	4.3 ACHIEVED

**Data Source:** Data is collected by the Court Mediation and Child Protection Mediation Programs.

## Discussion of Results

The context for these user satisfaction rates is a 70 per cent settlement rate for completed mediations, and a 94 per cent settlement of one or more issues in all mediations. Approximately 900 child protection mediations were held in 2007–2008.

## Performance Results

Goal 3 Performance Measures	2005/06 Actual	2006/07 Actual	2007/08 Target	2007/08 Actual
Average time to disposition for:				
• small claims settlement conferences	170 days	179 days	161 days	198 days NOT ACHIEVED
• small claims actions	316 days	338 days	300 days	359 days NOT ACHIEVED
• child protection hearings	18 days	17 days	17 days	23 days NOT ACHIEVED
• family hearings	120 days	135 days	114 days	132 days NOT ACHIEVED

**Data Source:** Courts Electronic Information Systems

Small claims settlement conferences measures the average time between case initiation and the first settlement conference appearance of the case where a result is recorded.

Small claims actions averages the time between case initiation and the first trial appearance of the case where a result is recorded.

Child protection hearings averages the time between the date the initiating document is filed and the appearance date when the first order was made.

Family hearings averages the time between the date the initiating document was filed and the appearance date when the first order was made.

## Discussion of Results

This measures the ability of the civil and family justice systems to provide timely and efficient court processes for parties in dispute. The judicial process is complex and completion times are influenced by many different factors over which the Ministry has no control.

The results are averages that do not reflect case anomalies. In addition, due process is a critical element to all justice matters. Many delays result from legitimate processes, including case preparation (involving exchange of evidence and statements) to pre-trial settlement activities.

The target for average time to disposition for child protection hearings was not achieved; however the legislated timeframe under the *Child, Family and Community Service Act* is 45 days. Even though the target was not achieved the outcome is still well within the legislative requirement.

## Ministry Response

The justice system continues to examine ways to create process efficiencies. A number of justice reform projects have been initiated in the civil and family areas of court, including small claims court. These initiatives are intended to streamline processes and create efficiencies and achieve, where possible, more expeditious disposition and timeliness in court processes.

## Performance Results

Performance Measure	2005/06 Actual	2006/07 Actual	2007/08 Target	2007/08 Actual
Proportion of provincial population residing within one hour of travel time to court	98%	98%	98%	98% ACHIEVED

**Data Source:** Information sources used to develop this measure include: B.C. Statistics, Policing and Community Safety Branch of the Ministry of Public Safety and Solicitor General and MapQuest website services.

The accessibility measure was derived from 2001 population figures based on the provincial policing jurisdictions. It includes municipal, rural and First Nations reserve populations.

## Goal 4: Effective legal services enabling government to administer public affairs in accordance with the law

This goal supports the Attorney General's unique role in Government to see that public affairs are administered in accordance with the law. High-quality legal advice and representation help ensure that government services are delivered effectively.

### Objective 4.1: High-quality, cost-effective legal services to government

This objective supports the administration of public affairs in accordance with the law and ensures that Government is effectively represented before tribunals and the courts. The Ministry's Legal Services Branch has made significant progress in reconciling and balancing costs with government requirements for legal advice.

### Objective 4.2: Legal risks and issues managed proactively and strategically

This objective reflects the importance of anticipating, reducing and managing legal risk as part of the stewardship and sound management of public resources.

### Strategies

The following strategies are used to achieve this goal:

1. Attract, retain and support high-quality lawyers within the public service.
2. Evaluate the cost of the legal services against the benchmark of comparable private sector lawyers.
3. Where appropriate, develop innovative approaches to providing legal services through alternate dispute resolution, technology and best practices.
4. Evaluate and implement appropriate processes to manage government legal issues and risks effectively and in the public interest.

### Performance Results

Performance Measure	2003/04 Actual	2007/08 Target	2007/08 Actual
Percentage of clients satisfied with: timeliness, quality and consistency of services	85%	89%	No survey carried out

### Discussion of Results

This performance measure is under evaluation. The Ministry intends to establish a more comprehensive set of legal services performance measures.

## **Goal: Effective immigrant settlement and adaptation services, and multiculturalism and anti-racism initiatives**

Immigration continues to play an important role in the Province's social and economic development, and it has created a dynamic, open and diverse society that has enriched the social and cultural fabric of British Columbia. Through leadership, partnerships, strategic influences, and program development and delivery, the Ministry co-ordinates activities to meet the Province's interests in multiculturalism, anti-racism, settlement and immigration.

Multiculturalism and Immigration programs include:

- BC Settlement and Adaptation funds third parties to provide basic adult English language instruction and other settlement service supports to new immigrants;
- BC Anti-Racism and Multiculturalism funds third-party initiatives designed to increase understanding of multiculturalism, and prevent and eliminate racism;
- Critical Incident Response Model, a three-year, three-step process assists B.C. communities in developing local responses to racism and hate activity;
- support for the work of the Multicultural Advisory Council, which is composed of people appointed to advise the Minister Responsible for Multiculturalism on issues related to multiculturalism and anti-racism; and
- management of the implementation of the Agreement for Canada - British Columbia Cooperation on Immigration and direct negotiation of issues related to the Agreement and other Memoranda of Understanding related to immigration matters.



*Dialogue on Multiculturalism – Terrace*

### **Objective: Improved settlement and socio-economic outcomes for immigrants**

Enabling and expediting the settlement of immigrants directly benefits immigrants and their local communities. The Ministry will build community capacity to support new immigrants and refugees through language training, settlement and adaptation services.

## Strategies

The following strategies are used to achieve this goal:

1. Promote the social and economic advantages of cultural diversity.
2. Accelerate the adaptation of immigrants to the social, cultural and political life of their communities.
3. Enhance and expand leadership on immigration and multiculturalism policy and on settlement services for British Columbia.
4. Work with Citizenship and Immigration Canada and the Ministries of Education and Advanced Education to ensure expeditious processing of study permits, immigration policies that have an impact on the Province, and any federal/provincial pilot projects specific to international students.

## Performance Results: Multiculturalism

Multiculturalism and Immigration Performance Measures	2005/06 Actual	2006/07 Actual	2007/08 Target	2007/08 Actual
Percentage of recent immigrants in language training who report greater ability to use English	76%	Survey not completed	78%	82% ACHIEVED

**Data Source:** An extensive survey of recent English Language Services for Adults (ELSA) learners is conducted biennially to report on this measure.

## Discussion of Results

The ability of immigrants to use English in their daily lives is the outcome being measured. Developing English language ability assists immigrants to access amenities and services in their community, to make the best use of education and employment opportunities; and to settle, adapt and integrate into British Columbia society. Recent English Language Services for Adult (ELSA) learners were asked if they had a greater ability to perform a variety of tasks as a result of their ELSA classes, and 82 per cent of the respondents said that they had that greater ability, which exceeded by four per cent the target set



*ELSA Class*

for this measure. The first official survey of former ELSA learners was conducted in 2005/06. Seventy-six per cent of those surveyed at that time reported a greater ability to use English. This result provided the baseline for this measure. Achieving the target depends on a number of factors, including the needs and abilities of individual learners. The Ministry works with service providers to monitor, evaluate, modify and enhance services in order to improve results for learners.

## Performance Results:

Multiculturalism and Immigration Performance Measures	2005/06 Actual	2006/07 Actual	2007/08 Target	2007/08 Actual
Number of communities that have participated in the Critical Incident Response Model program	22	26	30	30 ACHIEVED

**Data Source:** Multicultural and Immigration Branch database.

## Discussion of Results

Communities that have engaged in the Critical Incident Response Model program (CIRM) demonstrate that communities in the province are committed to the elimination of racism and the promotion of multiculturalism. This measure also demonstrates the reach and impact of this anti-racism and multiculturalism program. CIRM was first introduced eight years ago and each year efforts are made to engage four new communities in model development. Adding four new communities to the 26 already engaged was the target set for this measure, and the target was achieved.

# Report on Resources

Core Business Areas	Estimated <sup>1</sup>	Other Authorizations <sup>2</sup>	Total Estimated	Actual	Variance <sup>3</sup>
<b>Operating Expenses (\$000)</b>					
Justice Transformation .....	5,253		5,253	4,322	(931)
Justice Services .....	96,717	2,779	99,496	99,435	(61)
Prosecution Services .....	94,360	6,682	101,042	101,392	350
Court Services .....	133,719	601	134,320	134,494	174
Legal Services .....	15,855	1,868	17,723	17,806	83
Multiculturalism and Immigration .....	9,206		9,206	9,155	(51)
Executive and Support Services .....	64,377	7,968	72,345	72,781	436
Judiciary .....	62,334		62,334	61,089	(1,245)
<i>Crown Proceeding Act</i> .....	27,500		27,500	—	(27,500)
B.C. Utilities Commission .....	1		1	—	(1)
Special Account (Public Guardian and Trustee) .....	10,453	(119)	10,334	8,789	(1,545)
Statutory — <i>Public Inquiry Act</i> .....		1,559	1,559	1,559	—
Adjustment of Prior Year's Accrual .....				(1,861)	(1,861)
<b>Total .....</b>	<b>519,775</b>	<b>21,338</b>	<b>541,113</b>	<b>508,961</b>	<b>(32,152)</b>
<b>Full-time Equivalents (FTEs)</b>					
<b>Total .....</b>	<b>3,582</b>		<b>3,582</b>	<b>3,611</b>	<b>29</b>



Ministry of Attorney General

Core Business Areas	Estimated <sup>1</sup>	Other Authorizations <sup>2</sup>	Total Estimated	Actual	Variance <sup>3</sup>
<b>Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)</b>					
Justice Transformation .....	—	1,292	1,292	2,822	1,530
Justice Services .....	680		680	1,259	579
Prosecution Services .....	730		730	140	(590)
Court Services .....	4,588		4,588	4,347	(241)
Legal Services .....	298		298	155	(143)
Multiculturalism and Immigration .....	1,015		1,015	142	(873)
Executive and Support Services .....	815		815	1,300	485
Judiciary .....	831		831	661	(170)
<i>Crown Proceeding Act</i> .....	—		—	—	—
B.C. Utilities Commission .....	12		12	—	(12)
Special Account (Public Guardian and Trustee)	1,024		1,024	459	(565)
<b>Total .....</b>	<b>9,993</b>	<b>1,292</b>	<b>11,285</b>	<b>11,285</b>	<b>—</b>
<b>Capital Plan (\$000)</b>					
Project Type .....	—		—	—	—
<b>Total .....</b>	<b>—</b>		<b>—</b>	<b>—</b>	<b>—</b>
<b>Other Financing Transactions (\$000)</b>					
Executive and Support Services (Interest on Trusts and Deposits)					
Receipts .....	(1,390)	(214)	(1,604)	(1,604)	—
Disbursements .....	1,390	214	1,604	1,604	
<b>Net Cash Source (Requirements) .....</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>Total Receipts .....</b>	<b>(1,390)</b>	<b>(214)</b>	<b>(1,604)</b>	<b>(1,604)</b>	<b>—</b>
<b>Total Disbursements .....</b>	<b>1,390</b>	<b>214</b>	<b>1,604</b>	<b>1,604</b>	
<b>Total Net Cash Source (Requirements) .....</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>

<sup>1</sup> Estimated amounts correspond to the *Estimates* as presented to the Legislative Assembly on February 20, 2007.

<sup>2</sup> Other Authorizations include Statutory Appropriations and Contingencies. Statutory Appropriations, Negotiation Framework and Contingencies. Statutory Appropriations were provided under the *Public Inquiry Act*. Funding was provided under the Negotiation Framework and Contingencies for the Crown Counsel Association Agreement. Contingencies access was also provided for major trials/cases and related security, elimination of the Federal Investment Fund, leave pressures and First Nations proof of claim.

<sup>3</sup> Variance display is consistent with the Public Accounts. Variance is in all cases "Actual" minus "Total Estimated". If the Actual is greater, then the variance will be displayed as a positive number.

## **Operating Expenses — Variance Explanations**

Justice Transformation — variance is primarily due to the delay in construction of the Vancouver Downtown Community Court.

Prosecution Services variance is primarily due to costs associated with prosecuting major crime files.

Court Services variance is primarily due to vehicle operating expenditures.

Executive and Support Services variance is primarily due to an unanticipated charge for long term disability from the Public Service Agency. This is partly offset by savings in facilities charges and salary and benefits savings from hiring delays.

Judiciary variance is primarily due to Provincial Court savings of salaries and benefits not paid due to extraordinary circumstances pertaining only to this fiscal year:

- a) 13 Judicial Justices of the Peace retired end of preceding fiscal; only now is legislation pending to address constitutional and other legal barriers which delayed rebuilding the office; and
- b) time required by Cabinet to appoint replacements for an unusual number (9) of retired judges, and to appoint one addition to complement.

In each case, the budget must at the least be maintained to meet ongoing judicial staffing needs, but also to address backlogs accumulated during this fiscal as a consequence of these extraordinary staffing vacancies.

*Crown Proceeding Act* variance is primarily due to court-ordered and settlement liabilities against the Crown in a number of large cases being less than the budgeted provision.

Public Guardian and Trustee variance is primarily due to greater than expected recoveries from revenues.

## **Full-time Equivalent (FTEs) — Variance Explanations**

The increased FTE utilization is primarily due to staff required for major trials.

## **Capital Expenditures (Consolidated Revenue Fund) — By Asset Category**

Capital expenditures of \$11.285 million include \$3.555 million for information systems, \$4.442 million for tenant improvements, \$1.828 million for vehicles, \$0.887 million for specialized equipment and \$0.573 million for office furniture and equipment.

### **Capital Expenditures (Consolidated Revenue Fund) — Variance Explanations**

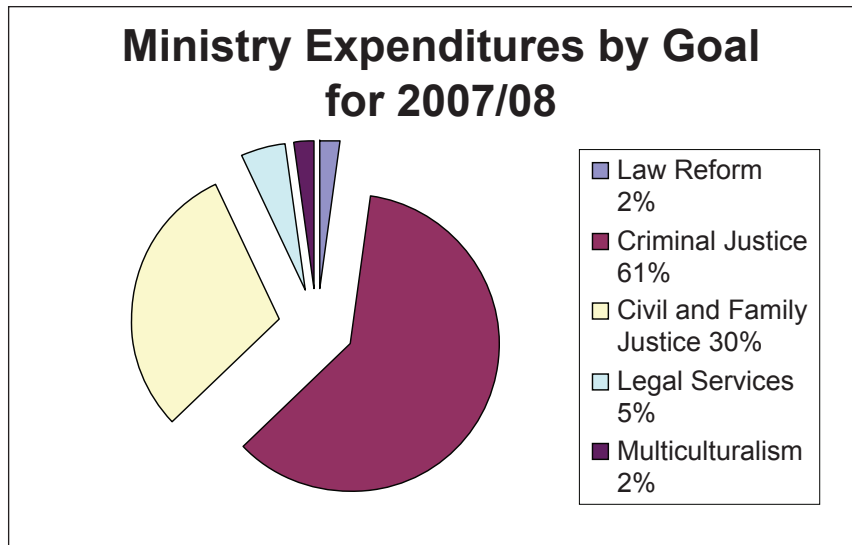
- Justice Transformation variance is primarily due to Vancouver Downtown Community Court project.
- Justice Services variance is primarily due to the development of two major system projects.
- Prosecution Services variance is primarily due to the delay of some tenant improvement projects and project costs paid by central agencies.
- Court Services variance is primarily due to the delay of some large tenant improvement projects.
- Legal Services variance is primarily due to the delay or cancellation of information systems projects.
- Multiculturalism and Immigration variance is primarily due to the delay or cancellation of information systems projects.
- Executive and Support Services variance is primarily due to tenant improvement and systems projects.
- Superior and Provincial Judiciary variance is primarily due to lower costs associated with system projects and vehicle purchases.
- Public Guardian and Trustee variance is primarily due to the delay in systems development projects and acquisitions for PC replacement falling below capital threshold.

### **Capital Plan — Variance Explanations**

n/a

### **Other Financing Transactions — Variance Explanations**

n/a



# Annual Service Plan Report Appendices

## Appendix A: Hyperlinks to Additional Information

Ministry of the Attorney General Legislation:  
[www.ag.gov.bc.ca/legislation/AG-legislation.htm](http://www.ag.gov.bc.ca/legislation/AG-legislation.htm)

Crowns, Agencies, Boards and Commissions:  
[www.ag.gov.bc.ca/abc](http://www.ag.gov.bc.ca/abc)

Ministry Operational Volumes  
[www.ag.gov.bc.ca/public/ministry\\_operational\\_volumes.doc](http://www.ag.gov.bc.ca/public/ministry_operational_volumes.doc)

## Appendix B: Ministry Contact Information

For more information on the British Columbia Ministry of Attorney General and Minister Responsible for Multiculturalism visit our website at: [www.gov.bc.ca/ag](http://www.gov.bc.ca/ag)

Call or write the:  
Ministry of Attorney General Communications Branch  
PO Box 9206 Stn Prov Govt  
Victoria BC V8W 9J1  
250 387-4090

### Call the following headquarters numbers:

Court Services Branch.....	250 356-1550
Deputy Attorney General.....	250 356-0149
Family Justice Information Line.....	1 888 216-2211
Multicultural and Immigration Branch.....	250 356-8481

For other contact information, please call Enquiry BC at:  
387-6121 in Victoria or  
Toll-Free at: 1 800 663-7867

