

PROTOCOL

BETWEEN:

MINISTRY OF ATTORNEY GENERAL

AND

PROVINCIAL COURT JUDICIARY

A. PURPOSE

The purpose of this document is to set out a framework within which the Ministry of Attorney General and the Provincial Court Judiciary will work together to fulfil their respective roles and responsibilities for the administration of justice in British Columbia.

B. ROLES AND RESPONSIBILITIES

1. The Attorney General has the constitutional responsibility for the administration of justice in the Province. This responsibility is codified in the *Attorney General Act*
2. Section 41 of the *Provincial Court Act* specifies that "[t]he Attorney General is responsible for the provision, operation and maintenance of court facilities and services".
3. Under the principle of judicial independence, the Provincial Court Judiciary have responsibility for matters of judicial administration.
4. Judicial administration as defined in the case law requires, at a minimum, control by the judiciary over matters which directly affect the exercise of judicial functions. This includes the assignment of judges, sittings of the court, court lists, allocation of court rooms and direction of administrative staff engaged in carrying out these functions.
5. The Chief Administrator of Court Services has the statutory responsibility under section 41(2) of the *Provincial Court Act* to "direct and supervise facilities, registries and administrative services for the court".
6. Section 41(2) states that the Chief Administrator performs these duties and responsibilities "subject to the direction of the Attorney General, and to the direction of the chief judge in matters of judicial administration".
7. The Assistant Deputy Minister, Court Services Branch is the Chief Administrator of Court Services.

8. The Attorney General and the Provincial Court Judiciary recognize that decisions made by the Attorney General may affect matters of judicial administration and that decisions of the Provincial Court Judiciary relating to judicial administration may affect the administration of justice in the province.
9. Because of the potential impact that decisions of the Attorney General and the Provincial Court Judiciary have on their respective roles and responsibilities, both recognize that it is essential that they work co-operatively to ensure that the justice system serves the interests and needs of the people of the Province.
10. In particular, the Attorney General and the Provincial Court Judiciary recognize that that they must work together to ensure that the system of justice in the province is accessible, efficient and affordable.

C. FRAMEWORK

1. Regular meetings will be held between the Ministry of Attorney General and the Provincial Court Judiciary to discuss matters of court administration.
2. Issues to be discussed at these meetings will include, but are not limited to:
 - a. facilities and staff planning
 - b. budget planning
 - c. technology
 - d. management of court records.
3. These meetings will initially be held quarterly and, at a minimum, will be held twice a year. The frequency of the meetings will be a matter for mutual agreement between the Ministry and the Chief Judge.
4. Minutes will be kept of the meetings.
5. If, between meetings, a matter arises that will have a significant impact on court administration and, in particular, if judicial administration will be affected by this matter, an extraordinary meeting between the Ministry and the Provincial Court Judiciary will be held to discuss this matter.
6. Nothing in this document is intended to interfere with the normal communication that takes place between the Ministry and the Office of the Chief Judge on a regular basis with respect to routine matters, including existing ad hoc and standing committees.

7. It is recognized that if confidential matters are being discussed between the Ministry and the Provincial Court Judiciary, confidentiality requirements will be respected and it may be necessary to restrict the officials or judges who have access to this information.
8. This protocol agreement is intended to be a high level document governing the way in which the Ministry and the Provincial Court Judiciary will exchange information and co-operate in exercising their respective responsibilities in relation to the administration of justice in the Province. It will be revisited by the Ministry and the Provincial Court Judiciary from time to time with reference to the prevailing case law relating to judicial administration and judicial independence and the responsibility of the Attorney General for the administration of justice in the Province.

Honourable Geoff Plant
Attorney General

The Honourable Chief Judge
Carol Baird Ellan

Signed this 19th day of April 2002

(original document signed)