

## Media Release

February 18, 2002: For immediate release

Vancouver – B.C. Provincial Court Chief Judge Carol Baird Ellan today issued the following statement in relation to the Provincial courthouse closures recently announced by the Ministry of Attorney General:

“On January 17, 2002, The Honourable Geoff Plant, Attorney General and Minister Responsible for Treaty Negotiations, announced a decision to close 24 courthouses in the Province. On that date, the Provincial Court Judiciary undertook to consider within the next 30 days what response it would provide to the decision. The Judiciary has today provided to the Attorney General its Preliminary Assessment of the impact of the proposed courthouse closures in each of the locations. This Preliminary Assessment may be found on the Provincial Court web site, at [www.provincialcourt.bc.ca](http://www.provincialcourt.bc.ca).

The 24 courthouses slated for closure represent approximately one-third of the 68 staffed Provincial Court registries, and approximately one-quarter of the total number of Provincial Court locations in the province. Only three provide Supreme Court facilities. Collectively these courthouses provide 31 of the total 183 Provincial Court courtrooms in the Province, and accommodate over 10% of the sittings of the Court. Over half of those cases are criminal court sittings, one quarter are family and youth court sittings, about ten percent are civil sittings, and the rest are traffic court sittings. Twelve Judges and two Judicial Justices of the Peace have chambers in courthouses slated for closure.

There are currently a total of 146 Provincial Court Judges who sit in the 99 different Court locations province wide. Based on available data, from 1998 - 2000 there were an average of 170,000 new adult, youth, family and small claims cases per year filed in Provincial Court, of which approximately 125,000 were criminal. Provincial Court deals with over 90% of the criminal matters in the Province. Traffic matters, which are generally heard by Judicial Justices of the Peace, make up on the whole about 10% of the work of the Court.

A large proportion of the Provincial Court's work involves matters of an urgent or emergent nature, such as child apprehensions, restraining orders, applications for peace bonds under section 810 of the Criminal Code, bail applications, domestic violence cases, and young offender matters. Such matters require accommodation within a tight or legislatively mandated time frame, so Court and Registry accessibility is of paramount importance.

The Judiciary is a separate branch of government. As such, it has equal responsibility with the Attorney General for the administration of justice in the Court. Pursuant to the *Provincial Court Act*, the Chief Judge has responsibility for judicial administration, the Attorney has responsibility for the provision of facilities and services to the Court, and the Assistant Deputy Minister has responsibility for the administration of facilities, registries, staff, and other services relating to running the Court, subject to the direction of the Attorney General and the Chief Judge. This division of responsibility is based upon constitutional principles. It is not for the benefit of Judges or the Judiciary, but that of the public, to ensure the proper separation of those who make and enforce the laws from those who uphold the rule of law.

While the Judiciary's administrative role in the maintenance or preservation of access to justice is not clearly defined, its responsibility for judicial administration and its status as a separate branch of government entail at least a duty to advise the Executive branch in relation to measures that may affect access and the administration of justice in the Court.

It was in recognition of this duty that the Provincial Court Judiciary undertook its Preliminary Assessment of the impact of the proposed courthouse closures. It is expected that the Attorney will take this report and the views of the Judiciary into consideration in reviewing the proposed courthouse closures, and in working with the Judiciary to establish means of maintaining reasonable access to justice in each of the affected communities.

In relation to circuit courts, non-courthouse facilities were phased out of use many years ago due to concerns about the separation and independence of those charged with the duty to interpret and uphold laws, from those charged with the duty to make and enforce them. Starting in the early 1960s efforts were made to provide independent facilities so that the public would not have to access the Court by entering or passing through police or municipal premises. Former Attorney General, The Honourable Leslie R. Peterson, Q.C., wrote in 1969: “These judges should be removed from any suggestion of involvement with municipalities.”

Since 1969, facilities for Provincial Court sittings have been subject to agreed upon standards. Any proposed circuit courts would need to comply with minimum structural, security, accessibility, and constitutional standards. Those standards include a presumption that Judges do not preside in municipal halls or police buildings.

The Provincial Court Judiciary remains committed to serving the public of the Province within applicable financial, physical and constitutional constraints. The Court is willing to participate in identification of viable and appropriate alternate facilities for areas in which existing courthouses are found to be no longer the most viable alternative.

The Judiciary expects that issues arising from the proposed courthouse closures will be resolved in the spirit of open communication and mutual respect that has been historically enjoyed between the Court and the Office of the Attorney General, in a manner that maintains confidence in the administration of justice, and ensures that the public is provided the optimum level of justice delivery and access as may be achieved within the applicable constitutional framework and the available resources.

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