

ITEM 18

MANAGER'S REPORT NO. 83

COUNCIL MEETING Nov. 5/73

18. Re: Coroners Act - Section 35
New Westminster Coroner's District
(Item 10, Report 55, July 23, 1973)

Council will recall that when this subject was last discussed (see attached Item 10, Report 55) a decision was made by Council to request that the costs of the Coroner's Court facilities be borne by the Provincial Government rather than Burnaby participating in the costs of same under Section 35 of the Coroners Act.

The Mayor has received the attached letter dated October 30, 1973, advising that the Lieutenant-Governor in Council has now made an Order under Section 35 of the Act creating the new District and providing that the participating municipalities shall share the cost of operating the New Westminster facilities on a caseload pro rata basis. The new provisions take effect November 1, 1973.

In addition, the Lieutenant-Governor in Council has also made an additional Order providing for new Schedules of Fees under the Act. What the impact of the change in fees is we do not know at this point in time.

We will be assessing this matter for budget purposes.

This is for the information of Council.

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ITEM 10

MANAGER'S REPORT NO. 55

COUNCIL MEETING July 23/73

Re: Coroners Act - Section 35

Attached you will find a copy of a letter dated June 19, 1973 from Mr. A.L. Pearson, Assistant Deputy Attorney General, addressed to Mayor Prittie, outlining a plan for the preparation of a Coroner's District to be connected with the Court facilities in the City of New Westminster, for New Westminster and the following municipalities: District of Surrey, District of Burnaby, District of Coquitlam, City of Port Coquitlam, City of Port Moody, District of Delta.

At the present time, the only municipalities in the Province operating Coroner's Courts with a fulltime Coroner and appropriate supporting staff whose salaries are paid by the municipality are the Cities of Vancouver and New Westminster. The City of New Westminster is put to considerable additional expense because of the number of coroner's cases dealt with in the municipality's facilities involving persons who, at the time of their death, were residents of adjoining municipalities. We are told that most of these cases involve accident victims who are rushed to the Royal Columbian Hospital in New Westminster. The point is that under present legislation, the City of New Westminster is powerless to recover any further costs as it is already charging the maximum allowed under the Coroners Act. The City also faces the problem of rising costs brought about by increases in both volumes of work and wage levels.

The City of New Westminster has made various presentations to the Attorney General regarding this situation and has received a sympathetic understanding of the problem. Appropriate legislation has now been passed by the Province to establish a Coroner's District and all of the municipalities named in the memorandum attached are now being asked to be included in the Coroner's District that is being proposed.

The Municipal Manager has two concerns about this request. The first is that obviously the fees are too low and they should be updated which requires an amendment to the Coroners Act. If the fees reflected the current cost then of course the deficit in the operation would be minimal. This is not to suggest that a Coroner's District should not be established to cover the deficit no matter how small it is. It is simply a suggestion that it would be more proper to have the fees reflect the true cost involved in the operation. Incidentally, the City of New Westminster will again be making representation to the Province to update the fees under the Coroners Act.

The second concern, held by the Municipal Manager, is that if the Municipality of Burnaby is to participate in the financing of the Coroner's District, then the Municipality should have some say in the operation of the District as far as budgetary control is concerned. The representation of the participating municipalities in this respect is not explained in the memorandum from the Province but one would gather that there is to be no representation. Further clarification is required in this connection.

It is the intent of the legislation to apportion the cost of the Coroner's Office residual after recovering from other jurisdictions. The City of New Westminster's estimate for 1973 is as follows:

Total	\$ 83,600
Less recovered from other jurisdictions	<u>29,000</u>
	54,600
Less chargeable to New Westminster	<u>9,000</u>
	45,600
Burnaby's share	<u>12%</u>
	<u>\$ 5,472</u>

Continued ...

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Re: Coroners Act - Section 35 - Cont'd.

For the year 1972, Burnaby's costs were as follows:

Paid to New Westminster	\$ 5,417
Paid to other jurisdictions	3,561
Paid to Burnaby's Coroner	1,425
Other costs	7,963
Received from other jurisdictions	<u>(2,378)</u>
	<u>\$ 16,038</u>

In other words, under the new legislation, Burnaby's costs will continue at the same level as before plus 12% of New Westminster's residual undistributed cost. We feel that we should bear our fair share of the cost of the operation of a Coroner's District but we do have a concern that the fees are too low and that there is no representation proposed as far as budgetary control is concerned.

RECOMMENDATION:

THAT the Attorney General be advised that we wish to be included in the Coroner's District and pay 12% of the cost of the Coroner's Office residual after recovering from other jurisdictions subject to:

- (a) The Province raising the fees that can be charged and as are provided in the Coroners Act;
- (b) The various municipalities involved in the Coroner's District having representation in the administration of the District, specifically in the area of budgetary control; and

THAT all of the municipalities involved in the proposed District including New Westminster be asked to support this recommendation and to advise the Province accordingly; and

THAT a copy of this report item be forwarded to the three Burnaby M.L.As.



IN YOUR REPLY REFER TO FILE C 700-2

ITEM 10 MANAGER'S REPORT NO. 55 COUNCIL MEETING July 23/73
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VICTORIA

19th June,
1973

HIS HONOUR MAYOR R.W. PRITTE,
District of Burnaby,
4949 Canada Way,
BURNABY 2, British Columbia.

Dear Mayor Prittie:-

Re: CORONERS ACT - Section 35


Enclosed herewith is a memorandum dealing with a plan for the preparation of a Coroner's District to be connected with the Court facilities in the City of New Westminster encompassing that City and the Municipalities named in the memorandum.

Each of the Municipalities involved are being advised of the application received by the Attorney-General from the City of New Westminster for an Order under the provisions of Section 35 of the Coroners Act before any final decision is made. However, it does appear that for many years now the City of New Westminster has been put to considerable additional expense because of the number of Coroner's cases dealt with in the Municipal facilities involving persons who, at the time of their death, were residents of adjoining Municipalities. Most of these cases, I understand, involve accident victims who were rushed to the Royal Columbia Hospital in that City. It does appear that the City of New Westminster is entitled to the type of relief contemplated by the provisions of Section 35.

It is hoped that your Municipal Council will agree with what is being proposed and concur with the suggestion that your Municipality be included in the proposed Coroner's District.

May we have the benefit of your comments for the information of the Attorney-General as soon as reasonably possible.

Yours truly,


A.L. PEARSON,
Assistant Deputy
Attorney-General.

ALP:hmb
Attachment

MEMORANDUM - June 19, 1973

ITEM 10
MANAGER'S REPORT NO. 55
COUNCIL MEETING July 23/73

Re: Section 35 - CORONERS ACT

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At the 1973 Spring Session of the Legislature, the Coroners Act was amended by adding thereto Section 35, a copy of which is attached hereto for your convenience, providing for the creation of Coroner's Districts and apportioning amongst the municipalities within a created district the costs of operating the facilities of the Court which have been provided by one of the municipalities within the District.

At the present time, the only municipalities in the Province operating Coroner's Courts with a full-time Coroner and appropriate supporting staff whose salaries are paid by the municipality are the Cities of Vancouver and New Westminster.

Officials of the City of New Westminster have advised the Attorney-General that due to the large number of Coroner's cases being handled in the City facilities involving residents of adjacent municipalities the City is being put to considerable additional expense which cannot be fully recovered from the municipalities involved. Consequently, they have asked the Minister to recommend to the Lieutenant-Governor in Council, under authority of Section 35, the creation of a Coroner's District encompassing the City of New Westminster as the municipality providing the facilities and each of the undermentioned municipalities. It is also requested that the portion of all costs of operating the Coroner's Court payable by those municipalities shall be on the basis of the percentages set out opposite their respective names:-

District of Surrey	-	17%
District of Burnaby	-	12%
District of Coquitlam	-	12%
City of Port Coquitlam	-	3%
City of Port Moody	-	3%
District of Delta	-	2%

Twenty percent of the cases are the responsibility of the City of New Westminster while 31% come from unorganized territory and other miscellaneous municipalities who will continue to receive bills collectable from New Westminster for costs that may be levied under the provisions of the Coroner's Act.

It is anticipated that the costs of the Coroner's Court will include an appropriate salary for the Coroner commensurate with the duties and responsibilities of a quasi judicial officer.

If the requested order is made, it will probably designate Coroner Doug Jack of New Westminster as a Coroner for the Coroner's District and fix his salary and will also designate the portion of the overall costs of inquests and inquiries in the District payable by each municipality.

It is not anticipated that creation of such a Coroner's District will prevent other Coroners from acting in any of the municipalities included within the District other than those in which death occurred in the City of New Westminster.

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HON. ATTORNEY-GENERAL.

BILL

No. 46]

[1973

An Act to Amend the Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

- Repeals
s. 1.
1. Section 1 of the *Coroners Act*, being chapter 78 of the *Revised Statutes of British Columbia, 1960*, is repealed.
- Amends
s. 6.
2. Section 6 is amended by repealing subsection (2), and substituting the following:
(2) Notwithstanding this or any other Act, the Lieutenant-Governor in Council may, by order,
(a) amend any charge, fee, cost, or expense that is established by this or any other Act respecting a coroner's inquiry or inquest; and
(b) prescribe any additional charge, fee, cost, or expense respecting a coroner's inquiry or inquest,
and an order made under this subsection may be made to apply to
(c) coroner's inquiries and inquests generally, or;
(d) a specified coroner's inquiry and inquest; or
(e) a specified class of coroner's inquiries and inquests.
- Repeals
s. 19.
3. Section 19 is repealed.
- Amends
s. 22.
4. Section 22 is amended
(a) by repealing clause (d); and
(b) by relettering clause (e) as clause (d).
- Amends
s. 25.
5. Subsection (1) of section 25 is amended by striking out the words "and where it charges a person with murder or manslaughter sufficiently designates that person and the offence charged," in the third and fourth lines.
- Enacts
s. 35.
6. The Act is further amended by adding, after section 34, the following as section 35:
- Apportionment of costs.
35. (1) Where the Attorney-General is of the opinion that the Coroner's Court, refrigerated vaults, autopsy rooms and associated facilities provided by any municipality are being used on a regular basis for coroner's inquiries or inquests upon persons who had been resident at the time of death in a municipality adjacent to the municipality where the facilities are used, the Lieutenant-Governor in Council may, by order, declare that the municipality providing the facilities, together with any municipality adjacent to it, is a Coroner's District.

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(2) Where the Lieutenant-Governor in Council makes an order under subsection (1), he may

- (a) designate a Coroner for the Coroner's District;
- (b) fix the salary of the Coroner; and
- (c) designate the portion of the Coroner's salary and the costs and expenses of inquests and inquiries in the district payable by each municipality.

Printed by K. M. MacDONALD, Printer to the Queen's Most Excellent Majesty
in right of the Province of British Columbia.
1973

EXPLANATORY NOTE

The purpose of this Bill is to amend the *Coroners Act*. Section 1 repeals the short title provision which is now obsolete. Sections 3, 4, and 5 remove references to murder and manslaughter. This is a result of amendments to the *Criminal Code (Canada)*. Section 2 provides for fixing and altering fees and other expenses of coroner's inquests and inquiries. Section 6 provides for cost sharing by adjoining municipalities using common facilities.

(This statement is submitted by the Legislative Counsel
and is not part of the legislation.)



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COUNCIL MEETING Nov. 5/73

VICTORIA

IN YOUR REPLY REFER TO FILE

C 700-5

30th October,

1973

HIS WORSHIP MAYOR T. CONSTABLE,
The Corporation of the District of Burnaby,
4949 Canada Way,
BURNABY 2, British Columbia.

Dear Mayor Constable:-

Re: NEW WESTMINSTER CORONER'S DISTRICT

Further to our previous correspondence about the need for creating a Coroner's District in the New Westminster area to include the City of New Westminster and adjacent municipalities frequently using the Coroner's facilities in the City of New Westminster, I have to report that the Lieutenant-Governor in Council has now made an Order under the provisions of Section 35 of the Coroners Act, a copy of which is enclosed herewith, creating the new District and providing that the participating municipalities shall share the cost of operating the New Westminster facilities on a caseload pro rata basis.

The new provisions take effect November 1st, 1973.

In addition to creating the New Westminster Coroner's District, the Lieutenant-Governor has also made an additional Order providing for new Schedules of Fees under the Coroners Act. A copy is enclosed herewith for your information.

Yours truly,

A handwritten signature in cursive script that reads "A.L. Pearson".

A.L. PEARSON,
Associate Deputy
Attorney-General.

ALP:hmb

Enclosures



ITEM 18
MANAGER'S REPORT NO. 83
COUNCIL MEETING Nov. 5/73
VICTORIA

IN YOUR REPLY REFER TO FILE C.700-2.

29th October,
1973

C I R C U L A R L E T T E R

TO ALL CORONERS IN THE PROVINCE
OF BRITISH COLUMBIA.

Re: New Schedules of Fees under
the Coroners Act

I am pleased to enclose herewith, for your information and guidance, a copy of an Order-in-Council just made by the Lieutenant-Governor prescribing new fees under the Coroners Act.

You will see that the special charges authorized by subsection (4) of Section 34 of the Act have been increased and two additional items in respect of general administration have been added. It should be remembered that these special charges can only be levied by those municipalities that have established and maintain municipally-owned morgue facilities. I believe the only places in the Province where such facilities are presently being operated are at Vancouver, Burnaby and New Westminster.

The increases in fees for the Coroner require no special comment but you will see one new item of \$5.00 for Certificates of Cause of Death in certain instances.

New provisions have been made for stenographer's fees, which should be self-explanatory.

For the first time the Schedule includes a provision for juror's fees in line with what has been provided by the Jury Act for jurors in criminal cases.

Section 23 of that Act provides that a juror is entitled to receive:

- (a) necessary and reasonable travelling and lodging expenses;
- (b) the sum of \$10.00 a day for other expenses incidental to the discharge of his duties as a juror during each day of absence from his place of residence that the attendance at a sitting or trial actually requires. It also provides that where a juror sits at a (hearing) that is not completed within ten days, he is entitled to receive the sum of \$20.00 a day for each day in excess of ten days.

Witness fees are to be the same as allowed to witnesses for the Crown in criminal cases under the Supreme Court Rules, 1971. That provision is to be found in Appendix M, Schedule No. 2, of those Rules. That Schedule reads in part as follows:

"The Court before which the prosecution or trial takes place may pay to any one who attends on recognizance or subpoena, or on the request of the Crown Counsel, to give evidence, or who gives evidence on the part of the Crown, such sum of money as to the said Registrar seems reasonable and sufficient to compensate such witness for his costs and charges in attending as such witness, but such sum shall not exceed the following:

- (1) to witness, other than a police officer, for each day travelling to and from, or attending to give evidence - \$6.00;
- (2) to barristers, solicitors, physicians, surgeons, engineers, chartered accountants and surveyors, when called upon to give evidence of, or in consequence of any professional service rendered by them, or to give professional opinions or evidence depending upon their skill or judgement, per diem - \$7.00;

- (3) reasonable and necessary travelling and lodging expenses of witnesses residing over three miles from the Court attended shall be allowed, but in no case shall travelling expenses exceed 20 cents a mile one way.

The fees for transporting a dead body are the maximum that will be allowed and should not be paid if they exceed the rates or amounts that would normally be charged by the person rendering the service.

With the exception of the first item all the fees for medical practitioners have been increased but the nature of the various items remains the same.

It is the hope of the Attorney-General that these new Schedules of Fees will provide a more equitable return for the Coroners and a fairer reimbursement for other persons rendering services in the Coroners Court.

Yours truly,



A.L. PEARSON,
Associate Deputy
Attorney-General.

ALP:hmb

Enclosure



3623

APPROVED AND ORDERED 30 OCT. 1973

Lieutenant-Governor

ITEM 18
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EXECUTIVE COUNCIL CHAMBERS, VICTORIA 30 OCT. 1973

Pursuant to the CORONERS Act, and upon the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that

WHEREAS the Attorney-General is of the opinion that the Coroner's Court, refrigeration vaults, autopsy rooms and associated facilities provided by the City of New Westminster are being used on a regular basis for Coroner's inquiries or inquests upon persons who had been resident at the time of death in one of the municipalities adjacent to the City of New Westminster,

the City of New Westminster together with the adjacent municipalities of

The Corporation of the District of Surrey,
The Corporation of the District of Burnaby,
The District of Coquitlam,
The Corporation of the City of Port Coquitlam,
The City of Port Moody, and
The Corporation of Delta

be declared a Coroner's District to be known as the New Westminster Coroner's District.

AND THAT DOUGLAS JAMES JACK the Coroner at New Westminster be designated the Coroner for the New Westminster Coroner's District at a salary of \$20,000.00 per annum;

AND THAT the portion of the Coroner's salary and the costs and expenses of inquests and inquiries conducted in the City of New Westminster payable by each of the above-mentioned municipalities shall be the percentage which the number of cases from each municipality bears to the whole number of cases investigated in the City of New Westminster.

AND THAT these provisions be effective November 1st, 1973.

Attorney-General

Presiding Member of the
Executive Council

ARP



THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

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ITEM 18
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APPROVED AND ORDERED 30 OCT. 1973

Lieutenant-Governor

EXECUTIVE COUNCIL CHAMBERS, VICTORIA 30 OCT. 1973

Pursuant to the CORONERS Act, and upon the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that

1. the charges set out in subsection (4) of section 34 of the Act be amended as follows:-
 - (a) by striking out the word "four" in the first line of clause (a) and substituting "five";
 - (b) by striking out the word "fifteen" in the first line of clauses (b) and (c) and substituting in each case the word "twenty-five";
 - (c) by adding the following as clause (d):-
 - (d) (i) A general administration charge not exceeding twenty dollars for each inquest, and
 - (ii) A general administration charge not exceeding ten dollars for each inquiry within the meaning of subsection (3) of section 7.

2. the Second Schedule of the Act be struck out and the following be substituted:-

"SECOND SCHEDULE

(Section 6)

Coroner's Fees

For every inquiry, by a Coroner, when inquest deemed unnecessary, \$25.00 for each day necessarily spent in going to, conducting, and returning from the inquiry.

For every inquest held by a Coroner, including precept to summon jury, empanelling jury, summons to witness, information on examination of witness, taking every recognizance, inquisition, and return, and every warrant and commitment, \$50.00 for each day necessarily spent in going to, attending at, and returning from the inquest, but no additional fee shall be allowed if the inquest is held at the same time and place over more than one dead body.

For travelling expenses, the actual sum paid, as shown by receipts to be attached to vouchers, for accommodation and meals, for railway, bus or air.

For a Certificate of Cause of Death, other than under the Vital Statistics Act, or for completing a Proof of Claim Form for insurance purposes \$5.00. To be paid by the person requiring the certificate or proof.

Where the time spent by a Coroner on any day does not extend beyond one-half of the day, the fee for that day under the first two paragraphs of this Schedule shall be reduced to \$12.50 and \$25.00 respectively, but the total fee for any one inquiry shall not be less than \$25.00, nor less than \$50.00 for any one inquest; and in allowing fees demanded in any case under this Schedule regard shall be had to the fact whether or not the time claimed to have been spent was necessarily so spent for the purposes of the inquiry or inquest.

Stenographer's Fees

Official Reporters attending the Coroners Court shall be entitled to receive the fees prescribed by the Lieutenant-Governor pursuant to the Supreme Court Act.

A casual stenographer attending in the Coroners Court is entitled to be paid and receive

- (a) for the original transcript of evidence 75 cents a page
- (b) for the original of an expedited transcript of evidence \$1.00 a page
- (c) for attending \$5.00 for the first hour and \$3.00 for each succeeding hour.

Note:

"Casual stenographer" is a person, employed by a Coroner, to attend and transcribe proceedings but who is not an Official Reporter or Deputy Official Reporter.

"Expedited transcript" means a transcript prepared and made available to the Coroner within forty-eight hours following the hearing or following the date upon which it is ordered.

Juror's Fees

Fees and allowances to jurors may be the same as allowed to jurors under Part IV of the Jury Act.

Witness Fees

Fees and allowances to witnesses, other than Medical Practitioners, may be the same as allowed to witnesses for the Crown in Criminal cases under the Supreme Court Rules, 1971.

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Transportation Fees

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For transporting a dead body by ambulance or hearse upon the authorization of the Coroner an amount not to exceed \$20.00 plus 50 cents a mile necessarily travelled each way, but no additional fee shall be allowed if more than one body is transported at the same time without the approval of the Coroner."

3. the Fourth Schedule of the Act be struck out and the following substituted:-

"FOURTH SCHEDULE

(Section 31)

Medical Practitioner's Fees

For each day necessarily spent in attending at the inquest or inquiry as a witness.....	\$ 7.00
For making post-mortem examination without dissection of the body or analysis of the contents of the stomach or intestines, including written report to Coroner.....	25.00
For making post-mortem examination with limited dissection of a single organ system, including written report to Coroner.....	35.00
For making post-mortem examination involving general dissection of the body, but without histological, cytological or biochemical investigation, including written report to Coroner.....	75.00
For travelling expenses and for accommodation and meals when attending at post-mortem examination or inquest, the actual sum paid as shown by receipts to be attached to vouchers, if so required. For every mile necessarily travelled by automobile.....	.16
For histological examination and report, per organ.....	10.00
to a maximum of.....	35.00
For special situations; e.g., the examination of skeletal remains, visit to the site, or the investigation of an aircraft accident, etc.	
For the first hour or any part thereof.....	50.00
For each succeeding hour or part thereof.....	25.00
(This fee is not to be charged unless unusual circumstances require special studies and investigations in addition to complete autopsy and upon approval by the Attorney-General).	

In addition to the items above set out, if a doctor is required to attend at a place ten miles or more from his office an absence allowance of \$50.00 a day may be paid."

AND THAT these provisions be effective November 1st., 1973.

W. H. Marshall
Attorney-General

T. P. Smith

President of the