

REPORT  
REGULAR COUNCIL MEETING  
1985 April 09

File: JC/FCC

THE CORPORATION OF THE DISTRICT OF BURNABY  
JUSTICE COUNCIL/FAMILY COURT COMMITTEE

HIS WORSHIP, THE MAYOR  
AND ALDERMEN

Madam/Gentlemen:

REPORT OF THE JUSTICE COUNCIL/FAMILY COURT COMMITTEE

RECOMMENDATIONS:

1. THAT Council approve the title change from Justice Council/Family Court Committee to Family Court and Youth Justice Committee.
2. THAT the Attorney General be requested to designate the Burnaby Family Court Committee as a Youth Justice Committee.

R E P O R T

The Justice Council/Family Court Committee, at their meeting held on 1984 November 28 received an item of correspondence from Mr. W.G. Hoskins, Senior Projects Officer, Special Projects Division, Ministry of Attorney General, advising that the Young Offenders Act (proclaimed by the Federal Government 1984 April 02) contains a section which provides for the establishment of Youth Justice Committees by the Attorney General. Further to this, the Attorney General indicated that currently established Family Court Committees which formally request him for designation as a Youth Justice Committee will be given a dual recognition.

The general mandate of a Youth Justice Committee would be to work cooperatively with the court and youth workers to:

- i) consider and examine the resources of the community available for young offenders;
- ii) assist the court when requested;
- iii) make such recommendations to the court and the Attorney General as it considers advisable;
- iv) assist the judges and officers of the court, where requested, to provide a community resource or assistance in individual cases referred to the Committee;
- v) report annually to the municipality and the Attorney General on the activities of the Committee during the past year.

INTERNAL DISTRIBUTION:

: - AGENDA 1985 APRIL 09  
: - COPY - MUNICIPAL MANAGER  
          - DIRECTOR ADMINISTRATIVE & COMMUNITY SERVICES

REPORT  
REGULAR COUNCIL MEETING  
1985 April 09

In conclusion, Mr. Hoskins advised that it has also been agreed in municipalities where a Family Court Committee exists, no group other than that Family Court Committee will be established as a Youth Justice Committee. The letter from Mr. Hoskins clearly stated that this does not mean that a Family Court Committee must request designation as a Youth Justice Council. In fact, it may continue its present function under Section 4 of the Provincial Court Act.

In consideration of the correspondence received from the Ministry of Attorney General, the Justice Council/Family Court Committee adopted the following motion:

"THAT the Municipal Manager advise as to whether it would be possible, considering the letter dated 1984 October 22 from the Ministry of Attorney General, for the Justice Council/Family Court Committee to change their title to Youth Justice Committee/Family Court Committee."

A memorandum dated 1985 February 11 was received from the Municipal Manager in response to the Justice Council/Family Court Committee's motion, a portion of which is contained hereunder:

"I have reviewed this matter, including the legislation establishing the Family Court Committee as well as the correspondence in connection with establishing a Youth Justice Committee. I also have discussed the matter with Mr. Gary Hoskins, the author of the 1984 October 22 letter referred to in the resolution. I also had research undertaken to determine what terms of reference had been developed for either the Justice Council or the Family Court Committee.

I have determined the following pertinent points:

1. There is no current requirement to have a Justice Council. There is on file a draft terms of reference for such a committee submitted by the Attorney General's Department in 1976, but this does not appear to have been formally adopted by the Justice Council/Family Court Committee or by the Municipal Council. There is no Provincial legislation in this connection. Mr. Hoskins tells me that the Justice Coordination Branch of the Ministry of Attorney General no longer exists and that there are no longer justice coordinators as liaison staff within the Ministry. Therefore, obviously there is no need to carry on with the Justice Council title.
2. The Provincial Court Act requires that each municipality, ...shall have a Family Court Committee appointed by the Municipal Council in January of each year...' and Section 4 of the Act outlines the duties and responsibilities of the Family Court Committee. This Committee is established by the Province as are its terms of reference, although the municipality annually appoints the members to the Committee. Therefore it is clear that we must have a committee named the Family Court Committee.

REPORT  
REGULAR COUNCIL MEETING  
1985 April 09

3. The new Young Offenders Act, Section 69, says that the Attorney General of a province can create a Youth Justice Committee to assist in any aspect of the administration of the Young Offenders Act. The power to create Youth Justice Committees is permissive, and it is not necessary that they be established. The letter dated 1984 October 22 from the Ministry of Attorney General indicated that on request to him, he will designate an existing Family Court Committee as a Youth Justice Committee, with a dual recognition. This means that upon designation the Family Court Committee can take on the responsibilities of a Youth Justice Committee, but it does not mean that the Family Court Committee needs to change its name.

After reviewing the above points, on balance, I believe that the Committee should be known simply as the Family Court Committee. The terms of reference for Youth Justice Committees as set out in the letter to Mr. Stainton from Mr. W.G. Hoskins in the Ministry of Attorney General are very similar and could easily be read into the terms of reference of the Family Court Committee as spelled out in the Provincial Court Act. It therefore does not appear to be necessary to adopt new terms of reference from those already spelled out in the legislation. In short, the simplest approach to this problem is to have the Family Court Committee retain its title, to drop the title of Justice Council and to not add to the title any reference to the Youth Justice Committee.

One further point. The Family Court Committee, however, need not request designation as a Youth Justice Committee, and in fact, Mr. Hoskins in his letter of October 22 makes it very clear that the Family Court Committee may continue its present function under Section 4 of the Provincial Court Act. In other words, the Family Court Committee can do the kinds of things that Mr. Hoskins refers to in his letter of October 22, even if the Committee does not request that it be established as a Youth Justice Committee. Basically, the designation would tend to formalize and to possibly give rise to a closer relationship to the justice program and those working in the justice system. Seven such committees have been designated to date. I'm not sure I see the 'magic' in the designation, because as said previously, the Family Court Committee can really do everything right now that is covered in the 1984 October 22 letter from the Ministry, although I suppose its access to the 'system' could be blurred by a technicality.

Should, however, the Committee wish to be designated, then I presume that the preferable route to follow would be for the Committee to make this request of the Ministry. The request would be to ask for the dual responsibilities as outlined in the Young Offenders Act (Canada) so that the Family Court Committee could function as the Youth Justice Committee and could still maintain at the same time its name as the Family Court Committee."

REPORT  
REGULAR COUNCIL MEETING  
1985 April 09

As a result of the information provided, your Committee submits the recommendations on Page 1 of this report for your consideration.

Respectfully submitted,

Pastor Gordon McDonald,  
Chairman  
Justice Council/Family Court  
Committee