

Appointments: A Policy Framework For Administrative Tribunals – Bibliography

The information in this bibliography is a list of all source material cited in the background paper on “Appointments” for the Administrative Justice Project. The paper is available on the project’s web site and was released for the purpose of consultation scheduled to be completed by June 15, 2002.

Legislation

An Act Respecting Administrative Justice, R.S.Q. 1996 c. 54.

Assessment Act, R.S.B.C. 1996, c. 20.

BC Benefits (Appeals) Act, R.S.B.C. 1996, c. 25.

Children’s Commission Act, S.B.C. 1997, c. 11.

Commercial Appeals Commission Act, R.S.B.C. 1996, c. 54.

Community Care Facility Act, R.S.B.C. 1996, c. 60.

Coroners Act, R.S.B.C. 1996, c. 72.

Criminal Code (R.S. 1985, c. C-46).

Criminal Records Review Act, R.S.B.C. 1996, c. 86.

Electrical Safety Act, R.S.B.C. 1996, c. 109.

Elevating Devices Safety Act, R.S.B.C. 1996, c. 110.

Emergency Program Act, R.S.B.C. 1996, c. 111.

Employment Standards Act, R.S.B.C. 1996, c. 113.

Environmental Management Act, R.S.B.C. 1996, c. 118.

Expropriation Compensation Act, R.S.B.C. 1996, c. 125.

Farm Practices Protection (Right to Farm) Act, 1996, c. 131.

Financial Administration Act, R.S.B.C. 1996, c. 138.

Financial Institutions Act, R.S.B.C. 1996, c. 141.

Fire Services Act, R.S.B.C. 1996, c. 144.

Forest Practices of British Columbia Act, R.S.B.C. 1996, c. 159.

Gas Safety Act, R.S.B.C. 1996, c. 169.

Health Care (Consent) and Care Facility (Admission) Act, R.S.B.C. 1996, c. 181.

Horse Racing Act, R.S.B.C. 1996, c. 198.

Human Rights Code, R.S.B.C. 1996, c. 210.

Inquiry Act, R.S.B.C. 1996, c. 224.

Interpretation Act, R.S.B.C. 1996, c. 238.

Labour Relations Code, R.S.B.C. 1996, c. 244.

Land Reserve Commission Act, S.B.C. 1999, c. 14.

- Liquor Control and Licensing Act*, R.S.B.C. 1996, c. 267.
Local Government Act, R.S.B.C. 1996, c. 346.
Medicare Protection Act, R.S.B.C. 1996, c. 286.
Mental Health Act, R.S.B.C. 1996, c. 288.
Mineral Tax Act, R.S.B.C. 1996, c. 291.
Motion Picture Act, R.S.B.C. 1996, c. 314.
Motor Carrier Act, R.S.B.C. 1996, c. 315.
Motor Dealer Act, R.S.B.C. 1996, c. 316.
Natural Products Marketing (BC) Act, R.S.B.C. 1996, c. 330.
Parole Act, R.S.B.C. 1996, c. 346.
Petroleum and Natural Gas Act, R.S.B.C. 1996, c. 361.
Power Engineers and Boiler Pressure Vessel Safety Act, R.S.B.C. 1996, c. 368.
Private Post-Secondary Education Act, R.S.B.C. 1996, c. 375.
Provincial Court Act, R.S.B.C. 1996, c. 379.
Public Sector Employers Act, R.S.B.C. 1996, c. 384.
Public Service Act, R.S.B.C. 1996, c. 385.
Public Service Benefit Plan Act, R.S.B.C., 1996, c. 386.
Provincial Court Act, R.S.B.C. 1996, c. 379.
Residential Tenancy Act, R.S.B.C. 1996, c. 406.
Securities Act, R.S.B.C. 1996, c. 418.
Travel Agents Act, R.S.B.C. 1996, c. 459.
Utilities Commission Act, R.S.B.C. 1996, c. 473.
Workers Compensation Act, R.S.B.C. 1996, c. 492.

Regulations

Employment Termination Standards Regulation B.C. Reg. 379/97.

Cases

- Canadian Pacific Ltd. v. Matsqui Indian Band*, [1995] 1 S.C.R. 3.
- Barreau de Montreal c. Quebec (Procureur general)* (1999), [2000] R.J.Q. 125 (S.C. Quebec).
- Doern and Jones v. Police Complaint Commissioner*, 2001 B.C.C.A. 446.
- Hewat v. Ontario*, (1998), 35 C.C.E.L. (2d) 32 (Ont. C.A.).
- Independence of the Provincial Court of British Columbia Justices of the Peace (Re)*, [2000] B.C.J. No. 2003, 2000 B.C.S.C. 1470 Vancouver Registry No. A993105.
- Knight v. Indian Head School Division No. 19*, [1990] 1 S.C.R. 653.
- Ocean Port Hotel Ltd. v. British Columbia (General Manager, Liquor Control and Licensing Branch)*, 2001 S.C.C. 52.
- Preston v. British Columbia* (1994), 92 B.C.L.R. (2d) 298 (B.C.C.A.).
- 2747-3174 Quebec Inc. v. Quebec (Régie des permis d'alcool)*, (1996), 140 D.L.R. (4th) 577 (S.C.C.).
- Sekela v. Police Complaint Commissioner*, 2001 B.C.C.A. 572.
- Valente v. The Queen*, [1985] 2 S.C.R. 673.
- Wells v. Newfoundland* (1999), 46 C.C.E.L. (2d) 165 (S.C.C.).

Secondary Materials

- Abella, R.S. "Canadian Administrative Tribunals: Towards Judicialization or Dejudicialization?" (1988/1999) 2 *C.J.A.L.P.* 1.
- Australia Administrative Review Council. "Report to the Minister of Justice. Better Decisions: Review of Commonwealth Merits Review Tribunals", Report No. 39, August 1995.
- British Columbia. Administrative Justice Project Terms of Reference, July 2001. Available online at: <http://www.gov.bc.ca/ajp>.
- British Columbia. Board Resourcing and Development Office, Office of the Premier. "Guidelines for Conduct". Available online at: <http://www.fin.gov.bc.ca/abc>.
- British Columbia. Board Resourcing and Development Office, Office of the Premier. "Public Agency Appointment Guidelines", November 15, 2001. Available online at: <http://www.fin.gov.bc.ca/abc>.
- British Columbia. Public Service Employee Relations Commission. *Policy Directive 5.4 - Standards of Conduct for Public Services Employees* (Revised October 1997).
- British Columbia. Cabinet Office. *Guide to the Cabinet Committee System*, December 1993.
- British Columbia. Ministry of Attorney General. *Model Memorandum of Understanding: A Guide for Ministries in the Provincial Government and Associated, Agencies, Boards and Commissions*. For Discussion, July 2000.

- British Columbia. Ministry of Finance. "Compensation and Travel Expenses for Appointees to Government Agencies, Boards and Commissions" Section I. 7 - Government Management Policy Summary, March 1998.
- British Columbia. Ministry of Finance. Treasury Board Directive 2/91 "Compensation for Appointees to Government Agencies, Boards and Commissions". May 10, 1990.
- British Columbia. Ministry of Finance. Treasury Board Directive 1/00 "Compensation for Appointees to Government Agencies Boards and Commissions". August 20, 1999.
- British Columbia. Office of the Auditor General. *Crown Corporations Governance Study* (Report 2: 1996/1997). Available online at: <http://www.bcauditor.com>.
- British Columbia. Office of the Auditor General. Deputy Ministers' Council. *Enhancing Accountability for Performance in the British Columbia Public Sector: Second Joint Report*. Victoria: Office of the Auditor General, 1996. Available online at: <http://www.bcauditor.com>.
- British Columbia. Office of the Auditor General. *Ethics Codes in the Public Sector*. (Report 10: 1996/1997). Available online at: <http://www.bcauditor.com>.
- British Columbia. Office of the Premier. "Service Plan 2002/2003- 2004/2005", February 2000. Available online at: <http://www.gov.bc.ca>.
- British Columbia Council of Administrative Tribunals. *Administrative Justice in British Columbia: Ensuring Fairness and Accountability*, March 2002. Available online at: <http://www.bccat.net>.
- British Columbia Council of Administrative Tribunals. *Recommendations of the British Columbia Council of Administrative Tribunals Research and Policy Committee on Independence, Accountability and Appointment Processes for British Columbia*, December 5, 2000.
- British Columbia Review Board. "Code of Recommended Conduct for Members" (2000).
- Bryden, P. and R. Hatch. "Report on Independence, Accountability and Appointment Processes in British Columbia Tribunals" (1998/1999) 12 *C.J.A.L.P.* 235.
- Canada. *Conflict of Interest and Post-Employment Code for Public Office Holders*. June 1994. Available at: <http://strategis.ic.gc.ca/SSG/oe00002e.html>.
- Canada. 2000 Report of the Auditor General of Canada – December. "Chapter 18 – Governance of Crown Corporations". Available online at: <http://www.oag-bvg.gc.ca/domino/reports.nsf/html/0018ce.html>.
- Canada. Department of Finance and Treasury Board. *Corporate Governance in Crown Corporations and Other Public Enterprises: Guidelines*. Ottawa: Ministry of Supply and Services, 1996.
- Canada. Privy Council Office. A Guide Book for Heads of Agencies: Operations Structures and Responsibilities in the Federal Government (August 1999). Available online at: <http://www.pco-bcp.gc.ca>.
- Canada. Privy Council Office. *Building a Governor in Council Position Accountability Profile*, January 2001. Available online at: <http://www.pco-bcp.gc.ca>.
- Canada. Privy Council Office. *Terms and Conditions of Employment for Governor in Council Appointments*. June 1997. Available online at: <http://www.pco-bcp.gc.ca>.

- Canada. Privy Council Office. *Building a Governor in Council Position Accountability Profile*, January 2001. Available online at: <http://www.pco-bcp.gc.ca>.
- Canada. *Advisory Committee on Senior Level Retention and Compensation – Fourth Report* (March 2002). Prepared for Treasury Board. Available online at: <http://www.tbs-sctgc.ca>.
- Canada. Privy Council Office. *Performance Management Program – Guidelines for Heads of Agencies and other Governor Council Appointees*. (February 2002). Available online at: <http://www.pco-bcp.gc.ca>.
- Canada. Privy Council Office. *Remuneration Guidelines for Part-Time Governor in Council Appointees in Agencies, Boards and Commissions* (October 2000). Available online at: <http://www.pco-bcp.gc.ca>.
- Canada. Privy Council Office. *Salary Ranges for Full-Time Governor in Council Appointees* (Last Modified November 2001). Available online at: <http://www.pco-bcp.gc.ca>.
- Canada. Royal Commission on Financial Management and Accountability, *Final Report* (Ottawa: Ministry of Supply and Services, 1979).
- Canadian Bar Association Task Force Report (E. Ratushny). *The Independence of Federal Administrative Tribunals and Agencies in Canada*. Ottawa: Canadian Bar Association, September 1990.
- Canadian Bar Association – Ontario. *Appointments To, Tenure At and Termination from Administrative Tribunals*. Administrative Law, Labour Relations and Workers' Compensation Joint Section Programme. November 25, 1997.
- Canadian Bar Association – Ontario. *Submission to the Premier of Ontario Re: Appointments to Administrative Tribunals*. December 12, 1988.
- Canadian Bar Association – Ontario. *Submission to the Agency Reform Commission*. November 12, 1997.
- Canadian Institute for the Administration of Justice. *Independence, accountability and government agencies*. [Background paper, prepared by Nathalie Des Rosiers for the February 28th, 1997 roundtable discussion on Tribunal Independence and Accountability in Toronto], 1997.
- Circle of Chairs (British Columbia). *Appointments to Administrative Tribunals*, February 7, 2002.
- Ellis, R. "Appointments Policies in the Administrative Justice System: Lessons From Ontario, Four Speeches" (1997/1998) 11 *C.J.A.L.P.* 205.
- Ellis, R. "Administrative Justice System Reform" (1996/1997) 10 *C.J.A.L.P.* 1.
- Ellis, R. "Restructuring the Administrative Justice System: The Provincial Tribunal" (1996/1997) 10 *C.J.A.L.P.* 175.
- Falzon, F. *Standard of Review on Judicial Review or Appeal*. Background Paper prepared for the Administrative Justice Project (December 2001). Available online at: <http://www.gov.bc.ca/ajp>.
- Freeman, M. "Assessing Tribunals and the Appointment Process" (1996). Paper presented to the Annual Conference of the Council of Canadian Administrative Tribunals.

- Ginn, D. "Recent Developments in Impartiality and Independence" (1997/1998) 11 *C.J.A.L.P.* 26.
- Hale, G. *Administrative Justice Reform in Ontario*. Paper for presentation to Council of Canadian Administrative Tribunals, Ottawa (ON), June 1, 1998. Available online at http://www.ert.gov.on.ca/ccat/1998_Hale.htm.
- KPMG Consulting LP. *Jurisdictional Review on Rules and Policies Governing Appointments and Practices in Government Agencies, Boards and Commissions*. Final Report Submitted to Corporate Policy Branch, Management Board Secretariat, Government of Ontario, March 2000.
- Labelle, D. "Report on the Study of Training Administrative Tribunal Members in Canada" (1992/1993) 6 *C.J.A.L.P.* 252.
- Land Reserve Commission. *Governance Policy*. May 2001. Available online at: <http://www.icompasscanada.com/lrc/index.stm>.
- Law Reform Commission of Canada. *Independent Administrative Agencies*. Working Paper 25, Ottawa: Law Reform Commission of Canada, 1980.
- Law Reform Commission of Nova Scotia. *Discussion Paper: Agencies, Boards and Commissions – The Administrative Justice System in Nova Scotia*. Halifax: Law Reform Commission of Nova Scotia, February 1996.
- Law Reform Commission of Nova Scotia. *The Reform of the Administrative Justice System in Nova Scotia* 1997.
- Leadbeater, A.. *Council on Administration*. Law Reform Commission of Canada. Administrative Law Series Study Paper, Ottawa: Minister of Supply and Services, 1980.
- Leclerc, G., W.D. Moynagh, Jean-Pierre Boisclair, H. Hanson. *Accountability, Performance Reporting, Comprehensive Audit – An Integrated Perspective*. Ottawa: Canadian Comprehensive Auditing Foundation, 1996.
- Leggatt, Sir Andrew. *Tribunals for Users: One System, One Service*. Report of the Review of Tribunals. March 2001. Available online at: <http://www.tribunals-review.org.uk/leggatthtm/leg-00.htm>.
- LeFrancois, M. "Powers of Management of the Federal Administrative Tribunal Chair: Their Impact on Discipline and Independence of Members" (1996/1997) 10 *C.J.A.L.P.* 77.
- Macaulay, Robert. *Directions: Review of Ontario's Regulatory Agencies: Overview*. Toronto: Queen's Printer for Ontario, September 1989.
- Macaulay, Robert. *Directions: Review of Ontario's Regulatory Agencies: Report*. Toronto: Queen's Printer for Ontario, September 1989.
- MacDonald, D. "Ontario's Agencies, Boards and Commissions Come of Age" (1993) 26 (3) *Canadian Public Administration*, 349.
- MacDonald, R. "Measure for Measure – Audits and Accountability". Comments to British Columbia Council of Administrative Tribunals Conference, November 1998.
- Masse, Marcel. *Agency Review: Final Report*. Ottawa: Office of the President of the Queen's Privy Council of Canada, February 1995.
- McCormack, J. "The Price of Administrative Justice" (1998) 6 *Canadian Labour and Employment Law Journal* 1.

- Molot, H. "Employment During Good Behaviour and at Pleasure" (1988/1989) 2 *C.J.A.L.P.* 238.
- Molot, H. "Governor in Council Appointees: Employment Based on Statute or Contract?" (1999/2000) 13 *C.J.A.L.P.* 265.
- Mullan, D. "Administrative Tribunals: Their Evolution in Canada from 1945 to 1986" (1985) in I. Bernier and A. Lajoie. (eds). *Regulations, Crown Corporations and Administrative Tribunals*, Toronto: University of Toronto Press, 155.
- New Zealand. State Services Commission. Board Appointment and Induction Guidelines. (no date). Available at: <http://www.wwc.govt.nz>.
- New Zealand. State Services Commission. Crown Entity Reform: Overview. August 2000.
- New Zealand. Cabinet Office Circular (99) 13 – Ministers' Roles and Responsibilities in Relation to Crown Entities. August 1999. Available at: <http://www.dpmc.govt.nz/cabinet/circulars/co99/13.html>.
- New Zealand. Cabinet Office Circular (99) 11: Classification and Remuneration of Statutory and Other Bodies Appointed to the Crown. Available at: <http://www.dpmc.govt.nz/cabinet/circulars/co99/11.html>.
- New Zealand. Cabinet Office Circular "Guidance for Members of Statutory, Commercial or Other Bodies Appointed by the Crown" CO (99) 12, 23 August 1999.
- New Zealand. Crown Entity Reform: Assignment of Crown Entities to Classes. August 2000.
- Ontario. *Directions: The Report of the Review of Ontario's Regulatory Agencies*, Toronto: Queen's Printer for Ontario, 1989.
- Ontario. *Government Task Force on Agencies, Board and Commissions: Report on Restructuring Regulatory & Adjudicative Agencies*, Toronto: Queen's Printer for Ontario, February 1997.
- Ontario. *Everyday Justice: Report of the Agency Reform Commission on Ontario's Regulatory and Adjudicative Agencies*, Toronto: Queen's Printer for Ontario, April 1998.
- Ontario. Management Board Secretariat. *Competency Framework for Regulatory & Adjudicative Agencies* (November 2000).
- Ontario. Management Board Secretariat. *Draft Appointment Agreement*. (no date).
- Ontario. Management Board Secretariat. *Model Code of Conduct*. (no date).
- Ontario. Management Board Secretariat. *Performance Management for Appointees to Regulatory and Adjudicative Agencies* (November 2000).
- Ontario. Standing Committee on the Legislative Assembly. Report on Appointments in the Public Sector, 2nd Sess., 33rd Parl., 35 Eliz. II, June 26, 1996.
- Priest, Margot. "Structure and Accountability of Administrative Agencies" in *Special Lectures of the Law Society of Upper Canada 1992: Administrative Law – Principles, Practice and Pluralism* (Scarborough, Ontario: Carswell, 1992) 11.
- Priest, Margot. "Fundamental Reforms to the Ontario Admin Justice System" in *Rethinking Civil Justice: Research Studies for the Civil Justice Review*, Volume 2, Toronto: Ontario Law Reform Commission, (December 1996) 545.

Rankin, M., "Perspectives on the Independence of Administrative Tribunals" (1992/1993) 6 *C.J.A.L.P.* 91.

Ratushny, E. "What are Administrative Tribunals? The Pursuit of Uniformity in Diversity" (1987) 30 (1) *Canadian Public Administration* 1.

Royal Commission on Workers' Compensation in British Columbia. *For the Common Good: Final Report of the Royal Commission on Workers' Compensation in British Columbia*, Victoria: Queen's Printer, 1999. Available online at: <http://www.gov.bc.ca/sdl/>.

Society of Ontario Adjudicators and Regulators. "Background Paper to SOAR's Discussion Paper on Principles for Appointments to Adjudicative/Regulatory Tribunals". Available online at <http://www.soar.on.ca/soar>.

Society of Ontario Adjudicators and Regulators. "SOAR Discussion Paper: Principles for Appointments to Adjudicative/Regulatory Tribunals" 1997. Available online at: <http://www.soar.on.ca/soar>.

Society of Ontario Adjudicators and Regulators. Principles for Appointments to Adjudicative/Regulatory Tribunals: Discussion Paper. Available online at: <http://www.soar.on.ca/soar-appoint-htm>.

United Kingdom. Office of the Commissioner of Public Appointments. "The Commissioner For Public Appointments Code of Practice for Ministerial Appointments to Public Bodies", July 2001.

United Kingdom Report of the Committee on Standards of Public Life ("Nolan" Committee), 1995. Available online at: <http://www.archive.official-documents.co.uk/document/parlment/nolan/nolan.htm>.

Workers' Compensation Board of British Columbia. "Code of Conduct - Appeal Commissioners", in the Workers' Compensation Reporter, Volume 17, Appeal Division No. 33. (Effective September 1, 2001).

Wyman, Katrina M. "Appointments to Adjudicative Tribunals: Politics and Courts". (1999) 57(2) *University of Toronto Faculty of Law Review* 101.

Wyman, Katrina M. "The Independence of Administrative Tribunals in an Era of Ever Expansive Judicial Independence" (2000/2001) 14.1 *C.J.A.L.P.* 61.