

November 10, 2005

Memorandum of Understanding (MOU) becoming a “best practice”

The Honourable Richard Neufeld, Minister of Energy, Mines and Petroleum Resources (EMPR), and Paul Love, Chair of the Mediation and Arbitration Board (MAB), recently executed a Memorandum of Understanding, to clearly define their respective roles and accountabilities.

The MOU will ensure that the MAB continues to function smoothly and effectively, by recognizing the decision-making independence of the MAB, clarifying the MAB’s accountability for the use of public funds and acknowledging the need for the Minister to provide appropriate supports and resources to the MAB. The MOU can be viewed at: http://www.em.gov.bc.ca/subwebs/M&ABoard/MAB_mediation.pdf.

The MOU is based on the Administrative Justice Office’s (AJO) [model document](#). The AJO acted as a resource to the parties in their discussions.

The AJO’s model document addresses a number of aspects of the relationship between a tribunal and the supporting ministry and recommends including:

- confirmation of the principles of tribunal decision-making independence and impartiality, balanced with tribunal accountability for the use of public resources;
- support for merit-based appointments of tribunal members;
- acknowledgement that the chair is responsible for effective management of the tribunal, including ensuring compliance with applicable legislation and policy instruments;
- the chair’s responsibility for strategic planning and performance management for the tribunal, including developing appropriate performance measures and targets and reporting results;
- ministerial responsibility for ensuring the tribunal is provided with the financial, administrative and personnel resources and supports reasonably necessary for the tribunal to achieve its mandate; and,
- an overview of how the supporting ministry will provide the financial, administrative and personnel resources and supports to the tribunal and how the tribunal will use those resources and supports.

Other tribunals and supporting ministries are at various stages of the development of a MOU, indicating that this approach is now recognized as a best practice for recording the relationship between the parties.

For further information on the model MOU, please contact Richard Rogers at the AJO (richard.rogers@gov.bc.ca; 250/387-1712).