

PROVINCIAL JUDGES

Journal

DES JUGES PROVINCIAUX



VOLUME 15, NO. 3

SEPTEMBER 1991

President's Page	Page 1
Editorial Page	Page 3
News Briefs	Page 5
Special Honour	Page 24
In Lighter Vein	Page 26
Honorary Members	Page 30

THE CANADIAN ASSOCIATION OF
PROVINCIAL COURT JUDGES

L'ASSOCIATION CANADIENNE DES
JUGES DE COURTS PROVINCIALES



THE CANADIAN ASSOCIATION OF PROVINCIAL COURT JUDGES

EXECUTIVE COMMITTEE MEMBERS 1991-1992

Judge Charles Scullion, President
 Judge E.S. Bobowski, First Vice-President
 Judge Gerald Barnable, Second Vice-President
 Judge Wesley Swail, Third Vice-President
 M. le juge Yvon Mercier, Past President
 Judge Pamela Thomson, Secretary/Treasurer

PROVINCIAL REPRESENTATIVES

Judge Bruce LeGrow — Newfoundland
 Judge Robert F. Ferguson — Nova Scotia
 Judge Murray F. Cain — New Brunswick
 Judge Ralph Thompson — Prince Edward Island
 Judge Stephen Cuddihy — Québec
 Judge Len Montgomery — Ontario
 Judge Marvin Garfinkel — Manitoba
 Judge A.R. Chorneyk — Saskatchewan
 Judge Bernard N. Laven — Alberta
 Judge Jane Auxier — British Columbia
 Judge B. Bruser — Northwest Territories
 Judge John Faulkner — Yukon

COMMITTEE CHAIRPERSONS

Judge Douglas M. McDonald, Judicial Compensation
 Judge M. Reginald Reid, Association Journal
 Judge Denis Schmidt, Civil Courts
 Judge Delores Hansen, Canadian Judicial College
 Judge E.S. Bobowski, Judicial Independence
 Judge Gerald Barnable, Committee on the Law
 Judge Kent Kirkland, Family & Young Offenders Courts
 Judge Jane Auxier, CBA Liaison
 Judge Hugh Porter, Constitution
 Judge Harvie Allen, Conference '92

The Provincial Journal is a quarterly publication of the Canadian Association of Provincial Court Judges, Views and opinions contained therein are not to be taken as official expressions of the Canadian Association's policy unless so stated.

Editorial communications are to be sent to:

The Provincial Judges Journal
 Box 5144
 St. John's, Newfoundland
 A1C 5V5

Attention: Judge M. Reginald Reid

EDITOR-IN-CHIEF
 Judge Reginald Reid

EDITORIAL BOARD
 British Columbia — vacant
 Alberta — Judge P.M. Caffaro
 Saskatchewan — Judge G.T. Seniuk
 Manitoba — Judge Linda Giesbrecht
 Ontario — Judge Douglas Latimer
 Quebec — M. le Juge Louis Jacques Leger
 New Brunswick — Judge Frederic Arsénault
 Prince Edward Island — Judge Gerald L. Fitzgerald
 Nova Scotia — Judge Vernon J. MacDonald
 Newfoundland — Vacant
 North West Territories — Judge R. Michel Bourassa

EXECUTIVE COMMITTEE MEMBERS 1991-1992

<p>President Judge Charles Scullion Ontario Court (Provincial Division) 444 Yonge Street Toronto, Ontario M5B 2H4 Tel: (416) 965-7420 Fax: (416) 324-4591</p> <p>1st Vice-President Judge E.S. Bobowski Provincial Court 120 Smith Street East Yorkton, Sask. S3N 3V3 Tel: (306) 786-1400 Fax: (306) 786-6886</p>	<p>2nd Vice-President Judge Gerald Barnable Provincial Court P.O. Box 369 Placentia, Newfoundland A0B 2Y0 Tel: (709) 227-2002 Fax: (709) 227-5747</p> <p>3rd Vice-President Judge Wesley H. Swail Provincial Court 5th Floor, 408 York Ave. Winnipeg, Man. R3C 0T9 Tel: (204) 945-7162 Fax: (204) 945-0552</p>	<p>Secretary/Treasurer/Executive Director Judge Pamela Thomson Judges' Chambers 16th Floor, 400 University Avenue Toronto, Ontario M5G 1S8 Tel: (416) 965-3715 Fax: (416) 324-4591 or 965-9721</p> <p>Past President M. le juge Yvon Mercier Cour de Québec 300, boul. Jean Lesage Québec, Québec G1K 8K6 Tel: (418) 649-3424 Fax: (418) 643-8432</p>
--	--	--

PROVINCIAL REPRESENTATIVES

<p>Newfoundland Judge Bruce LeGrow Provincial Court 35 Alabama Drive Stephenville, NF A2N 3K9 Tel: (709) 643-2966 Fax: (709) 643-4022</p> <p>New Brunswick Judge Murray F. Cain Provincial Court P.O. Box 137 Hampton, NB E0G 1Z0 Tel: (506) 832-6015</p> <p>Nova Scotia Judge Robert J. Ferguson Provincial Court Family Division P.O. Box 785 Sydney, NS B1P 6J1 Tel: (902) 563-2200 Fax: (902) 563-0501</p> <p>Prince Edward Island Judge Ralph Thompson Courthouse 108 Central Street Summerside, PEI C1N 3L4 Tel: (902) 436-4217 Fax: (902) 888-3928</p>	<p>Quebec M. le juge Stephen Cuddihy Cour du Québec Palais de Justice 400, rue Lavolette Saint-Jerome, Québec J7Y 2T6 Tel: (514) 436-7455</p> <p>Ontario Judge Len Montgomery Ontario Court (Provincial Division) Box 218 19 Front St. N. Orillia, Ontario L3V 6J3 Tel: (705) 326-2671</p> <p>Manitoba Judge Marvin Garfinkel Provincial Court 5th Floor, 408 York Avenue Winnipeg, Man. R3C 0P9 Tel: (204) 945-7169 Fax: (204) 945-0552</p> <p>Saskatchewan Judge A.R. Chorneyk Provincial Court Wynyard, Sask. S0A 4T0 Tel: (306) 554-2155</p>	<p>Alberta Judge Bernard Laven Provincial Court 323 6th Avenue S.E. Calgary, Alberta T2G 4V1 Tel: (403) 297-3122 Fax: (403) 297-3179</p> <p>British Columbia Judge Jane Auxier Provincial Court 2625 Yale Street Vancouver, BC V5K 1C2 Tel: (604) 660-9100 Fax: (604) 660-1011</p> <p>Yukon Territory Judge John Faulkner The Law Courts 2134 Second Avenue Whitehorse, Yukon, Y1A 5H6 Tel: (403) 667-5438 Fax:</p> <p>Northwest Territories Judge B. Bruser Territorial Court Box 1965 Inuvik, NWT X0E 0T0 Tel: (403) 979-2451</p>
---	--	---

COMMITTEE CHAIRPERSONS AND SPECIAL COMMITTEES

<p>Canadian Judicial College Judge Delores Hansen Provincial Court 6th Floor, Law Courts Annex 1-A Sir Winston Churchill Edmonton, Alberta T5J 0R2 Tel: (403) 427-7805 (B) (403) 483-0411 (H) Fax: (403) 427-2077</p> <p>Association Journal Judge M. Reginald Reid Provincial Court P.O. Box 5144 St. John's, Nfld., A1C 5V5 Tel: (709) 726-7181 Fax: (709) 729-6272</p> <p>Civil Courts Judge Dennis Schmidt Provincial Court 814 Richards Street Vancouver, BC V6B 3A7 Tel: (604) 660-2468 Fax: (604) 660-2618</p> <p>Committee on the Law Judge Gerald Barnable Provincial Court P.O. Box 369 Placentia, Newfoundland A0B 2Y0 Tel: (709) 227-1001 Fax: (709) 227-5747</p>	<p>Judicial Independence Judge Ernie S. Bobowski Provincial Court 120 Smith Street East Yorkton, Saskatchewan S3N 3V3 Tel: (306) 786-1400 Fax: (306) 786-6886</p> <p>Family & Young Offenders Court Judge Kent Kirkland Ontario Court (Provincial Div.) P.O. Box 906, Suite 402 199 Front Street Belleville, Ontario K8N 5B6 Tel: (613) 968-8583</p> <p>Conference '92 Judge Harvie Allen Provincial Court 1815 Smith Street Regina, Saskatchewan S4P 3V7 Tel: (306) 787-9758 Fax: (306) 787-3933</p> <p>Constitution Judge Hugh Porter Ontario Court (Provincial Division) 444 Yonge Street, Room 207 Toronto, Ontario M5B 2H4 Tel: (416) 965-7420 965-7424 Fax: (416) 324-4591</p>	<p>Compensation Judge Douglas M. McDonald Provincial Court 323 - 6th Avenue S.E. Calgary, Alberta T2G 4V1 Tel: (403) 297-3156 Fax: (403) 297-3179</p> <p>CBA Liaison Judge Jane Auxier Provincial Court 2625 Yale Street Vancouver, BC V5K 1C2 Tel: (604) 660-9100 Fax: (604) 660-1011</p>
---	---	--

President's Page

by/par Judge/juge Charles Scullion

The 19th year of the Canadian Association of Provincial Court Judges has come to a close and as we approach our 20th year as an Association, our activities and responsibilities in the administration of justice increases. Longer trials due to impaired driving, new amendments to the Criminal Code, Charter arguments, domestic violence, sexual and child abuse increases our work loads. Computers, word processors and new technologies in Case Flow Management all increase our knowledge. Despite this increased knowledge there will be many problems that the Canadian Association of Provincial Court Judges and the administration of justice will be facing in the future. I am sure that the C.A.P.C.J. with the help of its many members, will be of great assistance to Governments, both Federal and Provincial in overcoming the challenges that the administration of justice in Canada will have to surmount in future years.

The annual conference in Toronto was an outstanding success. Our appreciation and thanks go to the Ontario Association of Provincial Court Judges, (Civil, Family and Criminal) and to Chief Judge Sidney B. Linden who were the hosts of this conference. The Conference Committee, under the chairperson of Hugh Porter and his wife Mary with special assistance from Judge Seneshen, did an outstanding job. The Toronto Conference this year was unusual as there were four conferences going on during this period — Chief Judges Conference, Conference of New Judges in Ontario, Family Court of Ontario Conference and the Joint Conference of Ontario Association of Provincial Court Judges and the Canadian Association of Provincial Court Judges. In addition the National Judicial Institute were also having their meeting. Congratulations must be given to the education chairpersons who managed to integrate these many programs and again

to Judge Hugh Porter and specially to Mary Porter who managed to bring order to what could have been chaos.

The Canadian Judicial Center, under the guidance of Mr. Justice Marshall has changed their name to the National Judicial Institute. Although there are many problems that have to be resolved between the National Judicial Institute and the Canadian Association of Provincial Court Judges, I am sure that with a spirit of co-operation and thorough discussion we will be able to resolve these problems.

Judge Delores Hansen is the new director of the Canadian Judicial College of the C.A.P.C.J. and will be working directly with the Education chairpersons of each province and territory. The Western Judicial Education Centre continues its excellent work under the auspices of Judge Douglas R. Campbell. More work is being done in co-operation with the Atlantic Provinces and the challenges in that area hopefully will be met.

Our involvement with the Canadian Bar Association has increased their awareness of the problems of Provincial Court Judges throughout Canada. Her Honour Judge Jane Auxier of British Columbia has agreed to become the chairperson of the Canadian Bar Association Liaison Committee and will be working with the Canadian Bar Association. I am disappointed with the recommendations of the Canadian Bar Association Task Force Report under the founding chairperson Mr. Justice Seaton of Vancouver and Research Director, Professor T.A. Cromwell, where, despite the many studies and recommendations of the past, the Canadian Bar Association Task Force does not recommend one unified court. The report of the Canadian Bar Association Task Force was tabled in Calgary for discussion and will come before

the members of the Canadian Bar Association at their Mid-Winter meeting on February 22, 1992. The Canadian Association of Provincial Court Judges will be registering our displeasure with this report. The Canadian Bar, on the other hand, has taken a strong stand as to the benefits, compensation and working conditions of the Provincial Court Judges and I am pleased that the recommendation of the Canadian Bar Association of Ontario to the Henderson Committee in Ontario is as follows:

“We have previously recommended that Provincial Court judges receive salaries and benefits comparable to those paid to federally appointed judges. Since we made that recommendation in 1988, and since the Henderson Report was released, significant changes have taken place in the administration of justice in Ontario. Those changes, combined with the government’s failure to implement the Henderson Report’s compensation scheme, lead us to reiterate our previously stated position. We strongly urge the Commission to recommend that Provincial Court judges be accorded parity in remuneration, allowances and benefits, including pension, with those received by judges of the Ontario Court of Justice (General Division). Further, in terms of pension arrangements, consideration should be given to the fact that Provincial Court judges may choose to serve for limited terms. Indeed, recent vacancies have been advertised as being suitable to those wishing to serve on

a limited time basis. In addition, we recommend that any compensation scheme which may be implemented as a result of this Commission’s recommendations, be codified in statute or regulation or otherwise made binding upon the provincial government. Provincial Court judges should not, by virtue of their position, be subjected to an annual erosion of their earning power, nor should they be placed in a situation where they must, at risk of their judicial independence, continue to go “cap in hand” to the government of the day in search of proper compensation of their work.”

I would hope that the Canadian Bar Association would endorse these recommendations for all Provincial Court judges throughout Canada.

Before closing I wish to acknowledge the efforts and contributions of His Honour Judge Jean Marie Bordeleau of Ottawa, immediate Past Director of the Canadian Judicial College. Jean Marie has been involved in the New Judges training program for many years and has been a pillar of strength to the Canadian Association of Provincial Court Judges. His contributions have been many. Jean Marie will soon be becoming President of The Association of Provincial Court Judges for Ontario. We wish him well in his new position and look forward to a strong representation from Ontario.

The Conference in Toronto is now in the past and we look forward to the Conference in Regina in 1992.

CHANGES?

New Provincial Representative?

Let the Executive Director and the Junior Editor know without delay!

New Compensation Terms?

Let Judge D.M. McDonald, Calgary know as soon as possible!

* * * * *

CHANGEMENTS?

nouveau(elle) représentant(e) de la province?

Je vous prie, informez le directeur exécutif aussi bien que le rédacteur en chef du journal sans délai!

nouveaux termes de la compensation/ rémunération?

Informez m. le juge D.M. McDonald de Calgary le plus tôt possible!

HONORARY MEMBERS OF THE CAPCJ MEMBRES HONORAIRES DE L'ACJCP

From its very beginning the CAPCJ has been recognizing certain members and other persons for the valuable and outstanding contribution made by them towards the well-being of the association. That recognition normally takes the form of conferring honorary membership upon those persons.

To date the following have been so recognized:

LLOYD WICKS, Newfoundland/Terre-Neuve, 1978
ORVILLE FRENETTE, Québec, 1978
RENE MARIN, Ontario, 1978
JOSEPH BERUBE, New Brunswick/Nouveau-Brunswick, 1978
R.A. CAWSEY, British Columbia/Colombie-Britannique, 1980
GORDON JOHNSON, British Columbia/Colombie-Britannique, 1981
SANDRA OXNER, Nova Scotia/Nouvelle-Ecosse, 1981
GARY CIONI, Alberta, 1981
CHESTER MACDONALD, Prince Edward Island/Île du Prince-Edouard, 1981
RANDALL "BUD" WONG, British Columbia/Colombie-Britannique, 1981
JACQUES LESSARD, Québec, 1981/1982
ROBERT HUTTON, Ontario, 1983
HAROLD H. GYLES, Manitoba, 1983
ROBERT CONROY, Saskatchewan, 1984
JAMES SLAVEN, Northwest Territories/Territoires du Nord-Ouest, 1985
EDWARD LANGDON, Newfoundland/Terre-Neuve, 1987
CHARLES L. ROBERTS, Newfoundland/Terre-Neuve, 1987
IAN DUBIENSKI, Manitoba, 1987
DOUGLAS RICE, New Brunswick/Nouveau-Brunswick, 1988
KENNETH PAGE, British Columbia/Colombie-Britannique, 1989
KENNETH CROWELL, Nova Scotia/Nouvelle-Ecosse, 1990
KEITH LIBBY, British Columbia/Colombie-Britannique, 1990
FRED HAYES, Ontario, 1990
RONALD JACOBSON, Alberta, 1990
ANTONIO LAMER, CHIEF JUSTICE OF CANADA/Juge en Chef du Canada, 1991

De son commencement l'ACJCP avait été reconnu certaines membres et autres personnes pour la contribution de valeur et saillante laquelle ils ont fait au bien-être de l'association. Ce but est habituellement accompli par conférer un honneur spécial sur ces personnes en forme de «membre honoraire».

A ce jour, les personnes suivantes avaient été honoré:

Editorial Page

This year the annual conference of our Association took place in the beautiful city of Toronto. From the 11 September to the 15 September about 300 delegates, spouses and invited guests from across Canada were hosted, wined and dined in grand style by The Ontario Judges Association at the Holiday Inn (City Hall) in the very heart of downtown Toronto. This is always a fascinating place to visit whether on a conference or not.

We are certain that everyone in attendance enjoyed both the social and educational components of the conference agenda. It goes without saying that the organizing of such an event requires knowledge, dedication and hard work on the part of the organizers. In that respect Judge Hugh Porter and his entire committee certainly exhibited all three of those attributes and they deserve the utmost praise for a job well done.

The annual conference each year represents a kind of turning point for the CAPCJ for coincidental with the conference there is a change of officers. As one President retires and a new one assumes office the sights for the next annual assembly are set on another area of our vast and diverse country. The problems of judges continue from year to year, sometimes seeming interminably unchanged, but new solutions are inevitably found and the annual conference remains a bond that unites judges in their quest to achieve their goals.

In reflecting on this year's annual event, this is not a time for dwelling on speculations and premonitions of doom and gloom although one cannot help but feel a twinge of sadness at the prospect that the existence of the CAPCJ may be in peril. One can only hope that the fears for its demise are "greatly exaggerated" and that the Association will exist through many more annual conferences, each more successful

Cette année le congrès annuel de notre association a eu lieu à la belle ville de Toronto. Du 11 septembre jusqu'au 15 septembre environ 300 congressistes, conjoint(e)s et invitées ont partagé et ont joui de l'hospitalité de l'association de l'ontario dans un style grand à Holiday Inn (City Hall) au sein de Toronto.

Certainement, tout le monde y present ont joui de l'aspect social aussi bien que l'aspect éducatif du congrès. Il va sans dire que l'organisation de tel événement prend beaucoup de savoir-faire, de bonne volonté aussi bien que beaucoup de travail dur par les organisateurs. M. le juge Hugh Porter et son comité ont exhibé certainement tous les trois, et ils méritent la louange extrême pour une tâche bien fait.

Chaque année le congrès annuel représente une sorte de moment décisif pour l'ACJCP car en coïncidant avec chaque congrès il y a un changement de dirigeants. Comme un président prend sa retraite et un autre lui remplace, les viseurs du congrès prochain sont fixé sur une autre partie de notre pays vaste et divers. Les problèmes des juges continuent d'un année à l'autre, quelque fois en apparence immuable, mais on trouve inévitablement des solutions nouvelles et approprié pendant que le congrès annuel reste comme un lien entre les juges pour les unifier comme ils s'efforcent à atteindre à leurs buts.

En réfléchissant sur cet événement annuel ceci n'est pas un temps approprié pour appuyer sur les prémonitions de ténèbres et tristesse bien qu'on doit sentir un élancement de tristesse à cause du fait que l'existence de l'ACJCP peut être dans péril. On peut seulement espérer que les craintes de décès de l'ACJCP sont «exagéré grandement» et que l'association existera pendant beaucoup plus des congrès annuels, chaqun plus réussi que le précédent.

than the previous one as has been the case for the past couple of decades.

Next year the hallmark event of our Association takes place in Regina, Saskatchewan. To enjoy the camaraderie and all the other benefits of the event, you are urged to make your plans now to attend. A good time is guaranteed!

— M. Reginald Reid
Editor in chief

L'année prochaine l'événement «estampile» de notre association aura lieu à Regina, Saskatchewan. Pour jouir de la camaraderie aussi bien que tous les autres bénéfices de l'événement, faites vos plans toute de suite d'être là. Un bon temps est garanti!

— M. Reginald Reid
Rédacteur en chef

AVIS

ACJCP

ASSEMBLEE 1992

Ramada / Renaissance Hotel
Regina, Saskatchewan

14-19 septembre 1992

«Nous Attendons Votre Participation»

Les Détails suivront Bientôt

Pour plus de renseignements, communiquez avec:

His Honour Judge Harvie Allen
Provincial Court
1815 Smith Street
Regina, Saskatchewan
S4P 3V7

Tel: (306) 787-9758
Fax: (306) 787-3933

Q. You're not aware of him losing any hair, are you?

A. Now that you remind me, yes, I am. I do recall he lost some hair.

Q. Well, you were asked that question in chief: Did he have any injuries? Did he complain of any injuries? Did you notice any injuries? And you didn't say that to my friend, did you?

A. No, I did not.

Q. But now you remember he did lose some hair?

A. That's correct.

Q. And how did he lose the hair?

A. I would assume in the scuffle and in being taken into the police office.

Q. Well, do you remember somebody grabbing him by the hair?

A. Constable X came and assisted me with him when I was scuffling with him in the parking lot.

Q. And after he was handcuffed, he was lifted up by the chains in the handcuffs and his hair.

A. I don't recall how he was lifted up.

Q. Okay.

Mr. Dohm: Your Honour, at this stage, I'm going to direct a stay of proceedings.

ONLY IN THE CARIBOO

A man from the Klusklus Reserve, 150 km from Quisnel, appeared on a charge of failing to appear in court.

The accused explained that he had no transportation. He had tried to get a ride from loggers in the area, but none were going into town. He then tried to call his counsel, but all telephone lines were out.

Crown counsel was not impressed. He submitted that the accused could have borrowed a horse.

Dismissing the charge, Judge Friesen commented that he would not expect anybody to lend a horse to a person that was going to spend time in jail. "Who knows what could happen to the horse?"

Q. But did you hear what he said?

A. I did hear what he said, yes.

Q. So, you heard at least part of the conversation before you stuck your fingers in your ears?

A. Two or three words, half a dozen words, no more.

Q. Do you remember how many words?

A. I do not, no. You have to appreciate that sometimes, if you stand with your fingers in your ears for 20 minutes or 40 minutes, your arms get tired.

Q. Did your arms get tired on this occasion?

A. I don't recall getting tired on this occasion, no.

Q. Did you take your fingers out of your ears before he came out of the phone room?

A. I did not, no.

Q. I'm not sure I understand you. You're standing outside the window of the telephone room, with your fingers in your ears, watching him converse on the telephone; is that your evidence?

A. That's correct.

Q. And you stood there until he came out of the telephone room?

A. Correct.

Q. Did he come out voluntarily, or did you go in and get him?

A. He came out voluntarily, as I recall.

Q. And when he came out voluntarily, what did he tell you?

A. I don't recall.

Q. Well, didn't he say that he'd spoken to his mother and that she was going to arrange a lawyer for him, or words to that effect?

A. That's possible, yes.

Q. So, you then, at that point, know that there'd been some sort of an arrangement for a lawyer to talk to him; is that correct?

A. It's possible, yes.

Q. Well, didn't you know that at that point?

Mr. Dohm: I object to that, Your Honour. How can he know that?

Mr. O'Brien: Well, I'm asking...

The Court: I don't know how, but it's not an improper question. I don't think it is. Go ahead.

Mr. Dohm: Well, the question might be quite a perfect question, but the witness simply can't answer it.

The Court: Then he can say so, it seems to me. All you can object to is the question, and the possible answer is that he was told so.

Mr. Dohm: Well, even then, he wouldn't know, Your Honour, with respect.

The Witness: I think I can help.

The Court: No, you can't. Put your fingers in your ears.

News Briefs

ALBERTA

Appointments

Cheryl Lee Daniel was appointed Provincial Court Judge effective July 15, 1991. Judge Daniel will preside in the Criminal Division in Calgary.

Manfred Delong, Q.C. was appointed Provincial Court Judge effective July 22, 1991. Judge Delong will preside in the Criminal Division in Calgary.

Lawrence E. Memirsky was appointed Provincial Court Judge effective July 22, 1991. Judge Memirsky will preside on the Edmonton Rural Circuit, St. Paul.

Thomas R. Goodson was appointed Provincial Court Judge effective November 1, 1991. Judge Goodson will preside in High Prairie.

Transfers

His Honour Judge Russell L. Dzenick transferred from the Edmonton Rural Circuit to the Edmonton (Criminal Division) effective October 15, 1991.

Retirements

His Honour Judge Marshall W. Hopkins retired from the Edmonton Rural Circuit, St. Paul effective June 30, 1991.

His Honour Judge John Z. Koshuta retired from the Edmonton (Criminal Division) effective October 14, 1991.

ONTARIO

The Association of Provincial Criminal Court Judges of Ontario/L'association des juges provinciaux des tribunaux criminels de l'ontario has recently undergone a

name change. Henceforth the Association will be known as the **Ontario Judges Association/L'association des juges de l'ontario**.

Appointments

Her Honour Judge Penny J. Jones of Toronto, effective July 15th, 1991. Appointed to Metropolitan Toronto Region.

Her Honour Judge Mary E. Marshman of London, effective July 15th, 1991. Appointed to South West Region (Windsor).

Her Honour Judge Sherrill M. Rogers of Newmarket, effective July 15th, 1991. Appointed to the Central East Region (Newmarket).

Retirements

His Honour Judge Ronald M. MacFarlane of Gananoque. Appointed January 9th, 1984, retired July 22nd, 1990. Serving part-time, elected Honorary Life Member.

His Honour Judge W. Allan MacDonald of Brantford. Appointed September 18th, 1967, retiring August 31st, 1991. Elected Honorary Life Member.

His Honour Judge Jack F. McCormick of Kitchener. Appointed July 15th, 1969, retired July 15th, 1991. Elected Honorary Life Member.

His Honour Judge Roy B. Mitchell of Thunder Bay. Appointed May 14th, 1973, retired July 13, 1991. Elected Honorary Life Member.

Deceased

His Honour Judge H. Bruce Hunter of Cardinal. Appointed July 17th, 1961, retired December 28th, 1989. Honorary Life Mem-

ambassador and as such, he must listen and try to find solutions to judges' problems throughout the country.

I realize that "Education" is a national goal for Provincial Court Judges, and as long as it is so, we may feel confident in the future of our Association.

In the course of this last year, I asked many of you to help me in doing something for CAPCJ in an effort to try to achieve our goals. I do not wish to mention names but will say to all of you who have helped me — my sincere thanks. We must continue our efforts and make sure that our leaders in this Association feel your support. It is important for any president to be convinced that you may be counted on for your cooperation. I also extend my gratitude to all Chief Judges. They have always been supportive and will continue to be so. I would like to say a special word concerning Chief Judge Albert Gobeil who has supported me all the way during the past year and has always done his very best for our Association.

Finally, I want to thank Pamela Thomson and Charles Scullion. Without their precious help I could not have survived the past year. With their continuous effort, our journey has been a success and I say to all those of you who will work with them, that you will appreciate their skills and loyalty.

Friendship is the greatest gift one can receive. I feel very happy with the new friends I have made during my mandate.

CBA LIAISON COMMITTEE REPORT by Judge Charles Scullion

Your committee continues to liaise with the C.B.A. National and each of the representatives of the Provinces and Territories are liaising with their local committees. I again stress that it is important that we meet on a regular basis with the C.B.A.

Last September 22-27, 1990 I attended the Canadian Bar Association's annual meeting in London, England. Judge Long, President of the O.A.P.C.J. (Criminal Division) and Ontario representative was there. There were not many Provincial Court Judges present. I was informed that there were several Federal Division Judges in attendance but I did not see many. The Judges' program was not well attended. I met with J.J. Jennings, Past President of the C.B.A. and met many of the new executive of the C.B.A.

The Joint meeting of the C.B.A. and the General Council of the Bar of the Law Society of England & Wales was well attended with more than 1,800 Canadian delegates. There were many interesting programs and I attended the following:

- Television in the Courts
- Canada's International Role
- Crime by and against people with AIDS
- Freedom of Expression and many others

I had many meetings and discussions with English and Canadian Delegates. It is interesting to find that the British Bar has many of the same problems and interests as the Canadian Bar and Judiciary.

Judge Long and I met with members of the Task Force on Court Reform C.B.A.O. and had lunch with Tony Hooper, an English Barrister and ex professor of law at Osgoode Hall. He explained the English Court System and told us about the Unification of the English Court which is well on its way to completion.

S52 Constitution

As you will recall at our annual meeting in Quebec City, Chief Justice Lamer gave a speech requesting the C.A.P.C.J. attempt with the assistance of the Canadian Bar Association to formulate a trial procedure concerning constitutional issues under the Charter of Rights and Freedoms especially under S52 of the Constitutional Act 1982.

Remarques:

1. L'organisation de la rencontre est particulièrement difficile car le Président du colloque doit effectuer son travail en présumant que les fonds nécessaires deviendront disponibles. La principale source de fonds est l'octroi du Ministère de la Justice du Canada.
2. D'autres causes d'incertitude existent au chapitre des dépenses. Par exemple, l'an dernier, comme par le passé, certains conférenciers n'ont pas facturé à l'Association certaines dépenses par eux encourues. Tel ne sera peut-être pas toujours le cas.
3. Le coût exact de la traduction de documents est également difficile à prévoir. Il peut arriver qu'un conférencier décide d'utiliser le même document que l'année précédente. En pareil cas, bien sûr, il n'est pas nécessaire de faire traduire le document à nouveau. D'autres conférenciers ne distribuent pas de document aux juges inscrits, alors que certains autres traduiront eux-mêmes leurs textes. Tel ne sera peut-être pas toujours le cas.
4. On comprendra donc facilement qu'un surplus de fonds enregistré cette année pourrait, pour une foule de raisons hors du contrôle de l'organisateur, devenir un déficit l'an prochain.
5. Sans la contribution bénévole de vingt-quatre conférenciers dont certains reviennent participer à la session depuis plusieurs années, un pareil colloque ne pourrait avoir lieu.

Les conférenciers méritent notre reconnaissance.

D'autres personnes doivent également être remerciées:

- Le Président de l'Association, M. le juge Yvon Mercier
- Le Trésorier, M. le juge Keith Libby
- La Secrétaire: Madame le juge

Pamela Thomson

- Le Président du Centre Canadien de Formation Judiciaire, M. le juge Jean-Marie Bordeleau
- L'ex-Directeur général associé de l'Institut National de la Magistrature (connu alors sous le nom de Centre Canadien de la Magistrature), M. le juge Bernard Grenier
- M- le juge Gilles Ouellet
- et le Lieutenant Colonel Alain Menard

La collaboration des divers Juges en chef des Cours provinciales, de ceux des Cours territoriales de même que celle du Juge Militaire en chef au Cabinet du Juge Avocat Général, doit également être soulignée.

En 1992, la session aura lieu au même endroit, l'Auberge Far Hills de Val Morin, du 24 avril au 1er mai.

NEW JUDGES'S TRAINING PROGRAM VENUE CHAIRMAN'S REPORT by Judge Andre Saint-Cyr

The New Judges' Training Program was held at the Far Hills Inn in Val Morin, Quebec from April 12 to 19, 1991.

Fifty-three judges attended the session. Seven provinces (B.C., Alberta, Manitoba, New Brunswick, Nova Scotia, Ontario and Quebec) and the Canadian Armed Forces were represented.

A total sum of \$55,312.65 was made available for the purposes of the session. Expenses incurred amounted to \$47,844.70, leaving a closing cash position as of July 24, 1991, of \$7,467.95.

January 23rd to 26th, 1992 at the Empress Hotel, Victoria, B.C. The members drawn from the Advisors and Program Coordinators of the WJEC, and special appointments, are as follows:

Provincial Court Advisors: Judges Selwym Romilly, John Maher, David Arnot, Susan Devine

Education Advisors: Dean Lynn Smith, Dean Maureen Maloney, CLE Director Hugh Robertson Q.C. (Program Design)

Program Coordinators: Judge Gary Cioni, Sam Stevens, Professor Pat Knoll, Professor Keith Jobson

1993 Special Program Planners and Consultants: Judge Brosie Nutting, Provincial Court of Saskatchewan (Chair, Speakers Committee); Professor Trevor Anderson, Faculty of Law, University of Manitoba (Reports Coordinator); Mobina Jaffer, Barrister and Solicitor, Vancouver; Dr. Paul Tennant, Department of Political Science, University of British Columbia; Tom Sampson, Chairman, First Nations of South Island Tribal Council

Following the setting of the program, funding will be pursued on the same formula as for the Western Workshop Series thus involving Provincial and Federal Government and Law Foundation participation. Since each of the Provincial and Territorial Courts in the West and North will use the Congress as the Spring education event in each jurisdiction, the plan is for each jurisdiction to contribute to cost of the Congress what would normally be spent, with the WJEC finding funding for the balance.

4) Topical Seminars:

In addition to the specific plans mentioned, we are evaluating the need and interest in delivering small seminars on particular substantive law issues to complement the educational programs already being offered in each Western Province and Territory. We have already concluded, and intend to act on the idea, that programs

need to be developed in the area of environmental law.

SESSION DE FORMATION DE NOUVEAUX JUGES RAPPORT DU PRESIDENT DU COLLOQUE par juge Andre Saint-Cyr

La session de formation des nouveaux juges a eu lieu à l'Auberge Far Hills de Val Morin, Québec du 12 au 19 avril 1991.

Cinquante-trois juges y participèrent. L'Alberta, la Colombie-Britannique, le Manitoba, le Nouveau-Brunswick, la Nouvelle-Ecosse, l'Ontario, le Québec et les Forces Armées Canadiennes étaient représentés.

Une somme totale de 55,312.65\$ fut mise à la disposition de l'organisateur de la session. Les dépenses encourues s'élevèrent à 47,844.70\$. A la fermeture des livres, le 24 juillet 1991, il restait en banque un solde de 7,467.95\$.

Encaisse le 21 août 1990	13,580.96	
Remboursement à l'ACJCP	8,000.00	5,580.96
Revenus:		
Reçu de l'ACJCP	40,000.00	
Frais d'inscription	8,875.00	
Intérêts bancaires	856.69	49,731.69
		55,312.65
Dépenses:		
Administration	4,847.89	
Honoraires du comptable	588.50	
Dépenses des conférenciers	13,166.50	
Fournitures de bureau	1,007.52	
Traduction simultanée	18,144.86	
Traduction de documents	1,986.67	
Événements sociaux	6,698.78	
Transport	1,403.89	
		47,844.70
Encaisse au 24 juillet 1991		<u>7,467.95</u>

I distributed to each representative of the C.A.P.C.J. and to each President of the Provinces and Territories of the C.B.A. a copy of the notes taken by Judge Jacobson with a request that they form a committee and study this problem. I also contacted Sheldon Pinx, executive member and C.B.A. Liaison Officer with the C.A.P.C.J. in an attempt to form a National Committee. The C.B.A. has contacted John Tait, Deputy Minister of the Department of Justice who has a committee studying this problem. I met with Mr. Tait and offered the assistance of the C.A.P.C.J. Once they have some idea of the rules that are required the head of the Committee will be contacting me and I will notify the Committee. This matter may be another way of showing that consultation with the C.A.P.C.J. is necessary.

Court Reform

The election of the new N.D.P. government and the change of Attorney Generals has put Phase II of the Court Reform in Ontario on hold at the moment. I will keep you up to date with letters and bulletins if there should be any change.

Case Flow Management

These are the new buzz words and I would suggest that each representative should keep abreast of new developments in your Province or Territory. Specifically try and become a member of any C.B.A. Committee that is studying the issue.

The Report of National C.B.A. Court Reform Task Force

Despite our efforts to convince the C.B.A. Task Force on Court Reform that there should be Unified Criminal, Family & Civil Courts, the members of the Task Force recommended that there be a Unified Family Court but that the C.B.A. not support a Unified Criminal or Civil Court (see News Release and recommendation attached). The report is 165 pages containing 16 recommendations on court reform

etc. Council of the C.B.A. will vote on adopting the report as policy at its next meeting in February 1992. I would suggest that each representative meet with their local C.B.A. Provincial and Territorial representative on the C.B.A. Council and try and defeat the adoption of the recommendation that there not be a Unified Court.

C.B.A. Membership

I have been in contact with Kathryn Liutec-Mahar, Director, Membership Development who is attempting to attract more Provincial Court Judges as members of the C.B.A. At present there are 450 Federal Court Judges and only 152 Provincial Court Judges belonging to the C.B.A. I have requested that Kathryn supply me with the names of the Provincial Court Judges who are members of the C.B.A. both nationally and in Ontario. I would suggest that the representatives should make enquiries of their local branches. Again I would suggest that a member of the Provincial Judiciary should be on the National and Branch executive bodies and I am working towards this goal. I feel that we can exert tremendous influence on C.B.A. in this way. Although I am not happy with the C.B.A. at the moment, we still need them to assist us with the recommendations as to benefits and compensation (see C.B.A.O. submission to Henderson Committee attached).

REPORT OF THE COMMITTEE ON JUDICIAL INDEPENDENCE by Judge Ernie S. Bobowski

Further to my report of September 15, 1990, at our National meeting, the work of the Committee has not been as hectic as in 1990. The concern has mainly been to follow up on what was started in 1990.

The Report of the Secretary-General on the Implementation of the Basic Principles on the Independence of the Judiciary was

received after the Eight United Nations Congress on the Prevention of Crime and The Treatment of Offenders held in Havana, Cuba from August 27 to September 7, 1990. Its conclusions are as follows:

1. The replies indicated that, in the majority of the reporting countries, the Principles had been published in the main language(s). They were also reflected to some degree in the constitutions or laws of most countries. The majority of Governments welcomed their wider dissemination, *inter alia*, through regional and international seminars as well as through United Nations technical co-operation.
2. It was further emphasized that, in most reporting countries, the independence of the judiciary was an essential guarantee for the promotion and protection of human rights, and was usually respected. In addition to the ordinary courts, there were proper and well-defined channels for the people to use if their rights were violated. The lack of machinery such as human rights commissions or an ombudsman could, however, make it more easy for human rights to be violated. The view was also expressed that the judiciary, in order to preserve its independence, should be given the responsibility of deciding on the qualifications of candidates to its ranks.
3. The replies from the non-governmental organizations tended to be less positive. It was observed that the Basic Principles were not always fully respected, a fact that was often not openly admitted by official sources. It was also felt that political commitment and strengthened international co-operation were necessary to implement the Basic Principles, for example through research, studies and dissemination of information. It was noted further that international and national human rights organizations had become more and more aware of human

rights violations and had started to take concerted action, including the lodging of protests and the organization of observer missions.

4. Financial autonomy was regarded as essential for the independence of the judiciary. It was considered desirable that adequate funds should be made available to the courts and that judges should be granted a decent level of income to free themselves from serious financial problems, so as to ensure that they were independent and not subjected to undue pressure or susceptible to corruption. The quinquennial reporting requirement was also regarded as very important, since associations of judges and other agents of the administration of justice thus had an opportunity to present their views and concerns.
5. The survey shows that the United Nations Basic Principles on the Independence of the Judiciary are an important basis for protecting human rights, upholding professional standards and promoting social justice. But to be really effective, they must be applied in a favourable context: independence and impartiality may have little meaning where judges are under constant physical threat and psychological pressure, as is the case in some countries. Whether the adversary is corruption, organized crime, terrorism or an authoritarian and oppressive Government, the independence of the judiciary under such circumstances may be an untenable ideal. It is under such conditions that the solidarity and mutual support of judges within countries and across frontiers acquire special importance.

I am pleased to report that my comparative study of the Standards of Independence and Impartiality is now complete and available for distribution to the members of the Executive and Provincial Representatives. I make no comment regarding same except to thank all those who assisted me

necessary to effect fundamental change within the justice system. Our hope is that this experience can be a basis upon which to build to the benefit of other cultural groups within Canada who undoubtedly are suffering the same problems as aboriginal people.

The Concept and the Program:

The Saskatoon meeting is a joint project of the Saskatchewan Provincial Court Judges' Association Education Committee, (represented by Judge David Arnot, North Battleford, Saskatchewan), the College of Law of the University of Saskatchewan (lead by Dean Peter MacKinnon) and the WJEC. We hope to proceed to the planning and execution of the meeting by working with a broad consultative network composed of groups and individuals who can give advice, guidance and assistance. The goal is to find and implement solutions for change. The first community consultations are set for Saskatoon and Regina on July 30th and 31st respectively.

The Seminar will be held at the College of Law, and the judges and presenters in attendance will be housed in residence and will take group meals on campus. The sessions will be a combination of plenary and small group discussions using academic, professional and community presenters. A prominent objective will be to heighten the awareness of the judges in attendance to issues of racial and ethnic discrimination by having them hear first hand about problems being experienced. A principal focus will be the double discrimination experienced when gender discrimination is coupled with racial discrimination. Family violence will be a topic of major importance.

Requested Judicial Attendance:

The Seminar will form the 1992 Spring Seminar of the Saskatchewan Provincial Judges' Association, and accordingly it is expected that most members of that bench will be in attendance. In addition, it is hoped

that twenty judges from each of British Columbia and Alberta and ten judges from Manitoba will attend. It is expected that judges from the Yukon and the Northwest Territories will also participate. On this basis, it is expected that 100 judges will be in attendance.

Funding Required:

Our hope is that we can arrange funding for the Seminar on the same formula as the Western Workshop Series. Accordingly, if we are successful, grants from the Law Foundations in Western and Northern Canada will pay the actual expenses of delivery of the program and the federal government will cover the accommodation and meal costs of the judges in attendance. On this basis, the only expense incurred from the budgets of the Provincial and Territorial Courts involved will be for the travel expenses of their respective judges. We have planned the seminar to take advantage of over Saturday night excursion air fare rates.

3) Western Provincial and Northern Territorial Judges Congress
March 24th to 28th, 1993
Empress hotel and Conference Centre, Victoria, B.C.

The plan is for the Congress to combine all of the Spring Education Seminars in Western and Northern Canada into one meeting. This four-day conference, hopefully to be attended by all 320 Provincial and Territorial Judges in Western and Northern Canada will be the first of its kind and will be devoted to suggesting solutions to problems facing the Court by the end of the decade. The central theme will be the judge's role in safeguarding our democratic society. A proposed title is "The Judge in the Pluralist Society of the Twenty-First Century."

A Program Committee has been struck to propose topics and speakers for consideration by the Advisors to the WJEC at the Mid-Winter Advisors Meeting to be held

opportunities which will provide for full presentation and discussion.

A critical asset which has been created as part of the Program is a judicial faculty fully trained in the content and presentation techniques of the Program. A faculty training seminar, involving sixteen Western Provincial, two Territorial, and two Manitoba Court of Queen's Bench Judges took place at the Jasper Park Lodge, Jasper, Alberta, March 22nd to 26th. The purpose of the seminar was to instruct the judges in attendance in the substantive content of the Program and to sharpen their skills in small group leadership techniques. Those judges that received the instruction are in a sound position to assist in the delivery of the Program in their individual Provinces. In fact, the Manitoba Judges in attendance had the opportunity to use parts of the Program in advance of the Yellowknife Workshop, at a joint Provincial, Queen's Bench seminar on April 26th in Winnipeg.

New Judge Training:

At the request of Chief Judge Diebolt, Chief Judge of the Provincial Court of British Columbia, The WJEC organized and delivered a program for approximately twenty new judges appointed to the Court this year. The two-day event took place April 15th to 17th in Penticton. The faculty was composed of senior judges, senior members of the bar and guest speakers from the Provincial Ministry of the Solicitor General. The topics covered included a history of the Provincial Court of British Columbia, judicial ethics and judicial conduct on and off the bench, solutions to difficult evidentiary and procedural problems, and sentencing in criminal and young offender cases, including a tour of a regional young offenders correctional facility.

Advisors Meeting:

The Advisors to the WJEC met in Victoria January 25th to 27th. The projects complet-

ed (above outlined) and future plans (see below) were discussed and approved.

Future Plans:

The following programs are in the planning phase:

1) Distribution of the Judicial Education Program on Gender Equality in Judicial Decision Making

Under the very capable direction of the Program Committee Chaired by Judge Gary Cioni, the Program is now available for presentation to Judges across Canada. The hope is that Provincially and Federally appointed Judges across Canada will choose to use the materials, video tapes, and judicial faculty created. An active effort is being made to publicize the existence of the Program and to encourage its use.

2) Seminar on Race and Ethnic Relations June 6th to 12th, 1992
College of Law, University of Saskatchewan, Saskatoon, Saskatchewan

The following is a brief description of the present plans for the Seminar:

Background:

As previously reported, the Western Judicial Education Centre (WJEC) has focused its programming on the social context within which judicial decision making takes place. In particular, in the last three years, through the Western Workshop Series, programming has concentrated on improving the delivery of justice to aboriginal people and women. We believe that our programming should now concentrate on issues of broader concern in our multicultural society. In the work we have done with aboriginal people, we have examined the systemic discrimination which exists and proposed solutions for change. In this effort we have learned a good deal about the need to build personal relationships in order to create the trust which is

in providing me with the appropriate information for same.

All of which is respectfully submitted.

E.S. Bobowski
Chairman — Committee on
Judicial Independence

FAMILY AND YOUTH COURT COMMITTEE REPORT **by Judge D. Kent Kirkland**

The Committee had little activity in the first few months of this year. In February, the Chairman agreed to assist in the preparations for the education programme for the September meeting at Toronto. Various speakers were contacted and specific plans concluded.

The Chairman attended at the new judges' training programme at Val Morin in April.

Numerous discussions took place with representatives from the Ministry of Justice concerning the proposed amendments to the *Young Offenders Act* found in Bill C58. Unfortunately, this Bill has not secured any priority in federal planning and has remained at the consultation stage. The Bill has been resubmitted as Bill C12 and is again being discussed at the policy level. Our Committee has been asked to attend a meeting later in 1991 to participate with the Ministry in consultation.

In June, the National Judicial Institute requested assistance from the Chairman to prepare a one-day conference in Charlottetown in December, 1991. A programme has now been arranged for all the judges in that province.

Preliminary plans have begun, through the establishment of a sub-committee, to arrange an in-depth seminar in the field of *Young Offender* legislation. A proposed date of February 1993 is the target. It is pro-

posed that this seminar be similar to the one held in Montreal in 1988.

As there will be some change in the membership of the Committee, the participation of the present members is gratefully acknowledged.

EDUCATION COMMITTEE REPORT **by Judge Jean-Marie Bordeleau**

At the last Annual Conference held in Quebec City in September of 1990, I was appointed Chairman of the Canadian Judicial Centre by the Honourable Associate Chief Judge Yvon Mercier.

Annexed are the following:

1. Report of the Honourable Judge Douglas R. Campbell, Director of the Western Education Centre.
2. Report of the Honourable Judge André St-Cyr, Chairperson of New Judges' Training Program, together with an audited financial statement.
3. Report of the Honourable Judge George S. Pérusse, Chairperson of the Atlantic Judges Seminar.

During the past year, I worked actively with Judge St-Cyr in the implementation of the New Judges Program and assisted at Val Morin from the 12th to the 19th of April, 1991.

I attended the Atlantic Seminar and with Judge Pérusse helped to organize the program.

I would recommend to my successor that every effort be made to have an Atlantic Seminar where all judges from that region could attend. I am pleased to report that André St-Cyr has agreed to act again as Venue Chairman for the New Judges Program and I hope that Judges Campbell and Pérusse will again chair their respective sections.

I have previously advised Senior Judge Charles Scullion, the incoming President, that it will be impossible for me to chair this most important Committee of our Association as I become President of the Association of Provincial Criminal Court Judges of Ontario in May of 1992.

I wish to thank the Chairman of all Committee sections and wish success to my successor.

It has been an honor to serve this Association that has meant and continues to mean so much to me.

Lors de la dernière conférence annuelle qui a eu lieu à la ville de Québec au mois de septembre 1990, j'ai été nommé président du Centre canadien de la Magistrature par l'honorable juge en chef associé Yvon Mercier.

Vous trouverez en annexe les documents suivants:

1. Rapport de l'honorable juge Douglas R. Campbell, directeur du Centre éducatif de l'Ouest.
2. Rapport de l'honorable juge André St-Cyr, président du Programme des nouveaux juges. Vous y trouverez aussi un état de comptes vérifié.
3. Rapport de l'honorable juge George S. Pérusse, président de la Conférence des juges de l'atlantique.

Pendant l'année qui vient de passer, j'ai travaillé en conjonction avec le juge St-Cyr dans l'exécution du Programme des nouveaux juges et fis office d'assistant du 12 au 19 avril 1991 à Val-Morin.

J'étais aussi présent lors de la Conférence des juges de l'atlantique et ai aidé le juge Pérusse à organiser le programme.

Je suggère fortement à mon successeur de déployer tous les efforts nécessaires

pour obtenir qu'une conférence de l'atlantique aie lieu où tous les juges de cette région-là pourront y assister.

Il me fait plaisir de vous annoncer qu'André St-Cyr a de nouveau accepté d'être président du Programme des nouveaux juges. J'espère que les juges Campbell et Pérusse seront à nouveau présidents de leurs sections respectives.

J'ai déjà avisé le juge Charles Scullion, juge principal et nouveau président, qu'il me sera impossible de continuer la présidence de ce très important comité qu'est notre association, étant donné ma nomination au poste de président de l'Association des juges de la cour provinciale (division criminelle) de l'Ontario en mai 1992.

J'aimerais remercier les présidents de toutes les sections de comités et souhaite mes meilleurs vœux de succès à mon successeur.

Cela a été un honneur que de servir cette association. Vous ne pouvez pas savoir ce que celle-ci représente et continue de représenter pour moi.

WESTERN JUDICIAL EDUCATION CENTRE REPORT by Judge Douglas Campbell

I am pleased to report that the WJEC has had a very successful and active year. Since my report in Quebec City, the WJEC has accomplished the following activities:

Delivery of Reasons Program:

A program was held for newly appointed judges in British Columbia on January 15th and 16th, attended by eleven judges and funded by Chief Judge Diebolt, Chief Judge of the Provincial Court of British Columbia.

Cross-Cultural Project on South Vancouver Island:

Following upon the work begun in 1989 as reported in my 1990 Annual Report, the cross cultural education work between judges and aboriginal people on South Vancouver Island has continued and has expanded to include other justice system professionals. The initial meeting of this "second phase" took place in Parksville, November 30th to December 2nd, 1990 involving representatives of all components in the justice system on the South Island. The purpose of the meeting was to identify problems in the delivery of justice to aboriginal people on the South Island and to consider strategies for implementing change. I am pleased to report that the Honourable Kim Campbell attended the meeting briefly to observe and show her support for the undertaking. The Minister's Senior Policy Advisor, John Dixon, attended throughout.

The meeting continued on January 27th and 28th, 1991 in Victoria and resulted in commitments to continue with the cross cultural education process and to seek funding to support the creation of an Elders Council which will provide diversion options to the police and Crown, and sentencing alternatives to incarceration in cases involving aboriginal offenders.

As a direct result of the commitments made, the first of three planned cross cultural meetings involving all components to the justice system in local areas of the South Island was held May 7th and 8th in Cowichan. The evaluations of the meeting prove that it was most successful in creating new awareness and producing solutions for change. Further similar meetings are planned for October 1st and 2nd and early spring 1992 in Victoria, and October 23rd and 24th in Nanaimo.

Throughout this project, as Director of the WJEC, I have acted as facilitator on the request of the people on the South Island and have been requested to continue in

this role for a reasonable period. I have agreed to do so. I believe it is important that intensive effort be given to see the proposed full cross cultural education project succeed and to establish a structure which will allow the process of reform to be self-sustaining.

The work done provides a positive example of what is possible in any community. This point was emphasized at the Western Workshop, Yellowknife and will continue to be reinforced in our future programming on aboriginal people within the justice system.

Western Workshop, Yellowknife, held June 23rd to 29th, 1991 at the Explorer Inn, Yellowknife, N.W.T.

I am very happy to report that the Workshop took place as planned and went as well as hoped. Eighty judges were in attendance. Attached is a copy of the program. The evaluations produced by the judges at the Yellowknife meeting show that the program was well received. The Department of Justice has commissioned a formal evaluation of the Western Workshops Series and I am hopeful that the results will show that the concept has been successful in raising the awareness of Western Provincial and Northern Territorial Judges to the social context in which judicial decision making takes place.

Judicial Education Program on Gender Neutrality in Decision Making:

The materials production phase is now completed. The Program was delivered for the first time as planned at the Yellowknife Workshop. In addition to very well written papers, the Program includes an excellent and comprehensive set of video scenarios and related commentary produced by the Education Committee of the Saskatchewan Judges' Association, under the direction of Judge David Arnot. A guide to the use of the videos is included in the package. Each Western Provincial and Northern Territorial Judge will receive the full Program at Provincially and Territorially organized op-