
CROWN COUNSEL AGREEMENT CONTINUATION ACT

CHAPTER 4

Assented to March 3, 2005

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SCHEDULE

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

Definitions

1 In this Act:

“**BCCCA**” means the British Columbia Crown Counsel Association, a society incorporated under the *Society Act*;

“**Crown Counsel Agreement**” means the agreement entered into under section 4.1 of the *Crown Counsel Act* by the government and the BCCCA on January 5, 2001, as extended until March 31, 2005 under Article 3 of that agreement.

Crown Counsel Agreement extended

- 2** (1) Subject to subsections (2) and (3), the Crown Counsel Agreement is extended and is deemed to be in effect until March 31, 2007.
- (2) Effective April 1, 2006, Schedule A to the Crown Counsel Agreement is amended to provide for a salary range of \$56 254 to \$139 966, in accordance with the Schedule to this Act.
- (3) For greater certainty,
- (a) the report and recommendations of the dispute resolution panel of January 14, 2004 and the arbitration award issued on February 18, 2005 in relation to the Crown Counsel Agreement have no force or effect, and
 - (b) Article 3 of the Crown Counsel Agreement does not apply and the BCCCA does not have the right to withdraw prosecutorial services as described in

Section 3

that Article during the term of the Crown Counsel Agreement as extended under this section.

Parties may vary Crown Counsel Agreement

- 3 (1) Subject to section 2, the BCCCA and the government may vary, by agreement, the Crown Counsel Agreement.
- (2) Despite subsection (1), a provision of the Crown Counsel Agreement constituted under subsection (1) that creates a financial obligation for the government must not be varied unless the Minister of Finance approves the variation.

Review of structures, practices and procedures

- 4 (1) The minister may appoint a commission, consisting of one or more persons, to do the following:
- (a) inquire into
 - (i) the structures, practices and procedures for bargaining by the government and the BCCCA, and
 - (ii) other matters specified by the minister;
 - (b) make recommendations, after taking into consideration the factors referred to in subsection (2), with a view to improving those structures, practices and procedures and addressing those other matters;
 - (c) report the recommendations to the minister within the time set by the minister.
- (2) The commission must consider the following factors:
- (a) the public interest in stable relations between the government and the BCCCA and in a bargaining process that
 - (i) ensures the provision of Crown prosecution services to serve the public interest, and
 - (ii) results in the expeditious settlement of disputes;
 - (b) the need for effective and efficient structures, practices and procedures for bargaining by the BCCCA and the government;
 - (c) the views of the BCCCA and the government on how to achieve effective and efficient structures, practices and procedures referred to in paragraph (b);
 - (d) any other factor that the commission considers relevant or that the minister may specify.
- (3) The commission may not recommend the expiry or extinguishment of the Crown Counsel Agreement continued under this Act before the expiry date set out in section 2 (1).

(4) For the purposes of an inquiry under this section, a person appointed to the commission has the protection, privileges and powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*.

(5) A person appointed to the commission may be paid remuneration and expenses set by the minister.

Application of *Crown Counsel Act*

5 If there is a conflict between this Act and the *Crown Counsel Act*, this Act prevails.

Repeal

6 This Act may be repealed by regulation of the Lieutenant Governor in Council.

Commencement

7 This Act comes into force on the date of Royal Assent.

SCHEDULE

Effective April 1, 2006:

Level 1: Annual salary by year of call as follows:	
Year 1	\$56 254
Year 2	\$60 406
Year 3	\$64 558
Year 4	\$68 711
Year 5	\$72 862

Level 2: Annual salary by year of call as follows:	
Year 6	\$77 707
Year 7	\$82 551
Year 8	\$87 394
Year 9	\$92 242
Year 10	\$96 085

Level 3A: Annual salary as follows:	
Step 1	\$103 772
Step 2	\$106 335
Step 3	\$108 896
Step 4	\$111 459

Schedule

Level 3B: Annual salary as follows:	
Step 1	\$111 460
Step 2	\$114 296
Step 3	\$117 134
Step 4	\$119 970

Level 4: Annual salary as follows:	
Step 1	\$119 971
Step 2	\$124 970
Step 3	\$129 969
Step 4	\$134 967
Step 5	\$139 966