**SOAR Annual Conference: Toronto - November 7, 2013**

**Session Summary: Opening Plenary - 25 Years: Time to Celebrate or Time to Renovate?**

Moderator: **Mr. Justice Kevin Whitaker**

Speakers: **Ron Ellis,** Toronto, Ontario **; Debra Roberts**, Former Deputy Chief of Staff, Human Resources and Public Appointments, Office of the Premier of Ontario; **Dean Lorne Sossin**, Osgoode Hall Law School – York University

*A lot has changed in 25 years. Disparate boards and regulators have become an administrative justice community. Administrative justice has become more responsive to parties, and to expectations of accountability, transparency and efficiency. Panel members in this session shared government, academic, adjudicator and management perspectives on achievements, and thoughts for the future.*

**Ron Ellis**

Ron Ellis reflected on the development of the administrative justice system in Ontario. In the early days there was little sense of an administrative justice *system*. Communication among tribunals was infrequent. However, in 1986, the newly created Canadian Institute for the Administration of Justice (CIAJ) held its first conference in Montreal and discussed issues of impartiality, independence, procedure and appointment processes. Just two years later, the first annual conference of the Conference of Ontario Boards and Agencies (COBA) was held—SOAR was not formally established until 1992. Ellis highlighted SOAR’s activist culture over its first decade including the Report on Service Equity Policies, the Performance Management Report and the Principles of Administrative Justice published in 1995.

**Debra Roberts**

Debra Roberts focused on the rise of merit-based appointments to boards and tribunals in Ontario under the McGuinty government. She discussed the complications and difficulties of bringing about political change. Patronage had been the way that things were done. To change this, it was necessary to convince Cabinet, Caucus, the party, and members of chairs and agencies.

Roberts discussed the role that she played in the development of a merit-based process for appointments. Achievements in the appointment process included a standardized application form, conflict-of-interest and screening checks, an enhanced website highlighting current vacancies and requirements, and the establishment of higher salaries to attract qualified individuals. She urged conference participants to focus on building relationships as a key factor in achieving success.

**Lorne Sossin**:

Lorne Sossin spoke on what he referred to as “Renovating Administrative Justice: From A to A”.

Whereas the first two speakers focused on where we have come from, where we are going is equally as important. Dean Sossin outlined five key challenges:

* An administrative justice system
* Accessible adjudication
* Accreditation
* Appointments
* Accountability

Administrative System

Dean Sossin asked how we might create a system that is greater than its parts. The creation of an administrative systemis both a mountain climbed and one yet to be climbed. The fact that tribunals today come together across ministries is a good thing, but not the end point he envisions. Common rules, services, and locations are better end goals. We need to really look at the system from the viewpoint of the user and imagine a system that better responds to their needs. A seamless world of dispute resolution should be the ultimate end goal.

Accessible Adjudication

Dispute resolution should be readily accessible. We need to continue developing easy and expeditious ways to resolve disputes and solve problems. For example, the creation of the B.C. Civil Resolution Tribunal, the first online tribunal in Canada, may be paving the way of the future. We need to ask how we can bring justice to people. We need to facilitate the inclusion of people with disabilities as well as those from culturally specific communities. We need to help the user navigate what is in fact a complex system.

Accreditation

Accreditation is currently voluntary. And yet the dispensation of administrative justice requires much skill and expertise. We must have mandatory training and procedural templates for the delivery of administrative justice.

Appointments

We need mechanisms in place to ensure that the steps we have taken in this direction will not be lost over time with changes in the political winds. We need the appointments process to be institutionally imbedded, though this may be challenging in the face of potentially unwilling governments.

Accountability

Accountability is increasingly important when using public resources. If we do not define accountability for ourselves, government will do it for us. What values do we aspire to? How can we measure our progress? What should we do if we are not meeting our objectives? Solutions may not be the same for all tribunals but we need to have a common discussion.