

# The Canadian (British Columbia) Legal System

加拿大（卑诗省）法律系统

Newcomers Lecture Series  
January 26, 2011

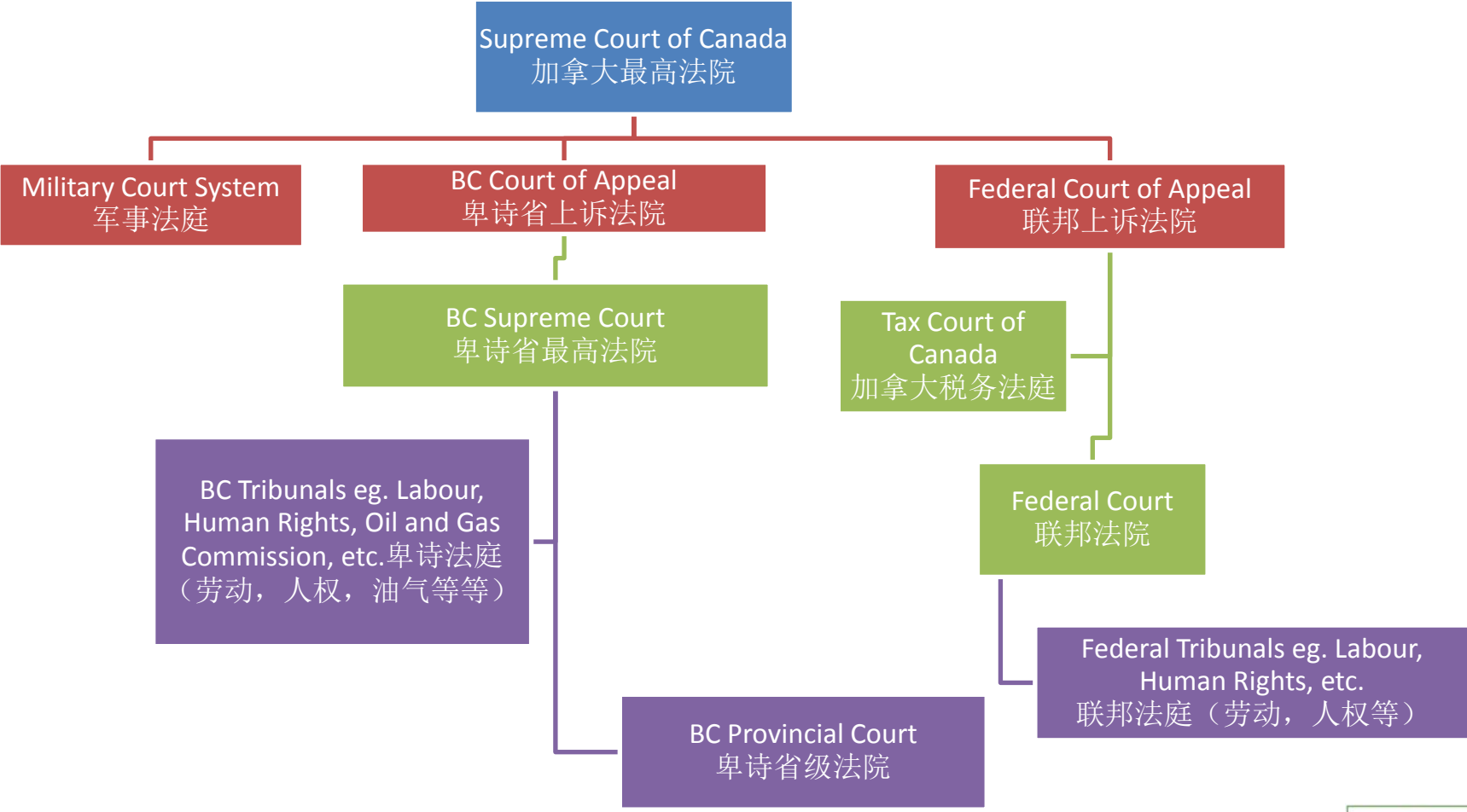


# How does our Legal System Work

## 加拿大的法律制度

- Laws are made by our elected governments – either the Government of Canada, the Government of British Columbia, a municipal government (Vancouver, as an example) and certain other rule making bodies (such as the Greater Vancouver Regional District).
- 加拿大人透过选举产生政府，由政府制定法律 - 联邦政府（全加拿大的政府），省政府，市政府或者其他政府机构（如大温哥华区域政府）。
- While these governments make the rules they do not conclusively interpret them. This is done by our court system.
- 政府制定法律但不执行法律，而由法庭实施。
- The separation between the role of government in making law and the role of the court in interpreting it is a very important principle of Canadian democracy.
- 这个法庭独立于政府以外的体系是加拿大民主的重要保证之一。

# Canada's Court System as Applicable to BC 加拿大的各级法院（卑诗省）



# Canada's Court System as Applicable to BC

## 加拿大的各级法院（卑诗省）

- Almost exactly the same system is used in every other province of Canada
- 加拿大的每个其他省几乎都使用同样的系统
- Each court or tribunal plays a different role in our system
- 每个法院或法庭都有不同的功能

# How do we appoint judges? 如何任命法官？

- Lawyers apply.
- 法官是从开业律师中任命的
- There is a review process prior to appointment
- 任命前有一个选拔过程
- The appointment, if made at all, is made by the government in power at the time which is responsible for the administration of the particular court.
- 由执政政府负责任命相关法院的法官

# How do we appoint judges?

## 如何任命法官？

- There is no *special* pre-appointment training program for judges. Normally, judges are appointed from lawyers in private practice or person who are already judges but lawyers who are professors or civil servants or even businessmen may be appointed
- 没有特别的法官培训；一般在开业律师或现任法官选拔，但一般的商人也可能被任命
- You need not be a lawyer (although some appointees are) to serve on all tribunals
- 法官不能同时从事开业律师（虽然有个别例外）
- There is no special education for judges (as there is in some countries). That is, there is no particular course of education which judges take that is different from the education which lawyers take
- 在加拿大，对法官和律师的教育培养途径是一样的

# What do the various courts and tribunals do?

## 各级法院和法庭的职责

- The Supreme Court of Canada can decide all types of cases. However, that is not true of any other court or tribunal in Canada. They only decide certain types of case.
- 加拿大最高法院可以受理任何案件，但是其他法院或法庭只能受理相关法律问题。
- You can tell from the name of some of the courts what type of cases they decide. Likewise you can tell from the name of the tribunals what type of cases they decide.
- 大多数法院和法庭的名字解释了其功能以及可以处理的案件。

# The Importance of Tribunals

## 法庭的重要性

- The importance of tribunals is that they often address very current issues in Canadian society – labour and management relations, human rights, freedom of information, regulatory control of radio and television, regulatory control of natural resources, etc.
- 法庭的重要性在于它处理当前加拿大的社会问题 – 劳工关系，人权，资讯自由，新闻媒体控制，自然资源控制等等。

# The Importance of Tribunals

## 法庭的重要性

- Let's use human rights as an example. In British Columbia we have a human rights statute. It ensures protection against various things, including, for example, discrimination on the basis of sex, gender, ethnicity, etc. Complaints concerning any alleged violations go to British Columbia's Human Rights Tribunal.
- 用人权作为例子。在卑诗省，我们有人权法，以保障人们不致遭受歧视，包括性别歧视、性取向歧视、种族歧视等等。如果你觉得遭受歧视，可向卑诗人权法庭投诉。

# The Role of the Police

## 警察的角色

- In Canada the police are responsible to the governments which employs them.
- 加拿大的警察力量对雇用他们的相应政府负责。
- We have a federal police force (the RCMP) which is used by the federal government and, under contract, by many provincial governments and municipalities. Many regulatory bodies such as Harbour Commissions have their own police forces. Many municipalities in British Columbia have their own municipal police forces. As an example, in the Lower Mainland (where we live), Richmond, Burnaby, North Vancouver and the UNA/UBC have made contracts with and are policed by the RCMP. On the other hand Vancouver, West Vancouver and New Westminster have their own police forces.
- 加拿大皇家骑警（简称“RCMP”）是加拿大国家警队，是联邦政府的警察。许多省级和市级政府通过与皇家骑警签订合同，由骑警提供服务。许多其他执法机构，例如港口局，拥有自己的警力。卑诗省一些较大的城市拥有自己的市警，而在大多数社区骑警是唯一负责维持治安的警队。例如，在我们居住的低陆平原，烈治文、本拿比、北温和UNA/UBC是由骑警维持治安。而温哥华、西温和新西敏拥有各自的市警。

# The Role of the Police

## 警察的角色

- The role of the police is to assist in maintaining peace and order in our society. In the event that you are concerned that a crime has been committed you call 911 and ask for the police, report what has happened and the police will attend. The police investigate crime in an attempt to identify the wrongdoer and to ensure that the wrongdoer is brought before the appropriate court.
- 警察的职责是维持我们社会的治安。如果有人身出险境或发生罪案，应致电紧急事故号码911，向警察报告，他们会来协助你。警察拘捕可疑犯，并提交给相关法院。

# What do you do if you need a Lawyer?

## 如何寻找律师？

- The best source of information about a good lawyer is people you know who have used lawyers in the past. The satisfied customer can generally give you the best direction.
- 寻找律师的最好办法是询问曾经使用过律师的朋友。客人的满意程度一般能告诉你律师的好坏。
- Many lawyers that you might get to know (such as myself) are happy to help refer you to a lawyer who can help you with a particular problem.
- 还可以通过律师转介寻找律师。例如我就可以为你推荐相关的专业律师。

# What do you do if you need a Lawyer?

## 如何寻找律师？

- The Canadian Bar Association (an organization of lawyers) has a program called the Lawyer Referral Program which can be contacted by telephoning 604-687-3221. Under this program you receive an initial free consultation with a lawyer, whose name will be provided to you from a list of lawyers who have volunteered for this purpose, concerning any issue that concerns you.
- 加拿大律师公会提供律师转介服务。可致电604-687-3221询问。这项服务会向你介绍一名律师，提供初次的免费谈话，帮助你解决法律问题。

# QUESTIONS & ANSWERS

提问与解答

