



## NEW BILLS TO NOTE

The British Columbia Legislative Assembly began its Fall Session on October 1, 2018 and ended its session on November 27, 2018.

Lawyers should refer to the original version of the specific Bill for its current status at First, Second or Third Reading or Royal Assent.

This information is current from October 1, 2018 to November 30, 2018.

### LIST OF NOTABLE GOVERNMENT BILLS

The government bills introduced and passed in this Fall 2018 Session are:

- *Advanced Education Statute Repeal Act*, S.B.C. 2018, c. 43 (Bill 41);
- *Agricultural Land Commission Amendment Act, 2018*, S.B.C. 2018, c. 56 (Bill 52);
- *Assessment Amendment Act, 2018*, S.B.C. 2018, c. 38 (Bill 42);
- *Attorney General Statutes Amendment Act, 2018*, S.B.C. 2018, c. 49 (Bill 57);
- *Budget Measures Implementation (Employer Health Tax) Act, 2018*, S.B.C. 2018, c. 42 (Bill 44);
- *Budget Measures Implementation (Speculation And Vacancy Tax) Act, 2018*, S.B.C. 2018, c. 46 (Bill 45);
- *Electoral Reform Referendum 2018 Amendment Act, 2018*, S.B.C. 2018, c. 55 (Bill 40);
- *Environmental Assessment Act*, S.B.C. 2018, c. 51 (Bill 51);
- *Health Sector Statutes Repeal Act*, S.B.C. 2018, c. 50 (Bill 47);
- *Human Rights Code Amendment Act, 2018*, S.B.C. 2018, c. 48 (Bill 50);
- *Land Statutes Amendment Act, 2018*, S.B.C. 2018, c. 37 (Bill 37);
- *Lobbyists Registration Amendment Act, 2018*, S.B.C. 2018, c. 52 (Bill 54);
- *Miscellaneous Statutes Amendment Act (No. 3), 2018*, S.B.C. 2018, c. 36 (Bill 36);
- *Miscellaneous Statutes (Minor Corrections) Amendment Act, 2018*, S.B.C. 2018, c. 39 (Bill 43);
- *Oil and Gas Activities Amendment Act, 2018*, S.B.C. 2018, c. 54 (Bill 56);
- *Opioid Damages and Health Care Costs Recovery Act*, S.B.C. 2018, c. 35 (Bill 38);
- *Passenger Transportation Amendment Act, 2018*, S.B.C. 2018, c. 53 (Bill 55);
- *Poverty Reduction Strategy Act*, S.B.C. 2018, c. 40 (Bill 39);
- *Professional Governance Act* S.B.C. 2018, c. 47 (Bill 49);
- *Recall And Initiative Amendment Act, 2018*, S.B.C. 2018, c. 41 (Bill 53);
- *South Coast British Columbia Transportation Authority Amendment Act (No. 2), 2018*, S.B.C. 2018, c. 44 (Bill 46); and
- *Temporary Foreign Worker Protection Act*, S.B.C. 2018, c. 45 (Bill 48).

## **ADVANCED EDUCATION STATUTE REPEAL ACT, S.B.C. 2018, C. 43 (BILL 41)**

Amended: None

Transitional  
Provisions: None

Statutes  
Repealed: *Public Education Flexibility and Choice Act*, S.B.C. 2002, c. 3

Summary: By way of background, in 2011 in *British Columbia Teachers' Federation (Chudnosky) v. British Columbia*, Madam Justice Griffin of the Supreme Court of BC found provisions of the *Public Education Flexibility and Choice Act* to be unconstitutional because these provisions deprived BC teachers of collective bargaining rights, thereby infringing the teachers' freedom to associate guaranteed under the *Canadian Charter of Rights and Freedoms*.<sup>1</sup>

Bill 41 repeals the *Public Education Flexibility and Choice Act*.

In Force: On Royal Assent

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<sup>1</sup> 2011 BCSC 469 (CanLII), <http://canlii.ca/t/fl1b4>. See also, *Health Services and Support - Facilities Subsector Bargaining Assn. v. British Columbia*, 2007 SCC 27 (CanLII)(<https://www.canlii.org/en/ca/scc/doc/2007/2007scc27/2007scc27.html>) and *British Columbia Teachers' Federation v. British Columbia*, 2015 BCCA 184 (CanLII), <http://canlii.ca/t/ghdbl>.

## **AGRICULTURAL LAND COMMISSION AMENDMENT ACT, 2018, S.B.C. 2018, C. 56 (BILL 52)**

Amended: *Agricultural Land Commission Act*, S.B.C. 2002, c. 36. Consequential amendments are made to the: *Assessment Act*, R.S.B.C. 1996, c. 20; *Assessment Authority Act*, R.S.B.C. 1996, c. 21; *Farm Practices Protection (Right to Farm) Act*, R.S.B.C. 1996, c. 131; *Land Title Act*, R.S.B.C. 1996, c. 250; *Local Government Act*, R.S.B.C. 2015, c. 1; *School Act*, R.S.B.C. 1996, c. 412; *South Coast British Columbia Transportation Authority Act*, S.B.C. 1998, c. 30; *Water Sustainability Act*, S.B.C. 2014, c. 15

Transitional Provisions: Regulations regarding substitution of in-force dates

Statutes Repealed: None

Summary: By way of background, in July 2018, the Minister of Agriculture’s Advisory Committee for Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission’s [Report](#) to the Minister recommended amendments to the *Agricultural Land Commission Act*. Bill 52 enacts recommendations of this Committee.

Bill 52 amends the *Agricultural Land Commission Act*, including to:

- Clarify the distinction between agricultural land and the agricultural land reserve;
- Add and repeal specified definitions;
- Repeal provisions regarding the division of the agricultural land reserve into zones and the requirement to exercise powers differently in different zones;
- Add a subsection that clarifies that land designated as land within the agricultural land reserve is included, on designation, in the agricultural land reserve;
- Add a new provision that agricultural land may be removed from the agricultural land reserve only by exclusion under specified provisions of the Act;
- Limit approvals that may be granted by certain persons and bodies regarding uses of land within the agricultural land reserve;
- Require owners to ensure that residential structures on agricultural land are sized, sited and used as required by the Act and regulations, or as permitted by the Agricultural Land Commission (Commission) or regulation;

- Clarify that a parcel of agricultural land may have only one residence unless additional residences are permitted under the Act or regulations;
- Add transitional rules for pre-existing residential structures that do not adhere to new requirements;
- Permit soil removal or the placement of fill on agricultural land only if permitted by the Commission, by regulation or by the chief executive officer after notice is given to the chief executive officer;
- Require the Commission to reject a use or subdivision application if required by regulation;
- Require the Commission to consider prescribed criteria when determining whether to permit non-adhering residential uses, and to refuse permission for additional residences that are not necessary to a farm use.

In Force: By regulation

**ASSESSMENT AMENDMENT ACT, 2018, S.B.C. 2018, C. 38 (BILL 42)**

Amended: *Assessment Act*, R.S.B.C. 1996, c. 20

Transitional Provisions: None

Statutes Repealed: None

Summary: Bill 42 amends the Assessment Act, to:

- Add definitions of:
  - "eligible major industry property",
  - "relevant year",
- Provide for actual value of eligible major industry property to be based on actual use as specified.

In Force: On Royal Assent

**ATTORNEY GENERAL STATUTES AMENDMENT ACT, 2018, S.B.C. 2018, C. 49  
(BILL 57)**

Amended: *Civil Resolution Tribunal Act*, S.B.C. 2012, c. 25; *Class Proceedings Act*, R.S.B.C. 1996, c. 50; *Gaming Control Act*, S.B.C. 2002, c. 14; *Legal Profession Act*, S.B.C. 1998, c. 9

Transitional  
Provisions: See Summary

Statutes  
Repealed: None

Summary: Bill 57 amends 4 statutes.

***Civil Resolution Tribunal Act***

Bill 57 amends the *Civil Resolution Tribunal Act*, including to:

- Require that a court must stay a minor injury claim within the jurisdiction of the Civil Resolution Tribunal (Tribunal), unless the Tribunal determines whether the injury is a minor injury claim under the Act and unless it is not in the interests of justice and fairness for the Tribunal to make the determination, whether a party has established that there is a substantial likelihood that damages will exceed the Tribunal limit amount;
- Clarify that all unresolved claims in dispute proceed to tribunal hearings;
- Clarify that the final decision of the Tribunal may be disclosed to the trial judge for the purpose of assessing penalties, not just costs;
- Provide that the Tribunal does not have jurisdiction regarding claims that may dealt with by the Supreme Court of BC for the provision that prohibits pledging or disposition of an association's undertaking without consent under the *Cooperative Association Act*;
- Clarify that accident claims are within the Tribunal's jurisdiction;
- Clarify that accident claims regarding an accident that occurred before April 1, 2019 are not within the Tribunal's jurisdiction;
- Clarify a presumption regarding accident claims that are within the Tribunal's jurisdiction;

- Make a transitional provision that provides the provision excluding accident claims regarding an accident that occurred before April 1, 2019 from the Tribunal's jurisdiction does not limit the Tribunal's jurisdiction regarding the *Small Claims Act* respecting a claim that involves an accident that occurred before April 1, 2019;
- Make consequential amendments to the:
  - *Civil Resolution Tribunal Amendment Act, 2018*, S.B.C. 2018, c. 17,
  - *Negligence Act*, R.S.B.C. 1996, c. 333,
  - *Parental Liability Act*, S.B.C. 2001, c. 45,
  - *Small Claims Act*, R.S.B.C. 1996, c. 430,
  - *Workers Compensation Act*, R.S.B.C. 1996, c. 492.

### ***Class Proceedings Act***

Bill 57 amends the *Class Proceedings Act*, including to:

- Add a new Division 4 (Undistributed Amounts), including requiring the Supreme Court of BC to make an order to distribute to the Law Foundation of British Columbia at least 50% of an award or settlement that cannot be distributed within a time set by the court;
- Apply the Act's existing distribution scheme for class proceedings that relate to damage or loss suffered primarily by Indigenous people of Canada or for circumstances in which distribution to the Law Foundation of British Columbia is impractical or impossible;
- Make transitional rules for implementing the amendments made to the Act by Bill 57 regarding undistributed amounts.

### ***Gaming Control Act***

Bill 57 amends the *Gaming Control Act*, including to:

- Remove the requirement for the general manager to obtain ministerial approval before issuing directives to the British Columbia Lottery Corporation;
- Permit general manager to forbid a person from entering a gaming facility if the general manager has reason to believe that the person's presence at the facility is undesirable;
- Make it an offence for the British Columbia Lottery Corporation to contravene the provision of the Act which authorizes the general manager to request any information, records or things that the general manager considers relevant to an investigation or an investigative audit under the Act.

### **Legal Profession Act**

By way of background, in 2014, the Law Society's Legal Services Regulatory Framework Task Force "made a series of recommendations that the Benchers unanimously accepted to permit the Law Society to seek a legislative amendment enabling the Law Society to create new categories of members, other than lawyers, to provide some legal services."<sup>2</sup>

The Law Society's Legal Services Regulatory Framework Task Force recommended that "the initial areas of practice in which new classes of legal service providers could be permitted to practice should include:

- a. family law;
- b. employment law;
- c. debtor/creditor law;
- d. advocacy before administrative tribunals (subject to further discussion with administrative tribunals);
- e. advocacy in Small Claims Court (subject to further discussions with the Provincial Court);
- f. Traffic Court infractions in Provincial Court;
- g. representation at mediations and arbitrations."<sup>3</sup>

in September 2018, the Law Society initiated a consultation with a Consultation Paper and Draft Proposal for alternate legal service providers (Consultation Paper). The Law Society set a deadline for submissions November 16, 2018, later extended by the Law Society to December 31, 2018.<sup>4</sup>

The Law Society's Consultation Paper focusses family law legal service providers as alternate legal service providers.

The Law Society has a webpage publishing all written submissions regarding the Consultation Paper, available [here](#).

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<sup>2</sup> See Law Society's Family Law Legal Services Providers: Consultation Paper and draft proposal (September 2018) (Consultation Paper) (<http://www.lawsociety.bc.ca/Website/media/Shared/docs/initiatives/2018AltLegalServiceProviders-Consultation.pdf>) at page 2.

<sup>3</sup> Report of the Legal Services Regulatory Framework Task Force (December 5, 2014) (<https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/LegalServicesRegulatoryFrameworkTF.pdf>) at pages 4 to 5.

<sup>4</sup> See also, the Law Society's press release: <https://www.lawsociety.bc.ca/about-us/news-and-publications/news/2018/law-society-seeks-feedback-on-alternate-legal-serv/>

Since September 2018, the CBABC Family Law Working Group has held meetings in order to provide submissions to the Law Society.

On October 30, 2018, at the Law Society Annual General Meeting, there was Resolution 3 from the Honourable Peter Leask, QC, and Karen Nordlinger, QC to have the Benchers withdraw a request to the BC government to have the *Legal Profession Act* amended to allow alternate legal service providers. That meeting was adjourned due to technical difficulties to December 4, 2018.<sup>5</sup>

Bill 57 amends the *Legal Profession Act*, including to:

**Title**

- Retitle the “Legal Profession Act” to the “Legal Professions Act” to apply to more than one legal profession;

**Definitions**

- Amend the definition of "applicant" to include a person applying for licensing as a licensed paralegal;
- Add a definition of "call and admission" that means call to the Bar of British Columbia and admission as a solicitor of the Supreme Court;
- Add a definition of "disqualify" that means to declare that a licensed paralegal or former licensed paralegal is unsuitable to practise law and to terminate the licensed paralegal's membership in the society;
- Add a definition of "licensed paralegal" that means a member in good standing who is licensed as a licensed paralegal, and in Parts 4 to 6 and 10 includes a former licensed paralegal;
- Amend the definition of "practice of law", to add references to licensed paralegal;
- Amend the definition of "practising lawyer" to add a reference to “lawyer”;

**Object And Duty Of Society**

- Amends the objects and duties of the society to include licensed paralegals;

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<sup>5</sup> See Law Society’s 2018 Annual General Meeting Notice: December 4, 2018: <https://www.lawsociety.bc.ca/about-us/news-and-publications/news/2018/2018-annual-general-meeting-notice-december-4,-20/>



## **Elections**

- Require that at least 1 benchers must be elected from among:
  - members who are lawyers, and
  - members who are licensed paralegals.

## **Law Society Committees**

- Require that, for Law Society committees, that at least 1/2 of the members of a committee established are:
  - lawyers, if the committee deals only with matters related to lawyers, or
  - licensed paralegals, if the committee deals only with matters related to licensed paralegals,

## **Implementing Resolutions Of General Meeting**

- Provide that, regarding resolutions at annual general meetings, that a resolution is not binding on the benchers if to implement the resolution would require the benchers to enact, rescind or amend a rule made under section 15.1; section 15.1, enacted by Bill 57, permits the benchers to make rules establishing the scope of practice within the practice of law of licensed paralegals or a class of licensed paralegals;

## **Authority to Practise Law in Section 15**

- Permit a licensed paralegal to practice law as permitted by the rules under the new section 15.1;
- Provide that a person acting under the supervision of a licensed paralegal does not contravene section 15(1) of the Act;
- Permit inclusion of a licensed paralegal or former licensed paralegal as a person who must not do specified acts described in the definition of the "practice of law";
- Provide that a person must not falsely represent any person as being a licensed paralegal;
- Add a new section 15.1 which permits the benchers to make rules establishing the scope of practice within the practice of law of licensed paralegals or a class of licensed paralegals;
- Amend the provisions regarding admission, reinstatement and requalification and credentials hearings to permit inclusion of licensed paralegals;

### **Protection of the Public**

- Require that no person may be licensed as a licensed paralegal or reinstated as a member who is a licensed paralegal unless the benchers are satisfied that the person is of good character and repute;

### **Annual Fees And Practising Certificate**

- Require a lawyer or licensed paralegal who is suspended or who ceases to be a member in good standing to immediately cease engaging in the practice of law;
- Require a licensed paralegal who is suspended or who ceases to be a member in good standing to immediately surrender to the executive director any proof of professional liability insurance issued by the society;
- Amend the provisions regarding complaints from the public, medical examination, practice standards, professional liability insurance to permit inclusion of licensed paralegals;

### **Professional Liability Insurance**

- Replace references to insurance with references to indemnity or indemnification in relation to professional liability and trust protection programs established, administered, maintained and operated by the benchers;
- Add a new provision, regarding a society indemnification program, that, despite the *Financial Institutions Act* and the *Insurance Act*, the:
  - society or a subsidiary is not an insurer or carrying on insurance business,
  - a contract respecting an undertaking to indemnify given under a society indemnification program is not a contract as defined in the *Insurance Act*,
  - the society or a subsidiary is not required to be licensed as an insurance adjuster or insurance agent, and
  - an employee of the society or a subsidiary is not required to be licensed as an insurance adjuster, an employed insurance adjuster, an insurance agent or an insurance salesperson;
- Add a new provision that, if a judgment has been granted against a lawyer in respect of a liability against which the lawyer is indemnified under a society indemnification program and the judgment has not been satisfied, the judgment creditor may recover by action against the indemnitor the lesser of:
  - the unpaid amount of the judgment, and
  - the amount that the indemnitor would have been liable under the policy to pay to the lawyer had the lawyer satisfied the judgment,

- Amend the provisions regarding third person right of action against indemnitor, complaints from the public, financial responsibility, trust accounts and unclaimed trust money to permit inclusion of licensed paralegals;

### **Discipline**

- Amend the discipline rules, search and seizure and discipline hearing provisions to permit inclusion of licensed paralegals;

### **Hearings and Appeals**

- Add licensed paralegals to the provision which permits a hearing to proceed in the absence of the licensed paralegal if the licensed paralegal fails to attend;

### **Review on the Record**

- Provide for a person, not only an applicant, a respondent or a lawyer, who is the subject of an order for costs is permitted to apply for a review on the record by a review board;

### **Appeal**

- Permit a licensed paralegal, who is suspended or disqualified, to appeal to the Court of Appeal;

### **Custodianships**

- Amend the provisions regarding definitions and appointment of custodians to permit inclusion of licensed paralegals;

### **Law Foundation**

- Provide that the 3 persons appointed by the Attorney General to the board of governors of the Law Foundation may not be licensed paralegals;
- Provide for the appointment of masters and licensed paralegals to the board of governors of the Law Foundation;
- Amend the provisions regarding application of fund and security and investment of trust funds provisions to permit inclusion of licensed paralegals;

### **Lawyers' Fees**

- Permit licensed paralegals to enter into agreements for legal services with clients;
- Permit licensed paralegals to enter into contingent fee agreements with clients;
- Permit licensed paralegals to render bills to clients;
- Provide that the Registrar may review a bills from licensed paralegals;
- Permit a person to apply to court for an accounting regarding bills from licensed paralegals;
- Permit court orders directing that a licensed paralegal must deliver the client's records to another lawyer or licensed paralegal nominated by the client or to the client, as the case may be;

### **Incorporation**

- Permit licensed paralegals to practice law through law corporations or partnerships;

### **General**

- Provide that licensed paralegals, in the event of an investigation or complaint, cannot be required to disclose specified privileged information;
- Provide that licensed paralegals who provide specified information, files or records that are confidential or subject to a solicitor client privilege is deemed conclusively not to have breached any duty or obligation that would otherwise have been owed to the society or the client not to disclose the information, files or records;

### **Bill 57 Schedule 1**

- In Schedule 1 of Bill 57, strike out specified variations of “lawyer” and replace it with “lawyer or licensed paralegal”, as the case may be, in 64 specified provisions of the Act;

### **Bill 57 Transitional Provision**

- Provide that the requirement that 1 bencher must be elected from among members who are licensed paralegals does not apply until there are at least 30 members who are licensed paralegals;

### **Consequential Amendments**

- Make consequential amendments to the:
  - *Health Professions Act*, R.S.B.C. 1996, c. 183,
  - *Insurance Premium Tax Act*, R.S.B.C. 1996, c. 232,
  - *Judicial Compensation Act*, S.B.C. 2003, c. 59,
  - *Mental Health Act*, R.S.B.C. 1996, c. 288,
  - *Miscellaneous Statutes Amendment Act, 2009*, S.B.C. 2009, c. 22,
  - *Provincial Court Act*, R.S.B.C. 1996, c. 379,
  - *Supreme Court Act*, R.S.B.C. 1996, c. 443,

### **Bill 57 Schedule 2**

- In Schedule 2 of Bill 57, strike out “Legal Profession Act” and replace it with “Legal Professions Act” in 16 specified statutes.

In Force: On Royal Assent, on January 1, 2019 or by future regulation as follows:

#### **Royal Assent**

Sections 1 to 3, 7 to 16, 18 regarding the *Civil Resolution Tribunal Act*

Sections 19 to 21 regarding the *Class Proceedings Act*

Sections 22 to 24 regarding *Gaming Control Act*

#### **January 1, 2019**

Sections 4 to 6 and 17 regarding the *Civil Resolution Tribunal Act*

#### **By Future Regulation**

Sections 25 to 90 regarding the *Legal Profession Act*

## ***BUDGET MEASURES IMPLEMENTATION (EMPLOYER HEALTH TAX) ACT, 2018 (BILL 44)***

Amended: None

Transitional

Provisions: Part 9 of the Act

Statutes

Repealed: None

Summary: Bill 44 imposes an employer health tax. Bill 44 has 9 Parts.

### **Part 1 – Interpretation and Special Rules**

Part 1 sets out definitions and special rules. A special rule is made regarding remuneration paid by an employer and remuneration in BC. Part 1 applies the arm’s length rule from the *Income Tax Act* (Canada).

## **Part 2 – Imposition of Tax**

Part 2 imposes a 1.95% employer health tax (EHT) imposed on employers, who pay BC remuneration for the calendar year, subject to these exceptions:

- If the BC remuneration is \$500,000 or less, no tax is payable;
- If the BC remuneration is between \$500,001 to \$1.5 million per year, a reduced tax is payable (2.925% x (B.C. remuneration - \$500,000));
- If the BC remuneration is greater than \$1.5 million, the 1.95% tax is payable.

Part 2 sets out rules for associated employers.

Charitable or non-profit employers are subject to the EHT as follows:

- If the BC remuneration is \$1.5 million or less, no tax is payable;
- If the BC remuneration is between \$1.5 to \$4.5 million, a reduced tax is payable (2.925% x (B.C. remuneration - \$1.5 million));
- If the BC remuneration is greater than \$4.5 million, the 1.95% tax is payable.

Part 2 also provides for rules regarding charitable or non-profit employers with 2 or more qualifying locations.

## **Part 3 – Administration and Enforcement**

Part 3 requires registration for the EHT as specified. Employers must file annual tax returns with the Commissioner of Income Tax as specified. Instalment payments are required in specified circumstances. Assessments by the Commissioner are permitted, including examination of employer's records and penalties for non-payment. Rules for payment of interest and refunds to employers are in place.

## **Part 4 – Appeals**

Part 4 permits appeals to the Minister and to the Supreme Court of BC.

## **Part 5 – Recovery of Amounts Owing**

Part 5 authorizes the government to initiate legal proceedings to recover debt owed to the government regarding the EHT. Part 5 permits the government to attach funds or file liens. Collection proceeding may be commenced at any time within 7 years after the date of the notice of assessment for the amount claimed in the collection proceeding.

## **Part 6 – General**

Part 6 provides for general matters, including:

- Delegation of the Commissioner's powers or duties;
- Limits on communication of information;
- Information-sharing agreements between the Minister and other governments and public bodies;
- Service of documents; and
- Tax payments.

## **Part 7 – Offences**

Part 7 defines offences and penalties for violations.

Individuals who violate a general offence are liable to:

- Fine between 50% to 200% of the amount of tax that was sought to be evaded;
- Maximum of 2 years in prison; or
- Both the fines and imprisonment.

Corporations who violate a general offence are liable to a fine between 50% to 200% of the amount of tax that was sought to be evaded.

Individuals who violate an offence for failure to provide records or information required by the Commissioner or for interference are liable to:

- Maximum fine of \$100,000;
- Maximum 1 year in prison; or
- Both the fine and imprisonment.

Corporations who violate an offence for failure to provide records or information required by the Commissioner or for interference are liable to a maximum fine of \$100,000.

Individuals who violate an offence regarding confidential information are liable to:

- Maximum fine of \$10,000;
- Maximum 1 year in prison; or
- Both the fine and imprisonment.

Corporations who violate an offence regarding confidential information are liable to a maximum fine of \$5,000.

If a corporation commits an offence under the Act, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence also commits that offence, whether or not the corporation is prosecuted for the offence.

The limitation period for laying an information for an offence under this Act is 6 years after the date when the act or omission that is alleged to constitute the offence occurred.

### **Part 8 – Regulations**

Part 8 authorizes regulations to be made regarding delegation of authority and conferring discretion, prescribing instalments, prescribing interest rates and the manner of calculating interest.

### **Part 9 – Transitional Provisions and Amendments to This Act**

Part 9 has transitional provisions and amendments to the Act regarding fees. The transitional provisions involve 2019 instalments and interest, 2019 registration and authorize regulations to be made to deal with transitional matters and difficulties

In Force: On Royal Assent, by regulation or January 1, 2019 as specified



## **BUDGET MEASURES IMPLEMENTATION (SPECULATION AND VACANCY TAX) ACT, 2018, S.B.C. 2018, C. 46 (BILL 45)**

Amended: Consequential amendments are made to the: *Assessment Act*, R.S.B.C. 1996, c. 20; *Home Owner Grant Act*, R.S.B.C. 1996, c. 194; *Hydro and Power Authority Act*, R.S.B.C. 1996, c. 212; *Land Tax Deferral Act*, R.S.B.C. 1996, c. 249; *Property Transfer Tax Act*, R.S.B.C. 1996, c. 378; *Special Accounts Appropriation and Control Act*, R.S.B.C. 1996, c. 436; *Taxation (Rural Area) Act*, R.S.B.C. 1996, c. 448

Transitional Provisions: Part 12 of the Act

Statutes Repealed: None

Summary: Bill 45 imposes a speculation and vacancy tax. Bill 45 has 12 Parts.

### **Part 1 – Interpretation, Special Rules and Application of Act**

Part 1 sets out definitions and special rules. The special rules include:

- Treating the owner as a separate person in specified circumstances;
- Determining owner's interest in residential property;
- Treating 2 or more residential properties as a single residential property;
- Treating spouse's property as having only 1 principal residence between them;
- Deeming provincial nominees to be residents of BC;
- Applying arm's length rules from the *Income Tax Act* (Canada).

Bill 45 applies to calendar years from January 1, 2018.

### **Part 2 – Imposition of Tax**

Part 2 imposes the speculation and vacancy tax. The tax is:

- For 2018, 0.5% of the property's assessed value for all properties subject to the tax;
- For 2019 and subsequent years, the tax will be levied at:
  - 2% for foreign owners and satellite families,
  - 1% for Canadian citizens and permanent residents who are not resident in B.C. for income tax purposes (and not members of a satellite family),
  - 0.5% for British Columbians who are Canadian citizens or permanent residents (and not members of a satellite family)

### **Part 3 – Exemptions from Tax**

Part 3 provides for exemptions for tax for specified owners, not-for-profit corporations, bankrupts and Indigenous nations.

Part 3 also provides property exemptions for hazardous or damaged residential property, daycares, residential property without a residence and strata accommodation properties.

Part 3 further provides exemptions regarding:

- Principal residences;
- Tenanted residential property;
- Residential property under construction or renovation; and
- Specified circumstances such as medical reasons, death, trusts and breakdown of marriage or common-law relationship.

### **Part 4 – Tax Credits**

Part 4 provides for tax credits, regarding including:

- BC residents;
- Eligible taxpayers;
- Balances for tax credits and BC income;
- Deductions from BC income balance; and
- Filing requirements.

### **Part 5 – Administration and Enforcement**

Part 5 provides for administration and enforcement. An annual declaration must be filed with the administrator. Assessments of residential property owners by the administrator are authorized.

Part 5 also permits consequential assessments regarding:

- Income taxes;
- Persons with disabilities;
- Changes under the *Assessment Act*;
- Reassessments after appeal and disposition of appeals; and
- Penalties and assessment.

The administrator must provide a notice of assessment.

An anti-avoidance rule is applied.

Part 5 sets out requirements for tax payments and excess refunds.

The administrator may impose administrative penalties equal to 10% of the unpaid tax.

Persons who fail to provide required information or records are liable to a penalty, being the greater of \$100, and \$25 for each day during which the failure continues, to a maximum of \$2,500.

Persons who are grossly negligent are liable to a penalty equal to the greater of \$100, and 100% of the additional tax.

Part 5 also applies the provisions regarding misrepresentation of a tax matter by a third party under the *Income Tax Act* (Canada).

The administrator may at any time waive or cancel a penalty.

Part 5 also requires interest to be paid to the government as specified and permits refunds to be paid.

The administrator is authorized to make investigations and undertake audits, including examination of person's records and demand for information.

Persons are required to retain specified records for 6 years after the end of the calendar year to which the records relate.

A record certified by the administrator to be a copy of a record obtained by the administrator under the Act is evidence of the nature and content of the original.

### **Part 6 – Appeals**

Part 6 permits appeals to the Minister and to the Supreme Court of BC.

### **Part 7 – Recovery of Amounts Owing**

Part 7 authorizes the government to initiate legal proceedings to recover debt owed to the government. Part 7 provides for joint and several liability under specified circumstances.

The administrator may he administrator may issue a certificate specifying the amount owed and the name of the person who owes it and file that with the Supreme Court of BC.

Part 7 permits the government to attach funds or file liens. Collection proceeding may be commenced at any time within 7 years after the date of the notice of assessment for the amount claimed in the collection proceeding.

### **Part 8 – General**

Part 8 provides for general matters, including:

- Delegation of the Commissioner's powers or duties;
- Limits on communication of information;
- Information-sharing agreements between the Minister and other governments and public bodies;
- Service of documents; and
- Access to records.

### **Part 9 – Offences**

Part 9 defines offences and penalties for violations.

Individuals who violate a general offence or offences for failure to provide records or information required by administrator or for interference are liable to:

- Fine being the amount of tax evaded or a maximum \$100,000 fine;
- Maximum of 2 years in prison; or
- Both the fines and imprisonment.

Corporations who violate a general offence are liable to a fine being the amount of tax evaded or a maximum \$200,000 fine.

Individuals who violate an offence for failure to provide confidential information are liable to:

- Maximum fine of \$5,000;
- Maximum 1 year in prison; or
- Both the fine and imprisonment.

Corporations who violate an offence for failure to provide confidential information are liable to a maximum fine of \$5,000.

If a corporation commits an offence under the Act, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence also commits that offence, whether or not the corporation is prosecuted for the offence.

If the administrator imposes an administrative penalty on a person, a prosecution for an offence under this Act for the same contravention may not be brought against the person.

The limitation period for laying an information for an offence under this Act is 6 years after the date when the act or omission that is alleged to constitute the offence occurred.

### **Part 10 – Regulations**

Part 10 authorizes regulations to be made including regarding:

- Delegation of authority and conferring discretion;
- Prescribing property, specified areas; and
- Interest rates and the manner of calculating interest.

### **Part 11 – Review of Act and Regulations**

Part 11 requires that, by December 31, 2021, and at least once every 5 years after that, the government must initiate a review of the Act and regulations and make public a report of the review.

### **Part 12 – Transitional Provisions, Amendments to This Act and Consequential Amendments**

Part 12 has transitional provisions and amendments to the Act including regarding:

- Changing the title of the Act to the “Speculation And Vacancy Tax Act”;
- Interest;
- Fees.

In Force: On Royal Assent or by regulation as specified

## ***ELECTORAL REFORM REFERENDUM 2018 AMENDMENT ACT, 2018, S.B.C. 2018, C. 55 (BILL 40)***

Amended: *Electoral Reform Referendum 2018 Act, S.B.C. 2017, c. 22*

Transitional  
Provisions: None

Statutes  
Repealed: None

Summary: By way of background, from October 22 to November 30, 2018 a referendum is being held to decide if BC should keep the current First Past the Post voting system or move to a system of proportional representation.

Bill 40 amends the *Electoral Reform Referendum 2018 Act* 39 to require a second referendum on proportional representation if the results of the November 30, 2018's referendum is a change to a proportional representation voting system.

This second referendum must be conducted in BC within 13 months after 2 general elections have been held using the proportional representation voting system, respecting whether to continue using the proportional representation voting system or to revert to the first past the post voting system.

In Force: On Royal Assent

## ***ENVIRONMENTAL ASSESSMENT ACT, S.B.C. 2018, C. 51 (BILL 51)***

Amended: Consequential amendments are made to the *Nisga'a Final Agreement Act, S.B.C. 1999, c. 2* and the *Private Managed Forest Land Act, S.B.C. 2003, c. 80*

Transitional  
Provisions: Provisions regarding the former Act and regulations to deal with transitional matters and difficulties

Statutes  
Repealed: *Environmental Assessment Act, S.B.C. 2002, c. 43*

Summary: By way of background, in the Summer 2018, the government issued an Environmental Assessment Revitalization [Discussion Paper](#). Bill 51 enacts recommendations from the Discussion Paper.

Bill 51 repeals and replaces the *Environmental Assessment Act*.

Bill 51 has 8 Parts.

### **Part 1 – Definitions**

Part 1 sets out definitions.

## **Part 2 – Administration**

Part 2 continues the Environmental Assessment Office.

Part 2 permits appointment of a chief executive assessment officer and permits that officer to delegate authority as specified.

Part 2 also permits appointment of dispute resolution facilitators to resolve disputes as specified.

## **Part 3 – Assessment Process**

Part 3 outlines an assessment process. That includes a requirement for an environmental assessment certificate.

Part 3 requires that a reviewable project may not, without the consent of an Indigenous nation, proceed.

Part 3 requires a valid environmental assessment certificate or exemption order for a reviewable project for approvals under other enactments.

Regulations may be made to prescribe what constitutes a reviewable project under the Act.

Project notifications are required as specified.

The Minister is given the power to designate a project as reviewable. A person may apply to the chief executive assessment officer for the project to be designated as a reviewable project.

## **Part 4 – Early Engagement**

Part 4 governs Early Engagement.

A proponent may submit initial project descriptions and engagement plans to the chief executive assessment officer as specified.

An Indigenous nation may provide notice to the chief executive assessment officer that the Indigenous nation intends to participate in the assessment of the project.

The chief executive assessment officer must seek to achieve consensus with participating Indigenous nations before making recommendations as to proceed the assessment.

The Minister has specified authority to decide whether to terminate or exempt a project as specified.

The chief executive assessment officer must make an assessment as specified.

## **Part 5 – Assessment**

Part 5 provides for assessment.

The process is specified for the chief executive assessment officer to follow, before making a process order, including seeking to achieve consensus with participating Indigenous nations.

For every assessment, the chief executive assessment officer must establish a technical advisory committee, which provides technical advice to the chief executive assessment officer and participating Indigenous nations regarding the assessment and the proponent's application.

For an assessment or a class of assessments, the chief executive assessment officer must, if the chief executive assessment officer considers that there is sufficient community interest in a project, establish one or more community advisory committees to advise the chief executive assessment officer on the potential effects of the applicable project or class of projects on the community.

The chief executive assessment officer may carry out public comment and engagement regarding a project.

If the chief executive assessment officer refers a reviewable project to the Minister, the Minister may order the scope of the required assessment of the reviewable project, and procedures and methods for conducting the assessment.

The effects of a project on Indigenous nations and rights recognized and affirmed by section 35 of the *Constitution Act, 1982* must be assessed in every assessment. Every assessment is required to consider specified matters.

The chief executive assessment officer and an appointed assessment body may, as specified, retain consultants and mediators and set their remuneration and the terms of their retainers.

The proponent of a reviewable project for which an environmental assessment certificate is required may apply for an environmental assessment certificate in writing to the chief executive assessment officer.

On completion of specified requirements, the chief executive assessment officer or assessment body must refer the proponent's revised application for an environmental assessment certificate to the ministers for a decision.



The holder of an environmental assessment certificate must, in accordance with the direction of the chief executive assessment officer, report to the chief executive assessment officer regarding effectiveness of mitigation measures specified in the certificate.

An environmental assessment certificate must specify a deadline, not more than 10 years after the issue date of the certificate, by which deadline the holder of the certificate, in the reasonable opinion of the Minister, must have substantially started the project. The holder of an environmental assessment certificate or exemption order may apply in writing to the chief executive assessment officer to amend the certificate or order, providing the holder's reasons for the application.

On application by an environmental assessment certificate or exemption order holder, the chief executive assessment officer may transfer the certificate or order to another person on any conditions the chief executive assessment officer considers appropriate.

### **Part 6 – Special Provisions for Environmental Assessment Process**

Part 6 provides for special provisions for the environmental assessment process.

Class assessments and their effect on application requirements are set out.

The chief executive assessment officer or an assessment body is permitted to conduct regional assessments.

The chief executive assessment officer may refer a policy matter to the Minister responsible or ministers responsible for the policy area for clarification and direction.

The Minister is authorized to provide an approval process under other enactments regarding an environmental assessment certificate.

Time limits as specified may be imposed.

The Minister or chief executive assessment officer may terminate an assessment if specified circumstances are met.

To facilitate public access to information and records regarding assessments conducted under the Act, the project information centre is continued and is to be administered and maintained by the chief executive assessment officer.

The Minister may enter into agreements with specified governments and organizations regarding regional or strategic assessments.

The Minister may enter into agreements with the Nisga'a Nation and treaty first nations and consult with treaty first nations.

An assessment may be suspended pending other inquiries as specified.

The Minister or chief executive assessment officer may order the proponent of a reviewable project or the holder of an environmental assessment certificate to pay prescribed fees or prescribed charges for all or part of the costs that are or were incurred by or on behalf of an assessment body in carrying out an assessment of the reviewable project under the Act or in administering the Act.

The chief executive assessment officer may establish a tariff of costs to be paid by proponents to participating Indigenous nations to defray the nations' specified costs.

### **Part 7 – Compliance and Enforcement**

Part 7 has provisions for compliance and enforcement.

The chief executive assessment officer may appoint individuals as compliance and enforcement officers to conduct investigations as permitted under the Act.

The chief executive assessment officer may enter into compliance or enforcement agreements with specified governments or organizations.

No legal proceedings for damages lie or may be commenced or maintained against a compliance and enforcement officer except for bad faith or from vicarious liability imposed on the government.

The chief executive assessment officer may issue orders if this officer considers that there is or is likely to be a contravention of this Act, an environmental assessment certificate or an exemption order.

If the Minister considers that any person or organization is not complying or has not complied with an order made under the Act, the Minister may apply to the Supreme Court of BC for a compliance order.

If the Minister considers it appropriate to do so, the Minister may give the holder of an environmental assessment certificate or exemption order an opportunity to make a written compliance agreement with the Minister.

The Minister may suspend, cancel or amend certificates and exemption orders as specified.

The Minister may order a certificate to be reinstated.

If the chief executive assessment officer is satisfied on a balance of probabilities that a person has violated the Act as specified, this officer can levy an administrative penalty. An administrative penalty may be recovered as a debt due to the government.

A person who commits a specified offence is liable:

- If a corporation, on a first conviction, to a maximum \$1 million fine, and on each subsequent conviction, to a maximum \$2 million fine;
- If an individual, on a first conviction, to a maximum \$1 million fine or to a maximum 6 months in prison, or to both; and
- If an individual, on each subsequent conviction, to a maximum \$2 million or to a maximum 12 months in prison, or to both.

Part 7 authorizes the Supreme Court of BC to impose a creative sentencing order as specified and permit a variation of this order.

The limitation period for an offence under the Act is not more than 3 years after the facts on which the proceedings are based first come to the knowledge of the Minister.

If a person is convicted of an offence under the Act, then, in addition to any other penalty, the Supreme Court of BC may order the person convicted to pay compensation or make restitution.

## **Part 8 – General Provisions**

Part 8 lists general provisions.

The Minister may delegate in writing to any employee of the office any power or duty conferred or imposed on the Minister under the Act.

The Minister may direct the chief executive assessment officer to undertake strategic assessments as specified.

The chief executive assessment officer may order an independent audit of the carrying out of a reviewable project that has been issued an environmental assessment certificate or exemption order.

Any Indigenous knowledge of an Indigenous nation that is provided in confidence to the Minister, the ministers, the chief executive assessment officer or a dispute resolution officer under this Act is confidential and must not knowingly be, or be permitted to be, disclosed without written consent.

The Minister must review the Act within 5 years after the date the review provision comes into force.

Specified regulations may be made.

In Force: By regulation

**HEALTH SECTOR STATUTES REPEAL ACT, S.B.C. 2018, C. 50 (BILL 47)**

Amended: A consequential amendment is made to the *Community Services Labour Relations Act*, S.B.C. 2003, c. 27

Transitional Provisions: None

Statutes Repealed: *Health and Social Services Delivery Improvement Act*, S.B.C. 2002, c. 2 and *Health Sector Partnerships Agreement Act*, S.B.C. 2003, c. 93

Summary: By way of background, in 2007 the Supreme Court of Canada in the *Health Services and Support - Facilities Subsector Bargaining Assn. v. British Columbia*, [2007] 2 SCR 391, [2007 SCC 27 \(CanLII\)](#), held that the *Health and Social Services Delivery Improvement Act's* provisions regarding contracting out, layoffs and bumping infringed the right to bargain collectively that is protected by the *Charter* and thus these provisions were unconstitutional. In 2008, the [Health Statutes Amendment Act, 2008](#), S.B.C. 2008, c. 34 (Bill 36) repealed these unconstitutional *Health and Social Services Delivery Improvement Act* provisions.

Bill 47 repeals the *Health and Social Services Delivery Improvement Act* and the *Health Sector Partnerships Agreement Act*.

In Force: By regulation

## **HUMAN RIGHTS CODE AMENDMENT ACT, 2018, S.B.C. 2018, C. 48 (BILL 50)**

Amended: *Human Rights Code*, R.S.B.C. 1996, c. 210. Consequential amendments are made to the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165

### Transitional

Provisions: Section 42 approvals regarding special programs and complaint time limits

### Statutes

Repealed: None

Summary: Bill 50 amends the *Human Rights Code*, including to create an independent Human Rights Commissioner who reports to the legislative assembly:

#### **Definitions**

- Add definition of “commissioner” and repeal and replace the definition of “intervenor”;

#### **Part 3**

- Extend the time limits for the filing of complaints, from 6 months to 1 year;
- Empower the Human Rights Commissioner to intervene in tribunal proceedings;
- Extend a time limit related to the dismissal of complaints, from 6 months to 1 year;

#### **Part 5**

- Add provisions creating a Human Rights Commissioner;
- Provide for the resignation, suspension or removal of the Commissioner;
- Provide for an Acting Commissioner in the event the Commissioner is unable to act;
- Provide for the salary, expenses and benefits of the Commissioner;
- Require the Commissioner to take an oath;
- Permit the Commissioner to appoint staff and delegate authority;
- Create an Advisory Council;
- Put in place restrictions on disclosure by the Commissioner and staff;

- Provide that the Commissioner and staff may not be compelled to testify in a legal proceeding and they have personal liability protection from legal proceedings;
- Set out the powers of the Commissioner;
- Add provisions regarding annual and special reports of the Commissioner;
- Require, every 5 years, that, a special committee of the Legislative Assembly must begin a comprehensive review of specified provisions regarding the Commissioner.

In Force: On Royal Assent or by regulation for specified provisions

**LAND STATUTES AMENDMENT ACT, 2018, S.B.C. 2018, C. 37 (BILL 37)**

Amended: *Boundary Act*, R.S.B.C. 1996, c. 32; *Land Act*, R.S.B.C. 1996, c. 245; *Land Title Act*, R.S.B.C. 1996, c. 250; *Property Transfer Tax Act*, R.S.B.C. 1996, c. 378.  
Consequential amendment is made to the *Strata Property Act*, S.B.C. 1998, c. 43

Transitional Provisions: None

Statutes Repealed: None

Summary: Bill 37 amends 4 statutes.

Bill 37 amends the:

*Boundary Act*, to:

- Permit adjustments to the boundary between British Columbia and Alberta to be authorized without a referendum as required by the *Constitutional Amendment Approval Act*

*Land Act*, including to:

- Permit dispositions of Crown land for the purpose of adding to treaty lands to be made on terms different from the default terms under the Act;
- Permit the Surveyor General to recognize additional e-signature technologies;
- Add a new heading Division 2 (Electronic Plans) to Part 7.2 (Deposit of Electronic Plans in Crown Land Registry);

- Add a new heading Division 3 (Certification of Subscribers) to Part 7.2 (Deposit of Electronic Plans in Crown Land Registry);
- Add a new heading Division 4 (General) to Part 7.2 (Deposit of Electronic Plans in Crown Land Registry);
- Clarify and add e-filing offences;

*Land Title Act*, including to:

- Amend the definition of "true copy" to mean, in relation to an electronic document, either an exact copy of the document or a legible paper copy of the document containing every material provision and particular contained in the original;
- Remove the requirement that a person appointed a deputy registrar must be a solicitor or employed in a BC land title office for at least 7 years;
- Expand the Surveyor General's power to allow block outline surveys;
- Repeal and replace Part 10.1 (Electronic Filing), including to:
  - Add new definitions as specified;
  - Permit an applicant to file simple applications without the need for a lawyer or notary,
  - Permit the director to direct that a document may be submitted electronically or may only be submitted electronically,
  - Provide special rules for specified documents, including: plans, charges and supporting documents,
  - Specify offences for wilfully making a false certification or signs, using an electronic signature of another person, a document that may be submitted electronically or permits an electronic signature of the person to be used by another person to sign a document that may be submitted electronically,
- Remove provisions for the enforcement of death taxes on the deaths of a will-maker, intestate or joint tenant;
- Permit the registrar, on the registrar's own initiative, to extend the time to correct defects in applications;
- Provide for restrictions, by regulation, on searches of records in the registry by name;
- Permit regulations to be made to restrict searches of the registry by name on the ground of safety to the person or a member of the household of the person, including, without limitation:

- respecting applications for exemption and proof of risks to safety, and
  - providing that exemptions do not apply in relation to searches that are requested by specified classes of persons;
- Repeal and replace the Schedule dealing with restrictions on the alienation of treaty lands;

*Property Transfer Tax Act, to:*

- Amend the definition of "true copy" to mean, in relation to an electronic document, either an exact copy of the document or a legible paper copy of the document containing every material provision and particular contained in the original;
- Repeal and replace the provision regarding filing electronic returns;
- Align an evidentiary rule with the similar rule in the *Land Title Act* for e-filed documents;
- Clarify and expand e-filing offences;
- Eliminate unnecessary regulation-making powers.

In Force: On Royal Assent or by regulation as specified



## **LOBBYISTS REGISTRATION AMENDMENT ACT, 2018, S.B.C. 2018, C. 52 (BILL 54)**

Amended: *Lobbyists Registration Act*, S.B.C. 2001, c. 42. Consequential amendments are made to the: *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 and *Public Interest Disclosure Act*, S.B.C. 2018, c. 22

Transitional  
Provisions: None

Statutes  
Repealed: None

Summary: Bill 54 amends the *Lobbyists Registration Act*, including to:

- Change the title of the *Lobbyists Registration Act* to the *Lobbyists Transparency Act*;

### **Definitions**

- Amend the definitions of "designated filer", "former public office holder", "in-house lobbyist" and "lobby";
- Add definitions for "lobbying activity" and "relevant code of conduct";

### **In-House Lobbyist**

- Add a new section describing the circumstances where an individual is not an in-house lobbyist;
- Create a new regulation-making power to prescribe that the Act does not apply to persons in a prescribed class of persons who engage in a prescribed activity in prescribed circumstances;

### **Prohibitions**

- Add a lobbying prohibition regarding an individual employed in a current or former office of a current member or former office of a former member of the Executive Council;
- Add a prohibition on gift-giving for lobbyists, except for protocol or where the gift value falls within a prescribed monetary limit;

### **Filing Returns**

- Require a consultant lobbyist, within 10 days after beginning to lobby on behalf of a client to file a registration return (the old rule was to file within 10 days after entering into an undertaking to lobby);

- Add a new subsection to provide that only 1 registration return need be filed for each undertaking even though a consultant lobbyist named in the registration return may, in connection with the undertaking, carry on more than one lobbying activity;
- Require a designated filer of an organization to file a registration return with the Registrar, within 10 days of the date the organization first has an in-house lobbyist (the old rule was 60 days if no return has been filed previously or 30 days of the end of each 6 month period after the date of filing the previous return);
- Add a new subsection to provide that only 1 registration return need be filed for each organization, even though an organization may have more than one in-house lobbyist or an in-house lobbyist named in the registration return may carry on more than one lobbying activity;
- List the information required to be in a registration return;
- Add a new provision that adds a requirement that a registration return must include specified declarations;
- Require a designated filer to file with the Registrar monthly reports;
- Specify the form and information content of monthly returns;

#### **Registrar**

- Require the Registrar to give notice of specified information to a person on whom the registrar imposes a monetary administrative penalty or lobbying prohibition;
- Require the Registrar to make information about a lobbying prohibition publicly available within specified timeframes;
- Add a new power for the registrar to impose a maximum \$25,000 monetary administrative penalty and to prohibit lobbying or filing for a period of not more than 2 years;
- Add a new provision permitting a person to seek a Supreme Court of BC order for relief from prohibition on lobbying;
- Specify timelines within which the registrar must include information about monetary administrative penalties and lobbying prohibitions in a report;

- Provide that registrar and anyone acting for or under the direction of the registrar may give or be compelled to give evidence regarding a court application;
- Permit the registrar to disclose to a law enforcement agency information relating to the commission of an alleged offence."

**General**

- Require the Registrar to ensure that information relating to a lobbying prohibition is made publicly available;
- Permit specified regulations to be made;
- Require a committee of the Legislative Assembly to review of the Act every 5 years and submit a report to the Legislative Assembly.

In Force: On Royal Assent or by regulation for specified provisions

**MISCELLANEOUS STATUTES AMENDMENT ACT (NO. 3), 2018, S.B.C. 2018, C. 36  
(BILL 36)**

Amended: *Business Corporations Act*, S.B.C. 2002, c. 57; *Chartered Professional Accountants Act*, S.B.C. 2015, c. 1; *Cooperative Association Act*, S.B.C. 1999, c. 28; *College and Institute Act*, R.S.B.C. 1996, c. 52; *Credit Union Incorporation Act*, R.S.B.C. 1996, c. 82; *Financial Institutions Act*, R.S.B.C. 1996, c. 141; *Greater Vancouver Sewerage and Drainage District Act*, S.B.C. 1956, c. 59; *Greater Vancouver Water District Act*, S.B.C. 1924, c. 22; *Legal Profession Act*, S.B.C. 1998, c. 9; *Mental Health Act*, R.S.B.C. 1996, c. 288; *Milk Industry Act*, R.S.B.C. 1996, c. 289; *Notaries Act*, R.S.B.C. 1996, c. 334; *Offence Act*, R.S.B.C. 1996, c. 338; *Public Guardian and Trustee Act*, R.S.B.C. 1996, c. 383; *Royal Roads University Act*, R.S.B.C. 1996, c. 409; *Safety Standards Act*, S.B.C. 2003, c. 39; *School Act*, R.S.B.C. 1996, c. 412; *Societies Act*, S.B.C. 2015, c. 18; *Supreme Court Act*, R.S.B.C. 1996, c. 443; *University Act*, R.S.B.C. 1996, c. 468; *Vancouver Foundation Act*, R.S.B.C. 2000, c. 1

Transitional Provisions: None

Statutes Repealed: None

Summary: Bill 36 amends 21 statutes.

Bill 36 amends the:

*Business Corporations Act*, to:

- Require that a chartered professional accountant, as specified, is authorized to act as an auditor of a company;

*Chartered Professional Accountants Act*, to:

- Clarify who may provide or perform professional accounting services;

*College and Institute Act*, to:

- Eliminate the board membership eligibility restriction regarding employees who negotiate with the board on behalf of an members of an institution;

*Cooperative Association Act*, to:

- Require that a chartered professional accountant, as specified, is authorized to act as an auditor of an association;

*Credit Union Incorporation Act*, to:

- Require that a chartered professional accountant, as specified, is authorized to act as an auditor of a credit union;

*Financial Institutions Act*, to:

- Require reporting of an auditor's misfeasance to that auditor's chartered professional accountant regulatory body as specified;

*Greater Vancouver Sewerage and Drainage District Act*, to:

- Require that a chartered professional accountant, as specified, is authorized to act by the board as an auditor of the corporation;

*Greater Vancouver Water District Act*, to:

- Require that a chartered professional accountant, as specified, is authorized to act by the board as an auditor of the corporation;

*Legal Profession Act*, to:

- Require that a chartered professional accountant, as specified, is authorized to act as an auditor of the Law Foundation of BC;

*Mental Health Act, to:*

- Permit the appointment of retired medical practitioners to review panels;
- Validate the establishment and actions of review panels that were defective only because a retired medical practitioner was appointed to the panel instead of a practising one;

*Milk Industry Act, to:*

- Permit exceptions to the definition of "dairy plant" to be made by regulation;
- Add regulation-making powers;

*Notaries Act, to:*

- Require that a chartered professional accountant, as specified, is authorized to act as an auditor of the Notary Foundation;

*Offence Act, to:*

- Permit the laying of an information by any means of telecommunication that produces a writing;

*Public Guardian and Trustee Act, to:*

- Permit the Public Guardian and Trustee, as a corporation sole, to become and act as a director of a company;

*Royal Roads University Act, to:*

- Eliminate the board membership eligibility restriction regarding employees who negotiate with the board on behalf of an members of the university;

*Safety Standards Act, including to:*

- Clarify clarifies the Minister's regulation-making power to include adoption of a code or standard set by a provincial, national or international body or any other code or standard making body;
- Clarify the powers of provincial safety managers regarding training, examination and continuing education;

- Add a new provision giving safety managers the power to refuse, suspend or revoke an authorization if money owing is unpaid;
- Expand the registry;
- Permit publication of the registry, including information about enforcement actions;
- Clarify that a safety order may require a person to undergo training or examination;
- Add a new provision regulating offering and advertising to do regulated work and makes it an offence to contravene this provision;
- Allow service by email and impose a presumption of delivery 3 days after the document was sent by email;
- Provides that delivery is not to be presumed to have occurred on a holiday;
- Confer a summary dismissal power on the appeal tribunal under the authority of the *Administrative Tribunals Act*;

*School Act*, to:

- Require that a chartered professional accountant, as specified, is authorized to act by the board as an auditor of a school district;

*Societies Act*, to:

- Require that a chartered professional accountant, as specified, is the only person authorized to act as an auditor of a society;

*Supreme Court Act*, including to:

- Repeal and replace the provision setting out the structure Supreme Court of BC;
- Add a new provision outlining the powers of the Chief Justice;
- Repeal provisions regarding conferences, vacancies, judicial districts and court administration;
- Repeal and replace the provision regarding appointing masters;
- Add a new provision for masters, including their election of senior status, terms of office and duties and powers;

- Add a new subsection that requires that registrars and district registrars must devote themselves exclusively to judicial duties and must not engage, directly or indirectly, in any other occupation, profession or business; adds a reference to district registrar.
- Permit a district registrar to reserve his or her decision;
- Add a new provision which lists the pension rules for senior masters;
- Reorder the section number regarding court administration (being a word-for-word replication of the previous court administration section repealed by Bill 36);

*University Act, to:*

- Eliminate the board membership eligibility restriction regarding employees who negotiate with the board on behalf of an members of an institution;

*Vancouver Foundation Act, to:*

- Make a housekeeping amendment, repealing reference to "Organization of Chartered Accountants of British Columbia" and substituting "Organization of Chartered Professional Accountants of British Columbia" regarding the composition of members of the board.

In Force:        On Royal Assent or by regulation as specified

**MISCELLANEOUS STATUTES (MINOR CORRECTIONS) AMENDMENT ACT, 2018,  
S.B.C. 2018, C. 39 (BILL 43)**

Amended: *Assessment Authority Act*, R.S.B.C. 1996, c. 21; *Capital Region Water Supply and Sooke Hills Protection Act*, S.B.C. 1997, c. 5; *Child, Family and Community Service Amendment Act, 2018*, S.B.C. 2018, c. 27; *Clean Energy Act*, S.B.C. 2010, c. 22; *Coastal Ferry Act*, S.B.C. 2003, c. 14; *Court Order Enforcement Act*, R.S.B.C. 1996, c. 78; *Credit Union Incorporation Act*, R.S.B.C. 1996, c. 82; *Creston Valley Wildlife Act*, R.S.B.C. 1996, c. 84; *Election Act*, R.S.B.C. 1996, c. 106; *Financial Administration Act*, R.S.B.C. 1996, c. 138; *Health Statutes Amendment Act, 2007*, S.B.C. 2007, c. 19; *International Commercial Arbitration Act*, R.S.B.C. 1996, c. 233; *Local Government Statutes (Housing Needs Reports) Amendment Act, 2018*, S.B.C. 2018, c. 20; *Miscellaneous Statutes Amendment Act (No. 2), 2018*, S.B.C. 2018, c. 23; *Mortgage Brokers Act*, R.S.B.C. 1996, c. 313; *Motor Dealer Act*, R.S.B.C. 1996, c. 316; *Parental Liability Act*, S.B.C. 2001, c. 45; *Protected Areas of British Columbia Act*, S.B.C. 2000, c. 17; *Resort Municipality of Whistler Act*, R.S.B.C. 1996, c. 407; *School Act*, R.S.B.C. 1996, c. 412; *Small Business Venture Capital Act*, R.S.B.C. 1996, c. 429; *South Coast British Columbia Transportation Authority Act*, S.B.C. 1998, c. 30; *Water Sustainability Act*, S.B.C. 2014, c. 15; *Wildfire Act*, S.B.C. 2004, c. 31; *Wildlife Act*, R.S.B.C. 1996, c. 488

Transitional Provisions: None

Statutes Repealed: None

Summary: Bill 43 amends 25 statutes to correct minor errors, including statutory references, spacing, formatting, spelling and italicizing errors.

For the *Local Government Act*, Bill 43 corrects an error made in the 2015 limited revision of the *Local Government Act* regarding the *School Act*.

In Force: On Royal Assent or retroactive from 1980, 1997 and 2016 as specified



## ***OIL AND GAS ACTIVITIES AMENDMENT ACT, 2018, S.B.C. 2018, C. 54 (BILL 56)***

The bill has the following key features:

Amended: *Oil and Gas Activities Act*, S.B.C. 2008, c. 36

Transitional

Provisions: None

Statutes

Repealed: None

Summary: Bill 56 amends the *Oil And Gas Activities Amendment Act, 2018* (Bill 56), including to:

- Add a new provision requiring the Oil and Gas Commission (Commission) to impose off-site environmental mitigation activities;
- Provide that land or an interest in land may have been acquired under the *Ministry of Lands, Parks and Housing Act*;
- Add a new Division 3.1 (Public Requests for Investigation) to Part 5 (Compliance and Enforcement) that:
  - requires the Commission to investigate after receipt of an application complaining about an alleged contravention regarding the emission of methane,
  - requires that, for this investigation, the Commission must investigate all matters that the Commission considers necessary to determine the facts regarding the alleged contravention,
  - requires that the Commission must report to the applicant, according to the regulations, on the progress of the investigation and the action, if any, that the Commission has taken,
  - permits the Commission to discontinue an investigation if the Commission is of the opinion that the alleged contravention does not require further investigation or the investigation does not substantiate the alleged contravention,
- Permit specified regulations to be made regarding off-site environmental mitigation activities.

In Force: On Royal Assent or by regulation for specified provisions

**OPIOID DAMAGES AND HEALTH CARE COSTS RECOVERY ACT, S.B.C. 2018, C. 35  
(BILL 38)**

Amended: A consequential amendment is made to the *Health Care Costs Recovery Act*, S.B.C. 2008, c. 27

Transitional  
Provisions: None

Statutes  
Repealed: None

Summary: As background, on August 29, 2018, the BC government announced that it commenced a class action lawsuit against the more than 40 different manufacturers and distributors of brand-name and generic opioid products in Canada. This is the government's response to fight the overdose crisis in BC.

Bill 38 creates a new statutory tort of an opioid-related wrong and establishes that government has a direct cause of action to recover the health care costs, the cost of health care benefits, from those who have committed an opioid-related wrong.

Recovery of cost of health care benefits are permitted on an aggregate basis.

Defendants are jointly and severally liable for the cost of health care benefits as specified.

Statistical information and information derived from epidemiological, sociological and other relevant studies, including information derived from sampling, is admissible as evidence for the purposes of establishing causation and quantifying damages or the cost of health care benefits respecting an opioid-related wrong.

No action commenced by the government within 2 years after the coming into force of Bill 38 for the recovery of the cost of health care benefits, or for damages, alleged to have been caused or contributed to by an opioid-related wrong, is barred under the *Limitation Act*.

Bill 38 permits a court to find liability based on risk contribution. Apportionment of liability in opioid-related wrongs is permitted.

Specified regulations are permitted to be made. Bill 38 has retroactive effect.

In Force: On Royal Assent

## **PASSENGER TRANSPORTATION AMENDMENT ACT, 2018, S.B.C. 2018, C. 53**

### **(BILL 55)**

Amended: *Passenger Transportation Act*, S.B.C. 2004, c. 39. Consequential amendments are made to the: *Commercial Transport Act*, R.S.B.C. 1996, c. 58; *Community Charter*, S.B.C. 2003, c. 26; *Insurance Corporation Act*, R.S.B.C. 1996, c. 228; *Insurance (Vehicle) Act*, R.S.B.C. 1996, c. 23; *Local Government Act*, R.S.B.C. 2015, c. 1; *Miscellaneous Statutes Amendment Act (No.2)*, 2007, S.B.C. 2007, c. 24; *Motor Vehicle Act*, R.S.B.C. 1996, c. 318; *Public Sector Employers Act*, R.S.B.C. 1996, c. 384; *Vancouver Charter*, S.B.C. 1953, c. 55

### Transitional

Provisions: Definitions and interpretation, passenger directed vehicles, inter-city buses, vehicle identifiers and vehicle identification certificates, pending applications to amend licences or obtain temporary operating permits, municipal chauffeur permit holders, record check certificates, restrictions on local government jurisdiction, regulations

### Statutes

Repealed: None

Summary: Bill 55 amends the *Passenger Transportation Act*, including to:

#### **Part 1 (Definitions)**

- Add, amend and repeal specific definitions, including new definitions for:
  - "passenger directed vehicle authorization",
  - "transportation network services",
  - "transportation network services authorization",

#### **Part 2 (Registrar of Passenger Transportation)**

- Clarify that the Registrar of Passenger Transportation can conduct audits under the Act, with new powers to audit prescribed record checks required for drivers of passenger directed vehicles added by Bill 55;

#### **Part 3 (Passenger Transportation Board)**

- Add a new Division 4 (Reports of the Board) to Part 3 (Passenger Transportation Board), which requires the Board to make reports and recommendations to the Minister;

#### **Part 4 (Licences)**

- Prohibit a person from operating a motor vehicle as a type of commercial passenger vehicle unless the motor vehicle is being operated under a valid licence and other specified requirements are met;

- Provide that a licence is required to provide transportation network services and that specified requirements are met;
- Set out the rules to apply for a licence;
- Set out sets out requirements that must be met before the Registrar may issue a commercial vehicle licence that includes only a general authorization;
- Require the licence to include a term or condition regarding the display of vehicle identifiers;
- Permit the Registrar to include other terms and conditions in the licence;
- Change the heading for the Division to be “Division 3 (Inter-City Buses, Passenger Directed Vehicles and Transportation Network Services)”;
- Require the Board to specify the authorizations to be included in a licence, if issued, and sets out the terms and conditions that may or must be established by the Board regarding authorizations included in the licence;
- Set out the Registrar's powers and duties regarding the issuance of licences that include special authorizations;
- Set out rules regarding the application of specified provisions to transfers of licences;
- Require a person who transfers a licence to cease displaying vehicle identifiers and to collect and return those identifiers;
- Repeal and replace the provision regarding addition of motor vehicles or transportation network services;
- Replace references to special authorization vehicle identifiers with references to vehicle identifiers;
- Clarify that an applicant must pay the prescribed fee to replace a licence or vehicle identifier;
- Require the Registrar to renew a licence if satisfied that specified requirements are met;
- Require the Registrar to provide vehicle identifiers with a renewed licence, if required under the renewed licence;

- Permit a person who is not a licensee to temporarily operate commercial passenger vehicles if the person has a valid temporary operating permit;
- Permit a person who is not a licensee to apply to the Registrar for a temporary operating permit and require the Registrar to consider the application for temporary operating permits as amended by Bill 55;
- Add a new provision regarding an application by a licensee to temporarily increase fleet size;
- Permit the Board, if satisfied that specified requirements are met, to issue a temporary operating permit in response to an application received under the new provision added by Bill 55 regarding an application by a licensee to temporarily increase fleet size;
- Amend requirements for passenger directed vehicles operated under temporary operating permits by allowing persons who operate those motor vehicles to carry in the motor vehicle either a copy of the temporary operating permit or evidence of authority to operate under that permit;
- Empower the Registrar or the Board to require a licensee, or a person who operates motor vehicles under the licensee's licence, to complete a specified education or training program;
- Add a new provision that requires the Legislative Assembly to appoint a special committee, by January 1, 2022, to conduct a review of passenger directed vehicle services and transportation network services administered under the Act;
- Add a new requirement for prescribed record checks for drivers of passenger directed vehicles;
- Require that a record check certificate must be displayed in passenger directed vehicle;

#### **Part 5 (Operation of a Commercial Passenger Vehicle)**

- Amend requirements for passenger directed vehicles operated under licences by allowing persons who operate those motor vehicles to carry in the motor vehicle either a copy of the licence or evidence of authority to operate the motor vehicle under that licence;

- Require a person, who is operating a motor vehicle as a commercial passenger vehicle, to display the vehicle identifier required, unless the person is operating the motor vehicle under a valid temporary operating permit and is in compliance by carrying a licence copy or evidence to operate the motor vehicle;
- Require a licensee to report to the Registrar, and to collect and return vehicle identifiers issued by the Registrar, if the licensee voluntarily ceases to operate a commercial passenger vehicle or provide transportation network services under a licence;
- Require a person who operates a commercial passenger vehicle under a licence to cease displaying a vehicle identifier, and to return the vehicle identifier to the licensee, if the licensee voluntarily ceases to operate the commercial passenger vehicle under the licence;
- Require a licensee or permit holder to make reasonable efforts to ensure compliance with specified provisions of the Act, as added or amended by Bill 55;

#### **Part 6 (Enforcement)**

- Increase from \$1,500 to \$50,000 the administrative fine regarding licences that may be imposed;
- Add a new subsection specifying matters that the Registrar must consider before the Registrar proposes to impose an administrative fine on a licensee;
- Empower the Registrar to impose penalties, without notice, on a licensee if specified requirements are not met or if the licensee fails to comply with the prescribed record check requirements added by Bill 55;

#### **Part 7 (General)**

- Permit regulations to prescribe fees and charges;
- Clarify that fees and charges collected by the Registrar or the Board are public money as defined by the *Financial Administration Act*;
- Increase from \$5,000 to \$100,000 the fine that may be imposed on a corporation that contravenes specified provisions;
- Make it an offence if an officer, director, manager or agent of a corporation or limited liability company authorizes, permits or participates in an offence committed by the corporation or limited liability company;

- Provide that the time limit for laying an information for an offence under the Act is:
  - 6 years after the date on which the act or omission that is alleged to constitute the offence occurred, or
  - 2 years after the date on which the Registrar learned of the act or omission and the Registrar issues a certificate,
- If the Registrar or the Board imposes an administrative penalty on a person under Part 6 (Enforcement) of the Act, a prosecution for an offence under the Act for the same contravention may not be brought against the person;
- Provide that a person charged with an offence under the Act may not be subject to an administrative penalty in respect of the circumstances that gave rise to the charge;
- Add regulation-making powers as a result of the additions and amendments made by Bill 55 regarding:
  - administration and enforcement,
  - operation of motor vehicles,
  - licences and temporary operating permits,
  - record checks for drivers of passenger directed vehicles,
  - fees and charges, and
  - exemptions.

In Force:        On Royal Assent or by regulation for specified provisions

***POVERTY REDUCTION STRATEGY ACT, S.B.C. 2018, C. 40 (BILL 39)***

Amended:        None

Transitional  
Provisions:     None

Statutes  
Repealed:      None

Summary:        Bill 39 requires the development of a poverty reduction strategy to achieve targets and timelines to reduce and prevent poverty in BC.

Bill 39 has 4 Parts.

## **Part 1**

Part 1 lists definitions.

## **Part 2**

Part 2 sets out the Poverty Reduction Strategy. The Minister must develop the strategy and publish it by March 31, 2019. The Minister must review and update the strategy at least once every 5 years after that date.

The strategy must include initiatives to reduce, in the next 5 years, the:

- Overall poverty rate by 25%; and
- Child poverty rate by 50% in the next 5 years.

The strategy must include initiatives intended to reduce and prevent poverty by increasing the:

- Affordability of goods, services and housing to persons living in poverty and other low-income British Columbians;
- Opportunities for persons living in poverty to move out of poverty;
- Inclusion of persons living in poverty in community life and in systems of supports.

The strategy must reflect a commitment to:

- Reconciliation with Indigenous peoples;
- The Calls to Action of the Truth and Reconciliation Commission; and
- The United Nations Declaration on the Rights of Indigenous Peoples.

In developing and updating the strategy, the Minister must consider specified topics, consult with specified groups and specified initiatives and supports.

The strategy must include a description of the effects that the minister intends poverty reduction and prevention to have on British Columbians as a whole.

Bill 39 requires the Minister to report annually and publish the strategy on a publicly accessible government website.

## **Part 3**

Part 3 provides for community involvement.



Bill 39 requires the Minister to establish a committee to advise the Minister on matters relating to poverty reduction and prevention and to consult with specified groups.

The Minister may provide monetary or other supports for persons living in poverty to enable them to serve on the advisory committee or participate in consultations.

#### **Part 4**

Part 4 has miscellaneous provisions, including permitting regulations to be made.

In Force: On Royal Assent

### **PROFESSIONAL GOVERNANCE ACT, S.B.C. 2018, C. 47 (BILL 49)**

Amended: Consequential amendments are made to the: *Architects Act*, R.S.B.C. 1996, c. 17; *Business Practices and Consumer Protection Act*, S.B.C. 2004, c. 2; *Community Charter*, S.B.C. 2003, c. 26; *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116; *Forest Act*, R.S.B.C. 1996, c. 157; *Foresters Act*, S.B.C. 2003, c. 19; *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165; *Interpretation Act*, R.S.B.C. 1996, c. 238; *Land Surveyors Act*, R.S.B.C. 1996, c. 248; *Ministry of Agriculture and Food Act*, R.S.B.C. 1996, c. 296; *Ministry of Energy and Mines Act*, R.S.B.C. 1996, c. 298; *Ministry of Forests and Range Act*, R.S.B.C. 1996, c. 300; *Ministry of Lands, Parks and Housing Act*, R.S.B.C. 1996, c. 307; *Water Sustainability Act*, S.B.C. 2014, c. 15

Transitional Provisions: Part 11 of the Act

Statutes Repealed: *Agrologists Act*, S.B.C. 2003, c. 13, *Applied Science Technologists and Technicians Act*, R.S.B.C. 1996, c. 15, *College of Applied Biology Act*, S.B.C. 2002, c. 68, *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116, and *Foresters Act*, S.B.C. 2003, c. 19

Summary: Bill 49 repeals the 5 following statutes and replaces them all with Bill 49:

1. *Agrologists Act*;
2. *Applied Science Technologists and Technicians Act*;
3. *College of Applied Biology Act*;
4. *Engineers and Geoscientists Act*; and
5. *Foresters Act*.

Bill 49 has 11 Parts and 3 Schedules.

### **Part 1 – Definitions and Application**

Part 1 sets out definitions and application of the Act.

Bill 49 applies to these 5 regulatory bodies, with exclusivity for reserved titles and with a right to practice within a reserved practice:

1. Applied Science Technologists and Technicians of British Columbia;
2. Association of British Columbia Forest Professionals;
3. Association of Professional Engineers and Geoscientists of the Province of British Columbia;
4. British Columbia Institute of Agrologists; and the
5. College of Applied Biology.

### **Part 2 – Office Of The Superintendent Of Professional Governance**

Part 2 creates the Office Of The Superintendent Of Professional Governance in the Ministry of Attorney General. Superintendent may delegate his or her powers.

The Ministry may appoint a Professional Governance Advisory Committee.

The Superintendent's general duty and responsibilities are specified.

The Superintendent may make rules regarding practice and procedure for complaints, investigations and audits.

The powers of the Superintendent are:

- Establishing guidelines for regulatory bodies;
- Conducting investigations or audits;
- Issuing directives as specified;

The Superintendent may appoint a public administrator to discharge the duties of a council for a for a regulatory body if the superintendent considers this to be necessary in the public interest.

The Superintendent may make order compelling persons to give evidence and ordering disclosure.

The Superintendent may apply to the Supreme Court regarding a contempt proceeding for an uncooperative witness or other person.

The Superintendent may refer to another person or body as specified.

The Superintendent may administer designated member rosters.

The Superintendent, if the Superintendent determines it is in the public interest, must publish information prescribed by regulation.

The Superintendent must make annual reports to the Minister.

The Superintendent must make, at the request of the Minister, recommendations to the Minister.

### **Part 3 – Regulatory Bodies**

Part 3 lists rules applicable to the regulatory bodies.

The regulatory bodies' general duty and responsibilities are specified.

Each regulatory body must have a council as specified.

Each regulatory body council must appoint a registrar and may appoint one or more deputy registrars.

In addition to the registrar and any deputy registrars, a council may establish other offices and appoint other officers as specified, including an executive director.

Each regulatory body must hold an annual general meeting.

Each regulatory body council may make bylaws as specified.

Each regulatory body council must file an annual report of the general operations of the regulatory body with the Superintendent.

### **Part 4 – Registrants**

Part 4 governs registrants.

Each regulatory body council may make bylaws regarding restricted areas of practice for the regulated practice as specified and subject to the regulations.

Part 4 provides for enrolment, admission and reinstatement of registrants. A credentials committee may be formed.

Each regulatory body council may make bylaws setting fees and assessments as permitted.

### **Part 5 – Reserved Titles and Reserved Practice**

Part 5 allows exclusivity of reserved titles and practices for registrants, subject to the regulations.

Only a registrant of the regulatory body can use the reserved title or practice and no other person as specified.

### **Part 6 – Protection of the Public Interest With Respect to Professional Governance and Conduct**

Part 6 protects the public interest regarding professional governance in these areas:

- Division 1 – Standards of Conduct and Competence;
- Division 2 – Competence Declarations and Conflict of Interest;
- Division 3 – Audits, Practice Reviews and Discipline; and
- Division 4 – Other matters, including requiring each regulatory body council to make specified information public.

### **Part 7 – Applicable Regulatory Bodies**

Part 7 has provisions regarding regulatory bodies.

These provisions include:

- Continuing regulatory bodies;
- Designating regulatory bodies;
- Establishing regulatory bodies; and
- Amalgamating regulatory bodies.

### **Part 8 – Enforcement of Act**

Part 8 provides for enforcement.

Administrative penalties are authorized. Administrative penalties may be recovered as a debt due to the government.

The limitation period for giving a notice imposing an administrative penalty is 3 years after the date on which the act or omission alleged to constitute the contravention first came to the attention of the Superintendent.

No persons may take reprisals against registrants. No persons may obstruct the Superintendent. No persons may obstruct an inspector or search. Persons who engage in such conduct commit an offence.

Persons contravene an offence are liable to:

- In the case of an individual, to a maximum \$200,000 fine, maximum 2 years imprisonment, or both; and
- In the case of a firm, to a maximum \$500,000 fine.

The limitation period for laying an information as specified to commence a prosecution for an offence is:

- 2 years after the date on which the act or omission that is alleged to constitute the offence occurred, or
- 2 years after the date on which the superintendent or the council learned of the act or omission as specified.

The Superintendent, a regulatory body council or any other person may apply to the Supreme Court of BC for an interim or permanent injunction.

The Supreme Court of BC may make an order for contempt if a person breaches provisions protecting use of reserved titles or prohibiting reserved practice.

## **Part 9 – General**

Part 9 lists general provisions.

Provisions preserving confidentiality are in place.

The Superintendent or a person acting on behalf of or under the direction of the Superintendent, must not be required to testify or produce evidence in any proceeding as specified.

No legal proceeding for damages may be made against the Superintendent, a councillor, a regulatory body or a person acting on behalf of or under the direction of the Superintendent, a council or a regulatory body as specified.

No legal proceeding for damages may be made regarding the prohibition against making reprisals, unless there is bad faith.

Provisions setting out service of notice or documents are made.

## **Part 10 – Regulations**

Part 10 authorizes regulations to be made as specified.

## **Part 11 – Transitional and Related Provisions, Repeals and Related and Consequential Amendments**

Part 11 provides for transitional and related provisions, repeals and other amendments.

In Force: By regulation

## ***RECALL AND INITIATIVE AMENDMENT ACT, 2018, S.B.C. 2018, C. 41 (BILL 53)***

Amended: *Recall and Initiative Act*, R.S.B.C. 1996, c. 398

Transitional  
Provisions: Part 2

Statutes  
Repealed: None

Summary: Bill 53 amends the *Recall and Initiative Act*, including to:

### **Part 1 - Definitions**

- Amend specified definitions, add new definitions and add interpretation rules regarding these new definitions;

### **Part 3 - Recall**

- Add a pre-general election period constraint on the issue of recall petitions;
- Require that the Chief Electoral Officer must publish notice of the recall petition application on an Elections BC internet site;
- Require that the Chief Electoral Officer must publish notice of the approval of a recall petition on an Elections BC internet site;
- Add a new provision that a Member of the Legislative Assembly cannot be subject to more than 1 recall petition at any one time;
- Require that the Chief Electoral Officer must report an unsuccessful recall petition to the Member the proponent and the Speaker of the Legislative Assembly as soon as the Chief Electoral Officer determines that the petition does not meet the legislative requirements;

- Clarify when the proponent and Member become authorized persons under the Act and extend the meaning of authorized participant;

#### **Part 7 - Recall Petition Financing**

- Extend legal liability protection to the assistant financial agents as well as to the financial agents;
- Add new provisions that parallel the *Election Act* regarding loans and guarantees to an authorized participant;
- Add new provisions that parallel the *Election Act* regarding debts owed by an authorized participant;
- Add new provisions that parallel the *Election Act* regarding political contributions through fundraising functions;
- Add a new Division 2.1 (Specified Fundraising Functions) that parallels the *Election Act*;
- Add new a provision that parallel the *Election Act* regarding restrictions on making recall contributions;
- Create a special rule for sponsorship contributions received by an individual who later becomes an authorized participant regarding a recall petition;
- Add new provisions that parallel the *Election Act* regarding restrictions on accepting recall contributions;
- Add new provisions that parallel the *Election Act* requiring that a financial agent must record each recall contribution;
- Add rules regarding transfers of money that may be made by a political party or constituency association to a Member who is subject to a recall petition;
- Require unused recall contributions to be returned to eligible persons who made the contributions;
- Add new reporting requirements regarding recall financing reports;
- Permit the Chief Electoral Officer to publish on an Elections BC internet site recall financing report summaries prepared by the Chief Electoral Officer;

- Require that the Chief Electoral Officer must publish on an Elections BC internet site and the Gazette the name of a non-compliant authorized participant;
- Remove the other authorized participant or the financial agent of that authorized participant as a party regarding a Supreme Court of BC order for relief from expenses limit;
- Create monetary penalties for specified contraventions of the Act and permit a Supreme Court of BC order for relief from these penalties;
- Require that the Chief Electoral Officer must publish on an Elections BC internet site and the Gazette the names and related information of persons on whom the Chief Electoral Officer has imposed a monetary penalty;

#### **Part 8 - Recall Petition Communications**

- Add new provisions that parallel the *Election Act* regarding recall advertising must identify sponsor ;
- Add new provisions that parallel the *Election Act* regarding identification of sponsor activities and monetary penalties for failure to identify sponsor;
- Create rules for registration of a recall advertising sponsor regarding an electoral district and a recall petition;
- Add a new provision that requires a recall advertising sponsor who sponsors petition period recall advertising to be independent of the authorized participants for the petition, with exceptions for the political party and constituency association of the Member who is the subject of the petition;
- Require the Chief Electoral Officer to advise registered recall advertising sponsors of adjusted sponsorship contribution limits;
- Add new provisions that parallel the *Election Act* regarding voluntary deregistration and reregistration;
- Add a new provision that provides for deregistration regarding an electoral district when a recall advertising sponsor becomes an authorized participant for a recall petition that is to be issued in the electoral district;
- Add a new Division 3.1 (Sponsorship Contributions) to Part 8;



- Add a new Division 3.2 (Recall Advertising Limits) to Part 8 and permit a Supreme Court of BC order for relief from advertising limits;
- Rename the heading in Part 8 to be “Division 4 (Reporting by Recall Advertising Sponsors);
- Add a new provision requiring the filing of a disclosure reports as specified within 14 and 28 days regarding non-petition period recall advertising;
- Add a new provision requiring that a recall advertising sponsor must file with the Chief Electoral Officer a recall advertising disclosure report as specified;

### **Part 9 - Offences**

- Add a new Division 5 (Monetary Penalties for Recall Advertising Sponsors) and permit a Supreme Court of BC order for relief regarding sponsor registration and sponsorship contributions;
- Require that the Chief Electoral Officer must publish on an Elections BC internet site and the Gazette the names and related information of persons on whom the Chief Electoral Officer has imposed a monetary penalty;
- Create new offences regarding recall petition financing;
- Increase from \$5,000 to \$10,000 the maximum fine that may be imposed on an individual or organization who commits an offence regarding financing;
- Create new offences regarding recall advertising;
- Increase from \$5,000 to \$10,000 the maximum fine that may be imposed on an individual or organization who commits an offence regarding initiative or recall advertising and promotion;

### **Part 10 - General**

- *Add a provision similar to one in the Election Act* to require the Chief Electoral Officer to publish and give notice of adjusted amounts in relation to recall contribution limits, sponsorship contribution limits and petition period recall advertising limits;
- Transfer authority for making specified regulations from the Lieutenant Governor in Council to the Chief Electoral Officer;

- Add authority to make specified regulations consequential to amendments made to the Act by Bill 53.

In Force: On Royal Assent or October 31, 2018 for Division 2.1 (Specified Fundraising Functions) and a transitional provision for specified fundraising functions

***SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY AMENDMENT ACT (NO. 2), 2018, S.B.C. 2018, C. 44 (BILL 46)***

Amended: *South Coast British Columbia Transportation Authority Act*, S.B.C. 1998, c. 30

Transitional Provisions: None

Statutes Repealed: None

Summary: By way of background, in June 2018, TransLink's Mayors Council approved the Phase 2 investment plan authorizing major bus and rapid transit improvements.

Bill 46 amends the *South Coast British Columbia Transportation Authority Act* to:

- Increase the Metro Vancouver residential street parking sales tax from the current 21% to a maximum of 24%; and
- Removes references to the repealed *Social Service Tax Act*.

In Force: On Royal Assent

***TEMPORARY FOREIGN WORKER PROTECTION ACT, S.B.C. 2018, C. 45 (BILL 48)***

Amended: Consequential amendments are made to the: *Employment Standards Act*, R.S.B.C. 1996, c. 113 and the *Workers Compensation Act*, R.S.B.C. 1996, c. 492

Transitional Provisions: Part 12

Statutes Repealed: None

Summary: Bill 48 has 12 Parts.

### **Part 1 – Introductory Provisions**

Part 1 lists definitions. Part 1 also provides that the requirements of this Act cannot be waived.

### **Part 2 – Licences for Foreign Worker Recruiters**

Part 2 requires licences for foreign worker recruiters, including an opportunity to be heard regarding the Director's:

- Issuance or refusal of licence; or
- Amendment, suspension or cancellation of licence.

### **Part 3 – Certificates of Registration for Employers of Foreign Nationals**

Part 3 requires registration certificates employers of foreign nationals, including an opportunity to be heard regarding the Director's:

- Issuance or refusal of certificate of registration; or
- Amendment, suspension or cancellation of certificate of registration.

### **Part 4 – Reconsiderations Respecting Licences and Certificates of Registration**

Part 4 permits reconsiderations regarding licences and registration certificates.

### **Part 5 – Foreign Worker Recruiter and Employer Obligations**

Part 5 sets out foreign worker recruiter and employer obligations.

Foreign worker recruiters and employers are prohibited from engaging in specified practices:

- Giving false or misleading information as specified;
- Keep a foreign national's passport or other official documents;
- Misrepresent employment opportunities;
- Threaten deportation or other action for which there is no lawful cause; or
- Threaten, or take action against anyone regarding an investigation, proceeding or complaint as specified;

Part 5 also requires that a person must not, directly or indirectly, charge any person other than an employer a fee or expense for recruitment services.

If a foreign worker recruiter is receiving a fee or compensation for referring a foreign national to another person, the recruiter must clearly disclose that fact in writing to the foreign national.

A foreign worker recruiter who provides recruitment services to an employer and immigration services to a foreign national who will be employed by that employer must disclose specified information to both the employer and foreign national.

A foreign worker recruiter must disclose to the Director the names and addresses of all the foreign worker recruiter's partners, affiliates or agents located or operating inside or outside of British Columbia.

A foreign worker recruiter must ensure that partners, affiliates or agents of the foreign worker recruiter, who in partnership with or on behalf of the foreign worker recruiter provide recruitment services to a foreign worker, comply with the Act and regulations.

A foreign worker recruiter and employer must provide required information about the about the rights of foreign nationals and foreign workers under the Act to the foreign national.

A foreign worker recruiter must enter into a contract with the foreign national or the employer that has terms required by the Act.

A licensee or former licensee or a registered employer or former registered employer, must retain specified records, including retaining those records for at least 4 years after the date on which they were created.

### **Part 6 – Registry and Information Sharing**

Part 6 mandates a licensed foreign worker recruiter registry and registered employer registry and permits information sharing with other public bodies and governments.

### **Part 7 – Investigations, Complaints and Determinations**

Part 7 authorizes the Director to investigate, respond to complaints and make determinations.

The limitation period for making specified written complaints to an office of the Employment Standards Branch is within 2 years of the date of the alleged contravention.

The Director may make determinations as specified.

A foreign worker recruiter must not any person because of a complaint or investigation.

The Director has the power to compel persons to answer questions and order disclosure.

At an oral hearing, the Director may make orders or give directions that the Director considers necessary for the maintenance of order at the hearing, and, if any person disobeys or fails to comply with any order or direction, the Director may call on the assistance of any peace officer to enforce the order or direction.

The Director is authorized to apply to the Supreme Court of BC for a contempt order regarding an uncooperative person.

The Director is immune from legal proceedings.

The Director has entry and inspection powers as specified.

The Director may vary or cancel a determination.

Neither the Director, nor delegate under the Act has jurisdiction:

- Related to the *Canadian Charter of Rights and Freedoms*;
- To apply the *Human Rights Code*.

## **Part 8 – Enforcement**

Part 8 provides for enforcement.

Amounts owing under a determination or order are liens, secured debt in favour of the director with priority over all liens including:

- Workers' Compensation Board;
- Contract, account receivable, insurance claim or sale of goods; or
- *Personal Property Security Act*.

A person owing the amount must pay interest. The Director may demand payments from third parties.

The Director may file a determination or order in the Supreme Court of BC and , once filed, it may be enforced as a judgment of the Supreme Court.

The Director may seize a person's assets in order to pay a determination or order.

The Director may treat corporations, individuals, firms, syndicates or associations, or any combination of them, as one employer for the purposes of the Act.

A corporate director or officer is personally liable for paying a determination.

If a corporation contravenes the licence or registration requirement or no mistreating complainants, and the Director requires the corporation to pay an administrative penalty as a result, the corporate employee, officer, director or agent who authorizes, permits or acquiesces in the contravention is personally liable for the administrative penalty.

The Director must pay to the Minister of Finance all money received by the Director under the Act.

The Director, to ensure compliance with the Act or regulations, may require a foreign worker recruiter or an employer who has at any time contravened the provision requiring fees and expenses for recruitment or employment, to post security or bond.

The Director is authorized to publish violators' names.

The Director may disclose specified information to a person who makes a request and pays the prescribed fee.

### **Part 9 – Employment Standards Tribunal**

Part 9 applies provisions of the *Employment Standards Act*, including giving exclusive jurisdiction to the Employment Standards Tribunal, to hear matters under Parts 9 and 10 of this Act and issue orders.

### **Part 10 – Appeals**

Part 10 permits appeals. A Director's decision may be appealed to the Employment Standards Tribunal. A Tribunal decision may be reconsidered as specified.

## **Part 11 – General Provisions**

Part 11 has general provisions, including:

- Empowering the Director to delegate the director’s powers as specified;
- Authorizing a justice to issue a warrant to carry out inspection powers;
- Prohibiting the Director or delegate from being required to give evidence in other proceedings;
- Creating rules for service of notices, decisions, determinations or demands;
- Setting the limitation period for offence proceedings must not be commenced in any court more than 2 years after the facts on which the proceeding is based first come to the Director's knowledge;
- Making a person who contravenes a provision guilty of an offence and liable on summary conviction,
  - in the case of an individual, to a \$50,00 maximum fine or maximum 1-year imprisonment or both, and
  - in the case of a corporation, to a \$50,00 maximum fine,
- Permitting regulations as specified to be made.

## **Part 12 – Transitional Provisions and Consequential Amendments**

Part 12 has transitional provisions and consequential amendments.

In Force: By regulation

END