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Legislature Re-opens: It's Been a Busy Week

In keeping with the new provincial policy of holding two legislative sessions each year, the Legislative Assembly reconvened on Monday, October 7, 2002 at 10:00 a.m., picking up just where it left off on May 30th when it adjourned. The third session of the 37th Parliament will run until November 28th. The government has made no specific statements about the direction or intent of this fall sitting.

Bills on the Order Paper from Spring Session

The following Bills were carried over from the spring session for debate, following public consultation over the summer:

- Bill 16 – Community Care Facility Act
- Bill 47 – Business Corporation Act
- Bill 53 – Human Rights Code Amendment Act
- Bill 56 – Workers Compensation Amendment Act (No. 2)
(replaced by Bill 63)
- Bill 57 – Transportation Investment Act
- Bill 59 – Election Statutes Amendment Act

New Bills Introduced this Week

New legislation introduced so far in the fall session include:

- Bill 60 – Health Authorities Amendment Act
- Bill 61 – Drinking Water Protection Amendment Act
- Bill 62 – Miscellaneous Statutes Amendment Act (No. 3)
- Bill 63 – Workers Compensation Amendment Act (No. 2)
(replaces Bill 56)

Please refer to the Legislative Assembly web site for the current status of all provincial bills:
www.legis.gov.bc.ca

Bill 60 – Health Authorities Amendment Act

This bill makes minor amendments of a housekeeping nature to make the language of the *Health Authorities Act* reflect the restructuring of the health authorities which took place on December 12, 2001. The bill:

- removes obsolete references to community health councils and community health services societies;
- retains references to regional health boards; and
- removes the reference to the Tilbury Regional Hospital Laundry Society from the definition of facilities subsector. On June 27, 2002, Tilbury was amalgamated with the Vancouver Coastal Health Authority and ceased to exist as a society.

Bill 61 – Drinking Water Protection Amendment Act

The intent of the legislative amendments is to:

- Clarify that the role of the provincial drinking water coordinators has been transferred to the medical health officer;
- Establish that the Provincial Health Officer is responsible for drinking water protection in the province and must provide an annual report to the legislature on this matter;
- Provide the Provincial Health Officer with the authority to take a drinking water problem directly to Cabinet if it cannot be resolved to his satisfaction;
- Give the Provincial Health Officer or his staff the ability to “include in a construction permit terms and conditions the official considers advisable respecting the construction, installation, alteration or extension” of a drinking water facility;

Bill 61 (continued)

- Give Cabinet final approval over all drinking water protection plans that may be proposed;
- Require that once a drinking water protection plan is adopted that it prevails over all other planning processes and that the other planning processes be consistent with the drinking water protection plan; and
- Provide a statutory right to have certain decisions by a drinking water officer reconsidered by the drinking water officer or reviewed by the Provincial Health Officer or a medical health officer.

The financing of the comprehensive \$16 million drinking water action plan announced by the provincial government has not yet been determined. There are consultations underway on the funding arrangements to finance the action plan. The action plan is available for downloading from the Ministry of Health Services web site at: www.healthservices.gov.bc.ca/cpa/publications/

The province has indicated that the new legislation will be proclaimed later this winter, after consultations with the UBCM and other stakeholders are complete and new regulations are developed.

Bill 62 – Miscellaneous Statutes Amendment Act (No. 3)

This bill includes amendments to fourteen statutes. Of interest to local government are:

- **British Columbia Rail Act** – removes the requirement for BC Rail to provide a passenger service;
- **Freedom of Information and Protection of Privacy Act** – clarifies that the substance of deliberations of a Committee designated by the Lieutenant Governor in Council can enjoy the same protected status as Executive Council, if that Committee has at least one member of the Executive Council as a member;
- **Highway Act** – the government is moving toward more flexible cost-sharing arrangements for building and maintaining roads that feed into major highways. At present, the province is legally required to bear all costs for these projects. In cases where P3s are developed, this amendment will allow other parties to enter cost-sharing arrangements with the Ministry of Transportation;
- **Highway Act/Municipalities Enabling & Validating Act** – the Minister of Transportation must approve all City of

Vancouver bylaws affecting lands within 800 metres of a controlled access highway, a process that causes delays in rezoning and extra costs to the city and developers. These amendments provide more autonomy by allowing the city to proceed without the minister's approval; and

- **Vancouver Charter** – this amendment creates a property tax exemption for the BC Cancer Agency on West 10th Avenue in Vancouver, as long as and to the extent that the property is used for cancer research and other charitable purposes.

Bill 63 – Workers Compensation Amendment Act (No. 2)

This bill replaces Bill 56 which was introduced in May. The bill provides a revised appeals process for the workers' compensation system by:

- reducing the levels of review and appeal of WCB decisions from three to two;
- creating a new internal review function to improve the quality of initial decision making; and
- establishes a new independent appeal tribunal as the final level of appeal for workers' compensation matters.

Further legislation is scheduled to be introduced and debated this fall to cover the second phase of WCB reform. A new board of directors for the WCB will also be announced later this fall.

FEDERAL UPDATE**Softwood Lumber Assistance Package**

On October 9, 2002 Minister of Natural Resources, Hon. Herb Dhaliwal announced an aid package to help Canadians whose livelihoods depend on softwood lumber. The package provides funding for research and support for the workers and communities affected by the 27.9-percent duty imposed on Canadian softwood lumber exports to the United States. It is intended to help communities develop their economies, support workers through training and job-sharing programs, and invest in research to promote the long-term competitiveness of the forest sector.

The funding, totalling \$246.5 million, is divided as follows:

- \$110 million for a national Softwood Industry and Community Adjustment Fund to support community economic development;

Softwood Lumber (continued)

- \$40 million to address the mountain pine beetle epidemic in British Columbia;
- \$71 million for measures to assist displaced workers. This is not a new program but builds on assistance currently provided under the Employment Insurance Program and other programs; HRDC programs include Work Sharing While Learning and Increased Referrals to Training, available in areas with an unemployment rate of 10% and greater, and Older Workers Pilot Projects Initiative helps older workers remain employed or reintegrate into the labour force, available in all EI Economic Regions; and
- \$23.5 million for the creation of a centre of excellence for pulp and paper in Trois-Rivières, Quebec; and \$2 million to support a boreal forest research consortium in the Saguenay–Lac-Saint-Jean region of Quebec.

Minister Dhaliwal notes that he will continue to monitor the situation, recognizing that more assistance may be required, “we may need to provide further support to workers, communities and small-and-medium- sized businesses should the issue of softwood lumber with the United States remain unresolved for an extended period.”

This package was prepared jointly by Minister Dhaliwal, Human Resources Development Canada Minister Jane Stewart, International Trade Minister Pierre Pettigrew and Industry Minister Allan Rock after consultations with the softwood lumber industry and the provinces. Minister Rock will oversee the implementation of the community adjustment initiative working with partners and provinces. Further information on the model for delivery of community assistance programs is not available at this time.

The federal government will continue pursuing a resolution to the softwood lumber dispute and will continue to defend the softwood lumber industry by challenging U.S. actions that contradict international trade rules.

A press release on the Minister’s announcement is available on Natural Resources Canada (NRCAN) web site at: www.nrcan-rncan.gc.ca/media/newsreleases/2002

First Nations Governance Act Re-instated

On October 9, 2002 Minister of Indian Affairs and Northern Development Robert Nault reinstated the First Nations Governance and Specific Claims Resolutions bills which he originally introduced in Parliament in mid-June. Both bills will be reinstated at the Committee stage.

Bill C-6, the First Nations Governance Act (FNGA) provides the following:

- enables First Nations to design and adopt codes for leadership selection, financial management and accountability and the administration of government according to the needs of their communities;
- clear legal authority for Indian bands to enter into contracts, acquire property, raise, spend and invest and borrow money (natural person powers); and
- power for bands to delegate authorities to multi-community bodies for service delivery and administration.

The bill would amend certain sections of the *Indian Act* with the intent of modernizing the governance components. The FNGA has sparked considerable controversy during its development and introduction. It is not supported by the Assembly of First Nations nor by some First Nation communities and provincial organizations.

The **Specific Claims Resolution Act (Bill C-7)** would establish an independent claims body called the “Canadian Centre for the Independent Resolution of First Nation Specific Claims” to replace the current Specific Claims Commission. The Centre would have a Commission division to facilitate negotiations and a Tribunal division to resolve disputes.

These legislative initiatives are described by the government as part of an overall strategy to work with First Nations to move forward on the path of economic development and to reduce economic dependency. Included in this strategy is the draft First Nations Fiscal and Statistical Management Act on which the government is currently conducting formal consultations. The bill is expected to be introduced during the fall session and would establish four public institutions: First Nations Finance Authority, First Nations Financial Management Board, First Nations Statistical Institute and the First Nations Tax Commission.

For copies of these bills see: www.ainc-inac.gc.ca