

## MORE 2002 BILLS

The following Bills have been introduced into the Legislative Assembly up to May 30, 2002. The House is now adjourned until the Fall sitting.

**Bill #28 – Employee Investment Amendment Act, 2002**  
Some of the amendments made to the Act by this Bill are:

- repeals and reenacts section 13 to allow Lieutenant Governor in Council to prescribe a percentage and schedule of investments.
- repeals and reenacts section 30 to allow for the allocation of eligible investment tax credits among corporations registered.

**Bill #33 – Supply Act, 2002-2003**

This Bill provides \$25,197,517,000 towards defraying the charges and expenses of the public service of the province for the fiscal year ending March 31, 2003.

**Bill #37 – Food Safety Act**

This Bill will ensure that an operator is responsible to see that the food in his or her food establishment is safe for human consumption. It combines various existing legislative regimes concerning food safety, so that licensing, inspection and standard setting components are updated and integrated into one source of legislative authority. As part of this consolidation the "Fish Inspection Act", the "Meat Inspection Act" and the "Milk Inspection Act" may be repealed. The Act provides for the appointment of inspectors for enforcement of the act.

**Bill #38 – Environmental Assessment Act**

The intent of the legislation is to establish more streamlined and flexible environmental assessment procedures for major projects. The Bill will allow broad discretion in customizing environmental assessment procedures on a project-by-project basis – proponents will be able to determine own terms of reference for review; the requirement for an environmental assessment may be waived if the project does not raise strategic impact concerns; the Minister of Sustainable Resource Management will be able to order special review procedures. The Environmental Assessment Office will determine the public consultation process on a project-by-project basis – project committees will no longer be established

for each development and reviews will be guided by broad government policy in the area. The legislated timelines and regulatory process will be simplified.

**Bill #39 – Protected Areas Forests Compensation Act**

This Bill will allow for compensation for holders of tree farm license areas, timber license areas, woodlot license areas, or timber supply areas that are included within the boundaries of a protected area such as a park or ecological reserve.

**Bill #40 – Forest Statutes Amendment Act, 2002**

The main amendment under this Bill allows standard making bodies to require the holder of the license under a small business agreement to conduct their operations under the license in accordance with principles, standards and criteria established by the standard making body or bodies.

**Bill #41 – Forest (First Nations Development) Amendment Act, 2002**

This Bill adds a new "Division 8.1 Direct Awards" to Part 9 of the "Forest Act" which will allow "the minister without advertising or inviting other applications, may invite an application for a forest license, timber sale license or woodlot license, and direct the regional manager or district manager to enter into the licence with the applicant if the licence:

- provides that it is entered into with a first nation or its representative to implement or further an agreement between the first nation and the government respecting treaty, interim, or economic measures.
- entered into with a person to mitigate the effects on that person of i) a treaty; ii) a specification of a designated area under Part 13; or iii) an agreement with a first nation and the government respecting treaty related measures, interim measures, or economic measures.

**Bill #42 – Labour Relations Code Amendment Act, 2002**

The main amendments under this Bill add two subsections to Section 2 "Duties under the Code", for the Board or persons

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exercising powers under the code. They are:

- recognizes the rights and obligations of employees, employers and trade unions under this code.
- fosters the employment of workers in economically viable businesses.

It also repeals Section 8 "Right to Communicate" and reenacts with, "Subject to the regulations", a person has the freedom to express his or her views on any matter, including matters relating to an employer, a trade union or the representation of employers by a trade union, provided that the person does not use intimidation or coercion.

#### Bill #43 – Office for Children and Youth Act

This Act provides for a "child and youth officer" for a term of up to 5 years.

The functions of the child and youth officer are to provide support to children, youth and their families in attaining relevant services and to provide independent observations and advice to government about the state of services provided or funded by government to children and youth in BC.

#### Bill #44 – Health Care (Consent) and Care Facility (Admission) Amendment Act, 2002

Some of the amendments to this act are:

- adds a section 12.1 "No Emergency Health Care contrary to wishes", which provides a person capable and having attained the age of 19 expressed an instruction or wish applicable to the circumstances to refuse consent to the health care.
- adds a new section 12.2 "Emergency Health Care Despite Refusal" which allows health care to be provided under certain conditions if substitute consent to health care is refused on an incapable person's behalf by their substitute decision maker.
- adds Section 33.1 "Collection of Personal Information" authorizing the collection of personal information for the purposes of this Act.

#### Bill #45 – Legal Services Society Act

This Bill repeals and replaces the current "Legal Services Society Act", RSBC 1996, c 256.

Some of the changes are:

- board of directors has been reduced to nine from fifteen, five to be appointed by L.G. in C. four appointed by law society.
- clarifies the objects and powers of the society
- clarifies the powers and capacity of the society and allows it to undertake inside or outside BC. Commercial activities that it considers appropriate.

Bill #46 – Attorney General Statutes Amendment Act  
The Bill amends a number of pieces of legislation of interest to local government:

#### *Lobbyist Registration Act*

The change exempts employees of bodies that represent local government authorities from having to register under the Act.

#### *Offence Act*

Establishes new rules of evidence for violation tickets and simplifies the hearing process. Under the new system written/ electronic reports from enforcement officers, video conferencing, and telephone conferencing to be used in hearing these types of violations. A formal hearing may no longer be required as disputes of fine amounts and requests for time to pay may be made and determined in writing.

#### *Provincial Court Act*

The amendment clearly lays out those issues which must be heard by a Provincial Court Judge. It includes such matters as contempt of court charges, constitutional issues, matters that involve the determination of aboriginal or treaty rights or claims, matters involving the Canadian Charter of Rights and Freedoms, and trials where a person charged with an offence for which, on conviction, the person is liable to be sentenced to a term of imprisonment.

#### Bill #47 – Business Corporations Act

This Bill when enacted will repeal and replace the current "Company Act". It makes many amendments a couple of the highlights are:

- removes the necessity of filing articles with the Corporate Registry instead requiring filing a notice of articles.
- facilitates electronic incorporations.
- facilitate amalgamations and allows amalgamations between British Columbia and Foreign Corporations.
- allows unlimited authorized share capital.
- allows shareholders to waive Annual General meetings.

#### Bill #48 – Employment Standards Amendment Act, 2002

This Bill makes a number of amendments to the Act among them are:

- it repeals and reenacts section 3 "Scope of Act" to not apply sections on "Hours of Work", "Statutory Holidays", "Annual Vacation or Vacation Pay", "Seniority Retention, Recall, Termination of Employment or layoff", etc. if a collective agreement contains any of these provisions.
- repeals and reenacts section 9 "Employment of Children" to allow conditions for employment of children under 15 to be established by regulation instead of in the Act.

- changes the minimum hours pay for an employee reporting for work on anyday to minimum of 2 hours whether the employee starts work or not, 4 hours at the employees regular wage if scheduled to work more than 8 hours.
- it repeals and reenacts Section 37 to allow agreements to average hours of work. The agreement must be in writing.

Bill #49 – Workers Compensation Amendment Act, 2002  
This Bill makes a number of amendments to the “Worker’s Compensation Act”, some of these are:

-Board of Directors will consist of seven voting directors, one representative of workers, one representative of employees, 2 representative of the public interest, one additional representative of the public interest who is chair, one who when appointed is a professional providing health care or rehabilitation services to persons with disabilities, one who at time of appointment is an actuary. The President and Chief Appeal Commissioner are non voting directors.

- adds a new section 5.1 on “Mental Stress”.
- changes the General Indexing factors a change in CPI for Canada less 1% with a minimum change of 0% and a maximum of 4%.
- changes the amount paid a worker for temporary partial disability to 90% of net earnings from 75% of average earnings.
- it adds new sections 23.1 “Periods of Payment for total or partial disability”, limiting them to age 65 or the date the worker would retire as determined by the board, at which point new sections 23.2 to 23.5 dealing with retirement benefits would come into play.

Bill #50 –Advanced Education Statutes Amendment Act, 2002

This Bill amends a number of statutes administered by this ministry. Of interest to municipalities:

#### *Engineers and Geoscientists Act*

This Act is amended to allow this group to provide, “the circumstances in which members, licensees or certificate holders, or a class of members, licensees or certificate holders, must hold professional liability insurance and the amount and category of professional liability that must be held.”

Bill #51 – Public Safety and Solicitor General Statutes Amendment Act

The Bill amends a number of pieces of legislation of interest to local government:

#### *Crime Victim Assistance Act*

The legislative change reflects that the program has been transferred from WCB Criminal Injuries Compensation

Division to the Crime Victim Assistance Program in the Ministry of Public Safety and Solicitor General and what the framework for obtaining benefits under the new program are.

#### *Criminal Records Review Act*

Provides that a fee may be charged for criminal record checks of individuals who work with children and whose job requires that they be registered.

#### *Motion Picture Act*

The new rules allow for films to be reviewed and classified by someone other than the director, thus allowing British Columbia to adopt the classification applied in another province. It may also assist in the establishment of a national film review board.

Bill #52 – Motor Vehicle Amendment Act, 2002

This Bill adds Part 7 “Impoundment for Racing” which will give police the discretion to impound a vehicle used in a street race.

Bill # 53 – Human Rights Code Amendment Act, 2002

This Bill makes a number of amendments to the “Human Rights Code”. Some of these are:

- repeals Part 2 which established the Human Rights Commission, and the Human Rights Advisory Council.
- reduces the time limit for filing a complaint from one year to 6 months from the alleged contravention or last alleged instance.
- allows the tribunal to extend the time limit in certain circumstances.

Bill #54 – Miscellaneous Statutes Amendment Act (No.2) 2002

This Bill amends a number of statutes. Those of interest to municipalities are:

*Assessment Act* – adds to Section 21 (2) which establishes the commissioner’s rates (b.1) which may, within the rates, make an allowance for a decline in the cost of constructing or installing a similar improvement of the same or similar functional utility.

*Highway Act* – adds a new section, which will allow the minister in writing to authorize the use and occupation of a portion of a highway for any purpose including without limitation a commercial purpose.

*Liquor Control and Licensing Act* – repeals the “Liquor Appeal Board” adds section 4.1 which gives the General Manager the power to require a person to attend a hearing as a witness to produce evidence in the form of documents, banks, etc.

*Liquor Distribution Act* – these amendments expand the inspection powers under Section 11 and the requirements related to the production of records so that these provisions also apply to persons applying to be approved operators under the new section 11.3 (non duty paid packaged liquor) and associates of applicants or approved operators. It also will coordinate BC's legislation with the proposed Federal legislation.

*Local Government Act* – provides greater boards, trust councils, library boards and the Okanagan-Kootenay Sterile Insect Release Board with the same power as municipal council has to indemnify person who perform duties in the service of the council or board against actions. It also replaces specific power to exempt property in a municipality with a general power by repealing and replacing subsections 341(2)(a), (e), (e.1), and (f). It also amends Section 809 to clarify a Regional District's exemption from property tax applies only to land and improvements located in the Regional District and used for its purposes. It also allows a Regional District in an Electoral Area to exempt property owned or held by a municipality, another Regional District, or greater board and used for their purposes.

*Mineral Tenure Act* – adds a new sub Section to Section 14 "Surface Rights" that says "unless the location is one of the following, a land use designation or objective does not preclude application by a recorded holder for any form of permission, or approval of that permission, required in relation to mining activity by the recorded holder":

- a) an area where mining is prohibited under the "Environment and Land Use Act"
- b) a park under the "Park Act" or the "Park Regional Act"
- c) a park or ecological reserve under the "Protected areas of British Columbia Act"
- d) an ecological reserve under the "Ecological Reserve Act"
- e) a protected heritage property.

It adds such sections 7 to 9 under Section 19 "Right of entry on private land" which outlines what mediation and arbitration board must consider if an owner of private land opposes entry on the land by a recorded holder on the grounds that the activity would obstruct or interfere with an existing operation or activity on the land or with the construction, or maintenance of a building, structure, improvement or work on the land.

*Municipalities Enabling and Validating Act* – this Act:

- retroactively validates the purchase of the Ashcroft Ranch by the GVRD
- for the purpose of allowing community port authorities to take over harbour property from the federal government

including the leases to which it is subject, provides an exception to the general "Land Title Act" rule that land leases cannot have a term longer than three years.

**Bill #56 – Workers Compensation Amendment Act (No.2), 2002**

The main amendment to the WCB Act under this Bill is change to the appeal process under this Bill will reduce the number of appeals from three to two. It adds new sections 96.1–96.91, which set out the duties and powers of a "review officer" under the Act for the new internal review process. It also enacts a new Part 4 which establishes an "Appeal Tribunal" and its membership. It also lays out the appeal procedure, and a time limit for its decision (180 days after the appeal is commenced).

**Bill #57 – Transportation Investment Act**

This Bill will help facilitate the development of public-private partnership opportunities to operate, construct and improve highways and transportation infrastructure.

**Bill #58 – Carrier Lumber Ltd. Forest Licence Compensation Act**

This Bill allows the direct award of a forest licence (despite Section 11 and 13 of the "Forest Act") to Carrier Lumber for settlement of the Supreme Court decision on the matter.

**Bill # 59 – Election Statutes Amendment Act, 2002**  
Amendments to statutes under this Act are:

*Election Act*

Some of the amendments are:

- repeals the limit on third party election advertising
- prohibits charitable organizations from making political contributions.
- repeals and reenacts Section 180 (5)(a) Services being provided by a volunteer.

*Recall and Initiative Act*

Some of the amendments are:

- adds a section that a charitable organization must not make a recall contribution.
- removes reference to recall opinion surveys.

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