

Recent Legislation

This circular reports on legislation introduced since the UBCM In the House circular of October 11, 2002. That circular (available on Civicnet) reported on:

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)

All Bills except Bill 78 “Foresters Act” and Bill 79 “Agrologists Act” have been given Royal Assent.

RECENT BILLS

Bill 64 – “Human Rights Code Amendment Act, 2002”

The amendments to this Bill will streamline the current system from 3 agencies into one, the Human Rights Tribunal. The amendments will also put Education and Information Programs, and Research and Public consultations under the minister instead of the Commissioner. This originally was introduced in the Spring as Bill 53, an exposure Bill for comments.

Bill 65 – Community Services Interim Authorities Act

The purposes of an interim authority are:

- to prepare for the establishment and operation of a new authority.
- to perform the functions necessary to facilitate a new authority providing some or all community services or administrative services in place of the Ministry of Children and Family Development.

The minister by regulation may establish interim authorities with a board to manage the authorities’ affairs and carry out its powers and duties. These interim authorities may accept donations from any person or source for the use of the interim authority.

Bill 66 – Public Sector Employers Amendment Act, 2002

Amendments made by this Bill will for exempt employees set vacation and sick leave standards, other compensation standards and allow the Lieutenant Governor in Council to by regulation establish employment termination standards.

Bill 67 – Transportation Investment Act

This Bill will give the minister of Transportation and Highways, with the approval of the Lieutenant Governor in Council, the power to enter into Public Private Partnerships where the person undertakes to maintain or operate all or part of a highway, or develop, plan, design, construct, expand, extend, upgrade, remove and rehabilitate all or part of a highway.

Bill 68 - Vital Statistics Amendment Act, 2002

This Bill makes a number of amendments to the Act such as appropriate persons other than attending medical practitioners who can report births. It also makes changes to Registration of deaths to reflect going from a district based system to a centralized system.

Bill 69 – Open Learning Agency Repeal Act

This Bill provides for the winding up of the agency either through a plan by the board or by a transition administrator. It also provides for the government to assume responsibility for the assets and liabilities on the repeal of Sections 2 “agency continued” and 5 “board”.

Bill 70 – Residential Tenancy Act

This Bill will repeal and replace the current “Residential Tenancy Act”. This Bill will introduce:

- a rent control system that allows increases after 12 months with 3 months notice before the increase can take effect. The amount of the increase in deposits will be in accordance with the regulations.

- provides for terms respecting pets and pet damage deposits
- limits amounts of deposits to half of one months rent for security and half of one months rent for a pet damage deposit.
- sets out terms and requirements of a Tenancy agreement.
- provides for a condition inspection report at beginning and end of tenancy.
- has a dispute resolution process.

Bill 71 – Manufactured Home Park Tenancy Act

This Bill replaces those sections of the Residential Tenancy Act that applied to tenancies of manufactured home sites.

Bill 72 - Lobbyists Registration Amendment Act, 2002

Allows for regulations to be made to provide for different fees, or waiver of fees. It also requires that a person who was a consultant lobbyist on October 28, 2002 must 30 days after that day, file with the registrar a return in the form prescribed by that Act and containing the information required by the Act.

Bill 73 – Community Care and Assisted Living Act

This Act will provide for the licensing of Community Care facilities and the registration of assisted living residences. It allows appropriate frameworks within which the health and safety of persons in care at community care facilities and residents at assisted living residences can be protected.

Bill 74 – Forest and Range Practices Act

This Bill will:

- provide for a simplified planning and approval process and will enable forest practice standards to be set in regulations.
- continues the Forest Practices Board.
- compliance and enforcement rules with strengthened administration penalties and remedies.
- places more reliance on professional accountability in particular for scientific disciplines.
- separate and simple planning regime for wood lot licence holders.
- for major licence holders under the “Forest Act”, the new Act requires the holder to prepare a forest stewardship plan before harvesting for the minister’s approval.
- “Range Act” agreement holders will be required to prepare a range use plan or a range stewardship plan for the Minister’s approval before being able to use Crown Range.

Bill 75 – Forest Statutes Amendment Act (No. 2) 2002

This Bill makes a number of amendments to the “Forest Practices Code” made necessary by and to assist with the transition over to the new “Forest and Range Practices Act”. The Bill also enacts an amendment to Section 47.3 “Forest Act” to enable the Minister to dispose of timber that an agreement holder was entitled to harvest but did not.

Bill 76 – College of Applied Biology Act

This Act will establish the College of Applied Biology. The purpose of which will be to protect the public interest and to govern its members in accordance with this Act and the rules. The Act sets out the rules for membership in the College and Standards of Conduct of members.

Bill 77 – Acting Police Complaint Commissioner Continuation Act.

The Bill provides that the Acting Police Complaint Commissioner holds office until a person is appointed as the complaint commissioner.

Bill 78 – Foresters Act

When enacted, this Bill will repeal the “Forester Act”. It will continue the “Association of British Columbia Professional Foresters” as a Corporation under the name “Association of British Columbia Forest Professionals”. It will continue to govern the Forestry profession as it does now but with enhanced rules.

Bill 79 – Agrologists Act

This Bill, when enacted will repeal and replace the “Agrologists Act”. The Bill will continue the “British Columbia Institute of Agrologists” as a Corporation, which will continue to govern the profession of agrology.

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

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