

Provincial Legislation 2011

The following is a summary of provincial legislation introduced in the 2011 Spring sitting, to date, that will affect, or is of interest to, local government.

Bill 5 – New West Partnership Trade Agreement Implementation Act

- implements the New West Partnership Trade Agreement between British Columbia, Alberta and Saskatchewan.

Bill 6 — Civil Forfeiture Amendment Act

- establishes a scheme of administrative forfeiture to the government, and disposal by the director, of specified subject property without having to commence proceedings in court;
- provides for civil claims against the government for claimants in specified circumstances;
- clarifies the standard of proof to be applied in proceedings;
- requires the director of civil forfeiture to administer and dispose of property in accordance with the Act;
- clarifies that the statutory immunity provisions do not operate to prohibit claimant proceedings being commenced or maintained;
- establishes a limitation period for commencing proceedings;
- provides that the *Unclaimed Property Act* does not apply in respect of money or property if the director under the *Civil Forfeiture Act* serves a notice of intent to commence proceedings, or commences proceedings under that Act, or the property is

forfeited and disposed of under the proposed Part 3.1 [*Administrative Forfeiture of Subject Property*] of that Act.

Bill 7 — Miscellaneous Statutes Amendment Act *Clean Energy Act, section 17.1*

requires prescribed public utilities to establish and maintain a program to provide financing for the acquisition and installation of prescribed energy efficiency improvements.

Ministry of Environment Act, section 6.1

authorizes the minister to disclose that a person has failed to pay fines or penalties imposed for the contravention of an enactment administered by the minister.

Bill 8 – International Interests in Mobile Equipment (Aircraft Equipment) Act

- provides for the application in British Columbia of the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment.
- establishes an international registry for aircraft equipment used to guarantee loans and by participating in the registry, businesses can improve their access to lower-cost credit, as the registry helps reduce the risk of international financing that uses aircraft equipment as collateral.

Bill 9 – Prevention of Cruelty to Animals Amendment Act

The legislation follows from the report of the Sled Dog Task Force, which included UBCM representation. The Task Force identified a need to update the animal protection laws in B.C.

The new legislation gives the Province more authority to protect animals:

- provides the toughest animal cruelty penalties in the country with fines up to \$75,000 and jail terms of up to two years;
- extends the statute of limitations for offences under the act from six months to three years;
- holds owners, companies and others responsible for animals more accountable for the welfare of those animals; and
- gives the government additional powers to regulate specific activities pertaining to the use, care and protection of animals – including sled dogs and service animals such as dogs and horses used by police.

Bill 11 – Yale First Nation Final Agreement Act

- enacts the *Yale First Nation Final Agreement Act* and consequential amendments in satisfaction of British Columbia's obligation under the Yale First Nation Final Agreement to enact settlement legislation giving effect to and ratifying that agreement;
- makes amendments related to the coming into effect of the Maa-nulth First Nations Final Agreement and amendments consequential to those amendments.

Bill 12 – Police (Independent Investigations) Amendment Act

Creates an Independent Investigations Office, which will fulfill a central recommendation of the Braidwood Commission and will strengthen public confidence in police.

The office will be the lead investigative agency in cases under its mandate, interviewing witnesses and gathering evidence. Specifically, it will:

- be led by a civilian who has never served as a police officer;
- conduct criminal investigations into police-related incidents involving death or serious harm, and will be able to do investigations involving other serious incidents;
- be able to investigate members of all B.C. police agencies, including independent municipal departments and the RCMP;
- have its powers entrenched in legislation; and,
- report to the Ministry of Attorney General.

The legislation will also allow the Office's civilian director to appoint a civilian monitor with access to all information on an investigation. The monitor will be free to raise concerns to the director about the integrity of an investigation and submit a final report within 30 days.

The Office's director will have the discretion to hire ex-police officers as investigators, as long as they have not served as a police officer in B.C. within the past five years. This will ensure the office has sufficient investigative skills and capacity to achieve its mandate in its initial, formative years while it progresses to a fully civilian investigative staff.

Before Jan. 1, 2015, a special committee of the legislature will conduct a review of the office's administration and general operations. The committee will also review the chief civilian director's progress towards the goal of having an Independent Investigative Office that is staffed entirely with employees and investigators who have never served as officers or members of a police or law enforcement agency.