



Legislative Update

The Spring 2012 sitting of the Legislative Assembly has been especially active, with the provincial government introducing more than 30 pieces of legislation. This includes several omnibus bills, each one proposing amendments to a range of statutes.

Three recent editions of In The House, distributed to the UBCM membership in April and May, 2012, have covered the following legislation from the Spring 2012 sitting: Bills 8, 20, 24, 25, 26, 28, 30, 34, 47, 50, 51, and 52.

Complementing the three editions mentioned above, this edition of In The House explores additional provincial legislation from Spring 2012 that may affect or be of interest to local governments.

Bill 37 Animal Health Act, 2012

Introduced: April 30

This Bill repeals and replaces the *Animal Disease Control Act*, the *Fur Farm Act* and the *Game Farm Act*, and replaces the *Bee Act*.

- harmonizes licence, permit and registration schemes;
- harmonizes enforcement mechanisms and offence and penalty schemes, including administrative penalties;
- requires persons responsible for animals to:
 - prevent the presence, transmission and spread of transmissible disease, environmental toxins and organisms that cause infestations;
 - protect public health in relation to diseases that are or may be transmissible from animals to humans;
- sets out authority for the collection, use and disclosure of information, including personal information;
- provides for establishment of a system to track the transport of animals, animal products and byproducts;
- strengthens powers to prevent, control and eradicate diseases and address other animal health issues; and
- provides powers to act in emergency situations.

Bill 38 Pension Benefits Standards Act, 2012

Introduced: April 30

This Bill repeals and replaces the *Pension Benefits Standards Act*, modernizing pension law and harmonizing BC's pension legislation with that of Alberta.

- provides for immediate vesting of members' pension rights;
- provides for more flexible pension plan structures in addition to defined benefit plans and defined contribution plans;

- requires that plan administrators ensure that plans have governance policies and, for defined benefit plans or target benefit plans, funding policies;
- enhances disclosure requirements;
- clarifies the roles and responsibilities of administrators, participating employers and fund holders;
- creates uniformity and certainty in relation to the content of plan documents;
- allows members to suspend membership in a plan;
- provides for administrative penalties for non-compliance;
- distinguishes between collectively bargained multi-employer plans and non-collectively bargained multi-employer plans and between actuarial excess and surplus;
- enables former plan members to access locked-in funds in circumstances of financial hardship;
- allows administrators to establish solvency reserve accounts;
- empowers the superintendent to appoint a plan administrator or designate an actuary;
- permits refunds of optional ancillary contributions;
- allows plans with no active members to continue with the superintendent's consent;
- permits plans to force out small accounts;
- allows deferred members and, in prescribed circumstances, retired members to select portability options on plan termination;
- establishes a framework for jointly sponsored pension plans; and
- establishes a new framework for the regulation of multi-jurisdictional pension plans.

Bill 39 Emergency Intervention Disclosure Act, 2012

Introduced: April 30

In specified circumstances, this Bill authorizes individuals who have come into contact with a bodily substance of another individual, to apply to the Provincial Court for a testing order requiring the other individual to be tested for a prescribed communicable disease. The individual may apply to the court for a testing order if contact with a bodily substance of another individual occurred in any of the following circumstances:

- (a) while providing emergency health services;
- (b) while performing duties as a firefighter, emergency medical assistant or peace officer; or
- (c) while being involved in a prescribed circumstance or while carrying out a prescribed activity.

Bill 41 Miscellaneous Statutes Amendment Act (No. 2), 2012

Introduced: May 1

This legislation proposes amendments to several Acts of interest to local government.

Greater Vancouver Sewerage & Drainage District Act

Provides for membership of Tsawwassen First Nation in the Greater Vancouver Sewerage & Drainage District.

Local Government Act

Provides for the incorporation of a new mountain resort municipality whether or not there are residents in the area.

Liquor Control & Licensing Act

Provides information and requirements pertaining to the sale and serving of liquor at catered events and residential events. Describes how the provisions of the Act apply to catered events:

- requires catering managers and staff to complete a prescribed training program before being allowed to sell or serve liquor at a catered event.
- extends to catered events the general manager's powers to protect public safety;
- impose temporary suspensions and closures; and impose limitations and restrictions on entertainment.
- ensures that officers or agents of caterers are subject to the same liability as are officers or agents of other licensees.
- authorizes the Lieutenant Governor in Council to make regulations respecting caterers, catered events and residential events.
- sets out the circumstances within which liquor may be sold and served at catered events and residential events;
- applies the provisions of the Act and regulations relating to establishments to the sites of catered events except in specified or prescribed situations;
- provides for the application for and provision of catering licences and endorsements; and
- authorizes the general manager to impose terms and conditions on, and cancel, catering authorizations.

Land Title Act

Provides that party wall agreements may be registered against adjoining parcels and that certain provisions of those agreements run with and bind adjoining parcels. A party wall is a shared supporting wall in a building or between two adjoining buildings, situated on the common boundary shared by adjoining parcels. A party wall agreement may establish covenants pertaining to the party wall, including but not limited to alteration, repair and maintenance, decoration, inspection, and insurance.

Wildfire Act

Provides statutory immunity to employees and other specified individuals who exercise powers or perform duties and functions under the Act.

Police Act

Provides clarification of selected policy and operational aspects of the independent investigations office (IIO):

- clarifies eligibility criteria for potential IIO investigators;
- obligates officers to cooperate fully with IIO staff in all IIO investigations;
- specifies that a statement made by an officer during an IIO investigation is inadmissible in any related civil proceeding against the officer;
- authorizes the chief civilian director to provide the public with information about IIO investigations;
- authorizes the director of police services to determine standards for:
 - cooperation between the IIO and other police and law enforcement agencies in relation to IIO investigations;

- cooperation and coordination among the provincial police force (RCMP), municipal police departments and designated policing units for serious crimes investigations; and
- when the outcome of a complaint or investigation is that the complaint is withdrawn, the investigation is discontinued or no disciplinary or corrective measures are imposed, requires removal of related records from a municipal police officer's service record of discipline.

Bill 43 FNCIDA Implementation Act, 2012

Introduced: May 3

This Bill complements the federal *First Nations Commercial & Industrial Development Act, 2005* (FNCIDA). Both the federal legislation and the provincial Bill aim to address the regulatory gap that arises around large-scale, complex commercial and industrial development projects on reserve, where the provincial regulatory regime does not apply to reserve land, and there are no equivalent federal regulations.

Through specific agreements with First Nations, Bill 43 will allow provincial laws and regulations to apply to commercial and industrial projects on federal reserve lands. The point is to ensure that an appropriate regulatory environment is in place to guide such economic development.

The First Nations Relations Committee is monitoring the implications of Bill 43 in the local government context.

Bill 53 Family Day Act, 2012

Introduced: May 8

This Bill establishes a new holiday, to be observed as "Family Day" on the day prescribed by the Lieutenant Governor in Council.

Bill 54 Provincial Sales Tax Act, 2012

Introduced: May 14

Effective April 1, 2013, this Bill imposes tax at various rates on the following:

- purchases or leases of tangible personal property;
- tangible personal property brought, sent into, or delivered in BC;
- tangible personal property used in BC; and
- purchases of software, accommodation, legal services, telecommunication services, and services provided in relation to tangible personal property.

The Bill also provides for tax exemptions and refunds, and establishes systems for administration, enforcement and appeals.

Of particular interest to local government is the provision for designated accommodation areas, within which an additional accommodation tax of up to 2% may be levied on the purchase of accommodation. This provision is dealt with in s. 123-125 of the Bill.