

**2007 Legislative Session: 3rd Session, 38th Parliament
THIRD READING**

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Certified correct as passed Third Reading on the 27th day of March, 2007
Ian D. Izard, Q.C., Law Clerk

**HONOURABLE WALLY OPPAL
ATTORNEY GENERAL AND MINISTER
RESPONSIBLE FOR MULTICULTURALISM**

BILL 12 -- 2007

MISCELLANEOUS STATUTES AMENDMENT ACT, 2007

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Architects Act

1 Sections 6 (3) and 69 (1) (a) of the Architects Act, R.S.B.C. 1996, c. 17, are amended by adding "and Landscape Architecture" after "School of Architecture".

Architects (Landscape) Act

2 Section 8 (1) (c) of the Architects (Landscape) Act, R.S.B.C. 1996, c. 18, is amended

(a) in subparagraph (ii) by adding "and Landscape Architecture" after "School of Architecture", and

(b) in subparagraph (iii) by striking out "Faculty of Agriculture" and substituting "Faculty of Applied Science".

Assessment Act

3 Section 66 (1) of the Assessment Act, R.S.B.C. 1996, c. 20, is amended by striking out "a tax under the School Act" and substituting "a tax under the Police Act, the School Act".

British Columbia Transit Act

4 Section 26 (2) of the British Columbia Transit Act, R.S.B.C. 1996, c. 38, is amended by adding "the Police Act," after "the School Act,".

Business Practices and Consumer Protection Act

5 Section 142.1 (3) (h) of the Business Practices and Consumer Protection Act, S.B.C. 2004, c. 2, as enacted by section 3 of the Miscellaneous Statutes Amendment Act (No. 2), 2005, S.B.C. 2005, c. 35, is repealed.

Child Care Subsidy Act

6 Section 5 (1) of the Child Care Subsidy Act, R.S.B.C. 1996, c. 26, is amended

(a) in paragraph (c) by striking out "that person." and substituting "that person or another person;" and

(b) by adding the following paragraph:

(d) collect from a person information about another person if

(i) the information relates to the application for or payment of a child care subsidy, and

(ii) the minister has not solicited the information from the person who provides it.

Coal Act

7 Section 3 (1) of the Coal Act, S.B.C. 2004, c. 15, is amended by adding ", in the prescribed form and manner and within the prescribed period," **after "first gives notice".**

8 Section 26 (2) is amended by adding the following paragraph:

(d.1) respecting notices and periods for the purposes of section 3 (1); .

Community Charter

9 Section 244 (1) of the Community Charter, S.B.C. 2003, c. 26, is amended by adding the following paragraph:

(d.1) taxes imposed under the *Police Act* for the current year; .

Correction Act

10 Section 4 (1) of the Correction Act, S.B.C. 2004, c. 46, is amended by repealing paragraph (f).

11 Section 22 is amended

(a) in subsection (1) (b) by striking out "the rehabilitation of the inmate." and substituting "the inmate's rehabilitation or reintegration into the community.",

(b) by repealing subsections (4) and (5), and

(c) by adding the following subsection:

(6) During the period of a temporary absence authorized under subsection (1), the inmate is subject to the rules, regulations and discipline of the correctional centre, as applicable, and must obey all instructions given to him or her by the person in charge of the correctional centre.

12 The following section is added:

**Suspension, cancellation and revocation
of temporary absence**

22.1 (1) The minister may suspend, cancel or revoke an inmate's temporary absence under section 22, before or after it begins, if

(a) a breach of a condition of the absence has occurred or, in the minister's opinion, the suspension, cancellation or revocation is necessary to prevent a breach of a condition of the absence,

(b) the grounds for authorizing the absence have changed or no longer exist, or

(c) based on information that could not reasonably have been provided at the time the absence was authorized, the application has been reassessed.

(2) If the minister suspends, cancels or revokes an inmate's temporary absence, the minister may issue a warrant or notice of suspension, cancellation or revocation for the apprehension and recommittal of the inmate.

(3) A peace officer may arrest a person without a warrant or notice and remand the person into custody if the peace officer believes on reasonable grounds that a warrant or notice

(a) has been issued under subsection (2) in respect of that person, and

(b) is still in force.

(4) Unless the warrant or notice is produced within 48 hours after an arrest is made under subsection (3), the inmate must be released.

13 *Section 28 (2) (d) (ii) is amended by striking out "under this Act or on parole under the Parole Act," and substituting "under this Act,".*

14 *The following section is added:*

Jurisdiction of the National Parole Board

31.1 The National Parole Board is authorized to exercise in British Columbia the jurisdiction described in section 108 (2) of the *Corrections and Conditional Release Act* (Canada).

Employment and Assistance Act

15 Section 22 of the Employment and Assistance Act, S.B.C. 2002, c. 40, is amended

(a) in subsection (1) by striking out "consisting of 3 members of the tribunal" and substituting "consisting of up to 3 members of the tribunal", and

(b) by repealing subsection (2) and substituting the following:

(2) If a panel consists of more than one member, the chair must designate a chair of the panel from among the members of the panel, and if a panel consists of one member, that member is the chair of the panel.

16 Section 24 (5) is repealed and the following substituted:

(5) The decision of a majority of the members of a panel is the decision of the tribunal, but the decision of the chair of the panel governs in the case of a tie.

17 Section 30 (3) (a) (iii) is amended by striking out "(Canada)," and substituting "(Canada), or".

Employment and Assistance for Persons with Disabilities Act

18 Section 2 of the Employment and Assistance for Persons with Disabilities Act, S.B.C. 2002, c. 41, is amended

(a) in subsection (1) by repealing the definition of "health professional" and substituting the following:

"prescribed professional" has the prescribed meaning. , and

(b) in subsection (2) (b) by striking out "in the opinion of a health professional" and substituting "in the opinion of a prescribed professional".

19 Section 21 (3) (a) (iii) is amended by striking out "(Canada)," and substituting "(Canada), or".

Engineers and Geoscientists Act

20 Section 3 of the Engineers and Geoscientists Act, R.S.B.C. 1996, c. 116, is repealed and

the following substituted:

Association continued as a corporation

3 (1) The Association of Professional Engineers and Geoscientists of the Province of British Columbia is continued as a corporation.

(2) For the purposes of this Act, the association has the powers and capacity of a natural person, including the power to acquire and dispose of property and the power to enter into contracts.

(3) The *Business Corporations Act* does not apply to the association unless the Lieutenant Governor in Council, by order, provides that specified provisions of that Act apply to the association, in which case the specified provisions apply.

21 *Section 4 is repealed.*

22 *The following section is added:*

Duties and objects of the association

4.1 (1) It is the duty of the association

(a) to uphold and protect the public interest respecting the practice of professional engineering and the practice of professional geoscience,

(b) to exercise its powers and functions, and perform its duties, under this Act, and

(c) to enforce this Act.

(2) The association has the following objects:

(a) subject to subsection (1), to uphold and protect the interests of its members and licensees;

(b) to establish, maintain and enforce standards for the qualifications and practice of its members and licensees;

(c) to promote the professions of professional engineering and professional geoscience.

23 Section 9 is amended

(a) by repealing subsections (4) and (5) and substituting the following:

(4) The Lieutenant Governor in Council must appoint 4 councillors who are not members of the association and, subject to subsection (8), each serves for a 2 year term. , **and**

(b) in subsection (6) by striking out "letter ballot of members each year to elect the councillors to be elected" and substituting "ballot of members each year, in the manner determined by the council, to elect the councillors who are to be elected".

24 Section 10 (1) is amended

(a) by repealing paragraph (g) and substituting the following:

(g) the establishment, levying, payment and remission of

(i) annual fees,

(ii) admission fees,

(iii) application fees,

(iv) licence fees,

(v) professional liability insurance fees, and

(vi) any other fees except, with respect to members, licensees and certificate holders, late fees and reinstatement fees,

including, without limitation, for providing the council with the power to establish, levy, require payment of, and authorize remission of, those fees; ,

(b) by adding the following paragraphs:

(m.1) the establishment and enforcement of professional development requirements to assist in promoting and maintaining the competency and proficiency of members and licensees;

(m.2) the establishment of an alternative complaint resolution process to assist, in

appropriate circumstances, in the resolution of complaints; , *and*

(c) in paragraph (o) by striking out ", the method of balloting,".

25 Section 11 (1) is amended by striking out "letter".

26 Section 12 (7) is amended by striking out "by letter ballot in the manner provided by the bylaws of the association" and substituting "by ballot in the manner determined by the council".

27 Section 13 (2) is repealed and the following substituted:

(2) Despite subsection (1) or (5), the council may refuse registration or a licence to a person if

(a) the council has reasonable and probable grounds to believe that the person has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for registration or licensing, or

(b) the person has contravened this Act or the bylaws.

28 Section 14 (8) and (9) is repealed and the following substituted:

(8) Despite subsection (1), the council may refuse to issue or renew a certificate of authorization if the applicant for the certificate of authorization or the certificate holder, as the case may be, or a member or licensee described in subsection (1) (a),

(a) has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada and, in the circumstances, renders the person unsuitable for the practice of professional engineering or for the practice of professional geoscience,

(b) has contravened this Act, the bylaws or the code of ethics of the association, or

(c) has demonstrated incompetence, negligence or unprofessional conduct.

29 Section 19 is amended by adding the following paragraph:

(e) enter in the record the full name and address of each licensee and certificate

holder and the date of issue of each licence and certificate of authorization.

30 Section 20 is amended

(a) by repealing subsection (6) (b) and substituting the following:

(b) must be provided with a seal or stamp by the association, bearing the engineer's name, the words "Professional Engineer, Province of British Columbia" and other designation required by the bylaws. ,

(b) by repealing subsection (7) (b) and substituting the following:

(b) must be provided with a seal or stamp by the association, bearing the geoscientist's name, the words "Professional Geoscientist, Province of British Columbia" and other designation required by the bylaws. , ***and***

(c) in subsection (8) by striking out "or stamp impressed with" and substituting "or stamp, bearing".

31 Section 21 is repealed and the following substituted:

Annual fee

21 (1) On or before the date set by the council under subsection (2), every member, licensee or certificate holder must pay to the executive director or other person authorized by the council the applicable annual fee established under the bylaws.

(2) The council, by resolution, may set the date on or before which the annual fee must be paid.

(3) If the council does not set a date under subsection (2), the annual fee must be paid on or before January 1 in the year for which it is imposed.

(4) The council, in its sole discretion, may remit the annual fee owing by a person under subsection (1).

Late fees and reinstatement fees

21.1 (1) The council may establish late fees and reinstatement fees for members, licensees or certificate holders by a resolution supported by 2/3 of the councillors, and may levy and require payment of those fees.

(2) The council, in its sole discretion, may remit a late fee or reinstatement fee owing by a person under subsection (1).

Failure to pay fees

21.2 (1) If a person fails to pay the annual fee or any other fee imposed under this Act or the bylaws, other than a late fee or a reinstatement fee, by the time the fee is required to be paid, the council must provide to the person at his or her last recorded address notice demanding payment of the fee.

(2) Subject to sections 32.1 (5) and 32.2 (3), if a person is still in default 30 days after notice under subsection (1) of this section is sent, the council may do one or both of the following:

(a) require the person to pay a late fee in addition to the unpaid fee;

(b) cancel the person's registration, licence or certificate of authorization without further notice.

(3) The annual fee or any other fee that a person is required to pay under this Act or the bylaws is a debt due by the person to the association, and, in addition to any other remedy but subject to sections 32.1 (5) and 32.2 (3), is recoverable with costs by the association in any court of competent jurisdiction.

Reinstatement or eligibility to renew

21.3 (1) If any unpaid fee, late fee and reinstatement fee related to a registration, licence or certificate of authorization cancelled under section 21.2 is remitted or paid,

(a) the council may reinstate the registration, licence or certificate of authorization,
or

(b) the licensee or certificate holder is eligible to reapply for a licence or certificate of authorization.

(2) A registration, licence or certificate of authorization that is reinstated under subsection (1) has the same force and effect and the same terms and conditions as it had immediately before it was cancelled.

32 Section 27 (2) is amended by striking out "\$10 000" and substituting "\$25 000".

33 Section 30 is amended

(a) by repealing subsection (4) and substituting the following:

(4) A member, licensee or certificate holder being investigated under subsection (3) must

(a) provide the committee or subcommittee conducting the investigation with any information or records in the possession or control of the member, licensee or certificate holder that the committee or subcommittee may require, and

(b) answer, within a reasonable time and in the manner specified by the committee or subcommittee, any inquiries of the committee or subcommittee. , ***and***

(b) by adding the following subsections:

(8) The investigation committee or subcommittee may inform the complainant of the recommendations made under subsection (7).

(9) Subject to subsection (10), if the investigation committee has reasonable and probable grounds to believe that a member, licensee or certificate holder

(a) has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for registration or licensing,

(b) has contravened this Act or the bylaws or the code of ethics of the association, or

(c) has demonstrated incompetence, negligence or unprofessional conduct,

the investigation committee must cause its recommendation for an inquiry to be delivered to the discipline committee.

(10) If the investigation committee has reasonable and probable grounds to believe that a member, licensee or certificate holder has contravened section 21 or a bylaw made under section 10 (1) (g) or (m.1), the investigation committee may cause its recommendation for an inquiry to be delivered to the discipline committee.

34 Section 32 is amended

(a) by repealing subsection (1), and

(b) in subsection (2) by striking out "recommendation for an inquiry" and substituting "recommendation under section 30 (9) or (10) for an inquiry".

35 The following sections are added:

Consent orders

32.1 (1) After serving notice of an inquiry under section 32 (2) to the person who is the subject of the inquiry, and before the commencement of the inquiry, the discipline committee, in writing, may propose to that person the making of a consent order under subsection (2) (a) of this section for the voluntary resolution of one or more matters to be dealt with at the inquiry.

(2) A consent order is made if

(a) the person who is the subject of an inquiry under section 32 (2) accepts the proposal of the discipline committee under subsection (1) of this section, or

(b) an agreement is reached under section 32.2 (2) between the person who is the subject of an inquiry under section 32 (2) and the discipline committee.

(3) A consent order made under subsection (2) (a) must contain

(a) the terms set out in the proposal made by the discipline committee under subsection (1),

(b) one or more admissions by the person who is the subject of the inquiry in relation to one or more of the matters to be dealt with at the inquiry, and

(c) one or more of the orders set out in section 33 (2).

(4) A consent order made under subsection (2)

(a) has the same effect as an order made under section 33 (2), and

(b) may be dealt with under section 34 if conditions in the consent order are not met.

(5) After a consent order is made under subsection (2), no further action may be taken

under this section and sections 21.2, 29 to 32, 32.2 and 33 with respect to the matters contained in the consent order.

- (6) If the person to whom a proposal under subsection (1) is made rejects the proposal,
- (a) an inquiry under section 32 (2) respecting the matters contained in the proposal must proceed as though the proposal had not been made,
 - (b) the discipline committee conducting the inquiry must not consider the admissions contained in the proposal or the terms of the proposal in determining the matters or in making an order under section 33 (2) respecting the matters, and
 - (c) a person who participated in making the proposal under subsection (1) must not participate as a member of the discipline committee in the inquiry concerning those matters.

Alternative complaint resolution

32.2 (1) At any time before the commencement of an inquiry under section 32 (2), the person who is the subject of the inquiry, the registrar and the discipline committee may agree that alternative complaint resolution, as provided in the bylaws, will commence between the person who is the subject of the inquiry and the discipline committee respecting one or more matters to be dealt with at the inquiry.

(2) If the discipline committee and the person who is the subject of the inquiry reach an agreement respecting one or more of the matters to be dealt with at the inquiry, a consent order may be made under section 32.1 (2) (b) on the terms set out in the agreement.

(3) No further action may be taken under this section and sections 21.2, 29 to 32.1 and 33 with respect to a matter referred to in subsection (1) of this section unless the discipline committee determines that an agreement respecting the matter cannot be reached within a reasonable period of time.

(4) If the discipline committee determines that an agreement respecting a matter referred to in subsection (1) cannot be reached within a reasonable period of time,

- (a) an inquiry under section 32 (2) respecting the matter must proceed,
- (b) the discipline committee conducting the inquiry must not consider the information disclosed during the alternative complaint resolution process in determining the matter or in making an order under section 33 (2) respecting the

matter, and

(c) a member of the discipline committee who participated in the alternative complaint resolution process must not participate as a member of the discipline committee in the inquiry concerning the matter.

36 Section 33 is amended

(a) in subsection (2) (c) by striking out "suspend or revoke" and substituting "suspend or cancel", and

(b) in subsection (4) (a) by striking out "registration or licence is deemed" and substituting "registration, licence or certificate of authorization is deemed".

37 Section 34 (1) (b) is amended by striking out "suspension or revocation" and substituting "suspension or cancellation".

38 The following section is added:

Cancellation of certificate of authorization

34.1 The council must inform the Registrar of Companies if a certificate of authorization is cancelled under section 21.2 (2) (b), 33 (2) (c) or 34 (3).

39 Section 35 (5) is amended by striking out "suspended or revoked" and substituting "suspended or cancelled".

40 Section 39 (2) is amended by adding "or (8)" after "section 14 (1)".

Freedom of Information and Protection of Privacy Act

41 Schedule 2 of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended by striking out the following:

Public Body: British Columbia Board of Parole

Head: Chair .

Greater Vancouver Transportation Authority Act

42 Section 34 (3) of the Greater Vancouver Transportation Authority Act, S.B.C. 1998, c. 30, is amended by adding "the Police Act," after "the School Act,".

Islands Trust Act

43 Section 49.3 (4) of the Islands Trust Act, R.S.B.C. 1996, c. 239, is amended by adding the following paragraph:

(c.1) the *Police Act*; .

Mineral Tenure Act

44 Section 1 of the Mineral Tenure Act, R.S.B.C. 1996, c. 292, is amended in the definition of ' "locate" and "location" ' by adding ', subject to section 24.1 (5)," after "on the ground"'.

45 Section 7 is repealed and the following substituted:

Free miners and certain registrations, holdings and revisions

7 A person, other than the government, must be a free miner to

- (a) be registered as a recorded holder of a claim or lease,
- (b) hold a claim under section 29, or
- (c) revise an expiry date under section 33.1.

46 Section 19 (1) is repealed and the following substituted:

(1) A person must not begin a mining activity unless

- (a) the person first serves notice, in the prescribed form and manner, on
 - (i) the owner, other than the government, of every surface area,
 - (ii) the holder of a lease of Crown land under section 11 of the *Land Act* granting the holder exclusive surface rights to the leased land, and

(iii) the holder, under Part 5 of the *Land Act*, of a disposition of Crown land,

on which the person intends to work or intends to utilize a right of entry for that purpose, and

(b) the prescribed period has elapsed from the date that notice was served under paragraph (a).

(1.1) The chief gold commissioner, in the prescribed circumstances, may exempt a person from the requirements of subsection (1).

47 Section 22 (2) (b) is amended by striking out "locating and recording" and substituting "registering".

48 Section 24.1 (1) is amended by adding "terminated," after "cancelled,".

49 Section 24.1 is amended by adding the following subsection:

(5) The identification on the ground of a legacy claim or legacy placer lease may be made by a map approved for that purpose by the chief gold commissioner, and if there is a difference between the identification of a legacy claim or a legacy placer lease as determined by that map and the identification of the legacy claim or legacy placer lease as determined by stakes, marks or posts, the identification as determined by the map prevails.

50 Section 42 is amended

(a) by repealing subsection (1) and substituting the following:

(1) A recorded holder of a mineral claim who wishes to replace the mineral claim with a lease must do all of the following:

(a) comply with section 6.32 and pay the prescribed fee;

(b) if required to do so by the chief gold commissioner, have the mineral claim over which the mining lease will be issued surveyed by a British Columbia land surveyor and have the survey approved by the Surveyor General;

(c) post a notice in the prescribed form in the office of the chief gold commissioner stating that the recorded holder intends to apply for a mining lease;

(d) publish promptly in one issue of the Gazette, and once each week for 4 consecutive weeks in a newspaper circulating in the area in which the mineral claim is situated, a copy of the notice referred to in paragraph (c). ,

(b) by repealing subsection (2), and

(c) in subsection (4) by striking out "requirements of subsection (2)" and substituting "requirements of subsection (1)".

51 Section 53 (2) (a) (ii) is amended by striking out "section 42 (2) (b) and (c)" and substituting "section 42 (1) (c) and (d)".

52 Section 65 (2) is amended by adding the following paragraph:

(u.1) respecting notices for the purposes of section 19 (1) (a), time periods for the purposes of section 19 (1) (b), and circumstances for the purposes of section 19 (1.1); .

53 Section 68 is amended

(a) in subsection (2) (a) by striking out "legacy title" and substituting "legacy lease, other than a legacy placer lease,"

(b) in subsection (5) by adding "or section 24.1 (5)" after "this section" in both places, and

(c) in subsection (6) by adding "or section 24.1 (5)" after both "enactment of this section" and "function under this section".

Music Teachers (Registered) Act

54 The Music Teachers (Registered) Act, R.S.B.C. 1996, c. 327, may be repealed by regulation of the Lieutenant Governor in Council.

New Relationship Trust Act

55 Section 5 (1), (2) and (3) of the New Relationship Trust Act, S.B.C. 2006, c. 6, is amended by striking out "must be made on or before" and substituting "may be made before or after".

56 Section 6 (2) is amended

(a) by striking out "appointed, in the same manner" and substituting "appointed in the same manner", and

(b) by striking out everything after "director was" and substituting "appointed."

Offence Act

57 Section 94 of the Offence Act, R.S.B.C. 1996, c. 338, is repealed.

Parole Act

Parole Act repeal and dissolution of the Board of Parole

58 (1) The *Parole Act*, R.S.B.C. 1996, c. 346, is repealed.

(2) The Board of Parole for the Province of British Columbia is dissolved and the appointment of each member of that board is rescinded.

Petroleum and Natural Gas Act

59 Section 59 of the Petroleum and Natural Gas Act, R. S.B.C. 1996, c. 361, is repealed and the following substituted:

Stratigraphic reversion

59 (1) If a lease or part of a lease is continued under section 58 (3) (a) or (b), the petroleum and natural gas rights granted by the lease that are stratigraphically outside the zone or zones known by the director to be capable of production in the lease or part of the lease revert to the government when that continuation begins.

(2) If a lease or part of a lease is continued under section 58 (3) (c) or (d), the petroleum and natural gas rights not continued revert to the government when that continuation begins, subject to the lease or part of the lease being continued under section 58 (3) (a) or (b) and the application of subsection (1) of this section.

Police Act

60 Section 3 (1) (a) of the Police Act, R.S.B.C. 1996, c. 367, is repealed and the following substituted:

(a) rural areas of the Province; .

61 The following Part is added:

Part 9.1 -- Recovering Small Community Policing Costs

Definitions for Part

66.2 (1) In this Part:

"contributing area", in relation to a taxation year, means

- (a) a municipality that is not providing policing and law enforcement under section 3 (2) on April 1 of the taxation year,
- (b) an electoral area, or
- (c) the area of the Province outside a regional district;

"finance minister" means the minister charged with the administration of the *Financial Administration Act*;

"owner" means,

- (a) with respect to real property in a municipality, an owner as defined in the *Community Charter*, and
- (b) with respect to real property in a rural area, an owner as defined in the *Assessment Act*;

"police taxes" means taxes levied under this Part;

"revenue minister" means the minister charged with the administration of the *Taxation (Rural Area) Act*;

"solicitor general" means the minister charged with the administration of Part 2 of this Act.

(2) So far as the terms defined can be applied, the definitions established by or applicable under

(a) the Schedule to the *Community Charter*, and

(b) section 5 of the *Local Government Act*

apply for the purposes of this Part.

Provincial levy for small community policing costs

66.21 (1) The Province may levy a tax in the contributing areas to raise revenue for the cost of providing policing and law enforcement services in all contributing areas.

(2) For the purposes of subsection (1), the solicitor general must estimate for a taxation year the total cost to the Province of providing policing and law enforcement services to all contributing areas, taking into account the following factors based on the most recent information available to the solicitor general:

(a) the number of general duty and investigative unit members of the provincial police force assigned for the year to provincial police force detachments that provide policing and law enforcement services to the contributing areas;

(b) the average annual cost of a general duty or investigative unit member of the provincial police force to municipalities with populations between 5 000 and 15 000 that provide policing and law enforcement under section 3 (2).

(3) The Lieutenant Governor in Council may make regulations prescribing parts of contributing areas, or categories of parts of contributing areas, for which the solicitor general must exclude from the estimate under subsection (2) the cost of members described in subsection (2) (a) who provide policing and law enforcement services in those parts or categories of parts.

(4) On or before October 31 of each year, the solicitor general must give notice to the assessment commissioner identifying, for the purposes of completing the assessment roll, the contributing areas for the next taxation year.

(5) On or before April 1 of each taxation year, the solicitor general must provide to the finance minister the estimate under subsection (2) for the taxation year.

Apportioning police taxes

- 66.3** (1) The finance minister must determine the total amount to be raised by police taxes from the contributing areas for a taxation year.
- (2) The amount under subsection (1) must not exceed 50% of the amount the solicitor general estimates under section 66.21 (2) for the taxation year.
- (3) On or before May 4 of each year, the Lieutenant Governor in Council must
- (a) apportion the amount determined under subsection (1) among the contributing areas, and
 - (b) determine the rates to be applied to the net taxable value of land and improvements in each contributing area in order to recover from each of those contributing areas the amount apportioned to it under paragraph (a).
- (4) The apportionment under subsection (3) (a) may take into account, to the extent the Lieutenant Governor in Council considers advisable,
- (a) the converted value of land and improvements in each contributing area, and
 - (b) the population of each contributing area.
- (5) The rates determined under subsection (3) (b) may be different for different contributing areas.
- (6) On the request of a regional district on or before October 31 of the calendar year before a taxation year, the Lieutenant Governor in Council may
- (a) reapportion among the contributing areas of the regional district the total amount apportioned to those areas under subsection (3) (a) for the taxation year, and
 - (b) determine the rates to be applied to the net taxable value of land and improvements in each contributing area in the regional district in order to recover from each of those contributing areas the amount reapportioned to it under paragraph (a).

Variable tax rate system

66.31 (1) In this section, "**variable tax rate system**" means a system under which individual tax rates are determined and imposed for each property class.

(2) The Lieutenant Governor in Council must adopt a variable tax rate system for the purpose of determining tax rates under section 66.3 (3) (b) or (6) (b).

(3) The Lieutenant Governor in Council may make regulations establishing relationships among tax rates for the variable tax rate system.

Requisitioning police taxes

66.4 (1) On or before May 10 of each year, the revenue minister must send to the collector of each municipality that is a contributing area a notice setting out

- (a) the net taxable value of land and improvements in the municipality,
- (b) the amount of police taxes apportioned to the municipality under section 66.3 (3) (a) or (6) (a), as applicable, and
- (c) the rates determined for the municipality under section 66.3 (3) (b) or (6) (b), as applicable.

(2) On or before May 10 of each year, the revenue minister must send the Surveyor of Taxes a notice setting out

- (a) the net taxable value of land and improvements in each electoral area of the Province and in the area of the Province outside a regional district,
- (b) the amount of police taxes apportioned to each electoral area in the Province, and to the area of the Province outside a regional district, under section 66.3 (3) (a) or (6) (a), as applicable, and
- (c) the rates determined for each electoral area in the Province, and for the area of the Province outside a regional district, under section 66.3 (3) (b) or (6) (b), as applicable.

Adjustments

66.41 (1) If the net taxable values of land and improvements are amended or changed for a taxation year under section 10, 12, 42, 63 or 65 (10) of the *Assessment Act*, or a supplementary assessment roll is prepared under that Act in respect of which section 228

(5) [taxation of Crown land used by others] of the *Community Charter* applies, amounts to be raised by police taxes in each contributing area may be adjusted in the current or a subsequent taxation year in the manner directed by the revenue minister.

(2) Property on a supplementary assessment roll prepared under the *Assessment Act* must be taxed at the same rate as property assessed for police tax purposes in the same contributing area for the taxation year to which the supplementary assessment roll relates.

Liability for police taxes

66.5 An owner of land or improvements in a contributing area must pay police taxes imposed under this Part.

Collection of police taxes in municipalities

66.51 (1) A municipality collecting police taxes for a taxation year must pay to the finance minister

(a) installments during the calendar year, as prescribed by the Lieutenant Governor in Council, and

(b) on the 5th business day after the calendar year end, all outstanding police taxes, whether or not they have been collected.

(2) A regulation under subsection (1) (a) may prescribe the installment amounts and the manner in which and the times at which installments are to be paid by a municipality, and the amounts, manner and times may be different for different municipalities collecting police taxes.

(3) Despite subsection (1) (b), a municipality may pay to the finance minister, on the 5th business day after a calendar year end and on the last day of each succeeding month until all police taxes imposed for the previous taxation year have been collected, the amount of police taxes it collects by each of those dates.

(4) If a municipality elects to comply with subsection (3), it must also pay to the finance minister all penalties and interest it collects in respect of police taxes.

If municipality unable to collect police taxes

66.6 (1) In this section, "**affected land**" means land or improvements to which section 26 of the *Assessment Act* applies.

(2) If a municipality satisfies the revenue minister that the municipality is unable to collect police taxes in respect of a taxation year on affected land, the revenue minister may write off the amount not collected, whether or not the municipality has forwarded that amount under section 66.51 (1).

(3) If an amount is written off under subsection (2), a corresponding adjustment must be made, in the manner directed by the revenue minister, in the amount of police taxes to be paid by the municipality in respect of that or a subsequent taxation year.

(4) The write off of an amount under subsection (2) does not

(a) relieve the holder or occupier of the affected land from liability for police taxes, or

(b) prejudice the right of the government to collect from that holder or occupier the amount written off.

Grants in place of taxes

66.61 (1) A municipality that receives a notice under section 66.4 (1) [*requisitioning police taxes*] must apply each year to the following for a grant in place of police taxes for the taxation year:

(a) an owner identified by the British Columbia Assessment Authority as

(i) exempt from paying police taxes, and

(ii) authorized to pay a grant in place of taxes;

(b) an owner who is exempt from paying police taxes and has paid a grant in place of taxes to the municipality for the previous taxation year.

(2) On or before February 1 of each year, a municipality must pay to the finance minister the amount that has been received by the municipality in the preceding calendar year as a grant in place of police taxes.

(3) If a municipality does not apply as required under subsection (1) and in the opinion of the Surveyor of Taxes the municipality would have received a grant had the municipality applied for it, the Surveyor of Taxes may disallow all or part of the administration fee that the municipality would otherwise be entitled to retain under section 66.9 [*administration fee*].

Application of other Acts to police taxes

66.7 (1) Subject to this Part and the *Assessment Act*, Part 7 of the *Community Charter* applies to the assessment, levy, collection and recovery of police taxes in a municipality, including to the addition of penalties and interest to police taxes that are taxes in arrear or delinquent taxes, as if the police taxes were property value taxes imposed under Part 7 of the *Community Charter*.

(2) All police taxes collected by a municipality must be accounted for as police taxes.

(3) Subject to this Part and the *Assessment Act*, the *Taxation (Rural Area) Act* applies to the assessment, levy, collection and recovery of police taxes in an electoral area or the area of the Province outside a regional district, including to the addition of penalties and interest to delinquent police taxes, as if the police taxes were taxes imposed under the *Taxation (Rural Area) Act*.

(4) All police taxes collected by the Surveyor of Taxes must be

(a) accounted for as police taxes, and

(b) paid into the consolidated revenue fund.

Interest on unpaid taxes

66.71 (1) In this section, "**unpaid taxes**" means police taxes and penalties and interest that

(a) a municipality is required to pay to the finance minister under section 66.51, and

(b) have not been paid as required under that section.

(2) A municipality must pay interest on its unpaid taxes to the finance minister.

(3) Interest, at the rate prescribed by the Lieutenant Governor in Council, is payable under subsection (2) from the date on which the amount was due to the finance minister under this Act until the date the amount is received by the finance minister.

(4) The revenue minister may give notice to a municipality of the

- (a) amount of the municipality's unpaid taxes,
- (b) interest that is payable under this section on the unpaid taxes,
- (c) date by which payment of the unpaid taxes and the interest is required, and
- (d) power of the Surveyor of Taxes under subsection (5) if that payment is not made as required.

(5) If a municipality to which a notice is sent under subsection (4) does not pay the unpaid taxes and the interest referred to in the notice by the date required, the Surveyor of Taxes may disallow all or part of the administration fee that the municipality would otherwise be entitled to retain under section 66.9.

Inspection

66.8 (1) For the purpose of ensuring compliance with this Part and the regulations related to this Part, the Surveyor of Taxes or a person authorized in writing by the Surveyor of Taxes may

- (a) at any reasonable time enter the premises where one or more records of a municipality are kept,
- (b) request production of records or things that may be relevant to the inspection, and
- (c) inspect records or things relevant to the inspection.

(2) Subsection (1) (a) does not authorize entry to a room actually used as a dwelling without the consent of the occupier.

(3) A person conducting an inspection under this section is entitled to free access to all the records of every description of the municipality referred to in subsection (1) (a) that touch on any of the matters in respect of which an inspection may be conducted under this section.

General provisions on collection of police taxes

66.81 (1) A municipality that receives a notice under section 66.4 (1) and the Surveyor of Taxes must act as the agent for the Province for the collection of police taxes.

(2) The collector of each municipality that receives a notice under section 66.4 (1) and the Surveyor of Taxes must prepare and mail to each person named on the real property tax roll or assessment roll as an assessed owner in the municipality, electoral area or area outside a regional district, as applicable, a notice setting out the police taxes payable for a taxation year.

(3) A notice under subsection (2) forms part of the taxation notices under the *Community Charter* or the *Taxation (Rural Area) Act*, as applicable, and separate notices must not be prepared and given solely in respect of police taxes.

(4) The notice under subsection (2) must set out the total amount of police taxes imposed on each property.

(5) Despite subsections (2), (3) and (4), with the written agreement of a taxpayer, the Surveyor of Taxes may

(a) send a notice under subsection (2) to the taxpayer other than by mail, and

(b) provide the information required to be contained in a taxation notice by means of electronic information storage or electronic data transmission.

(6) Subject to section 66.9, a municipality must not, directly or indirectly, charge a fee to a taxpayer or the government to cover the cost of

(a) assessment and collection of police taxes, or

(b) losses that have occurred through the failure to collect taxes.

Minister may authorize administration fee

66.9 On or before April 10 of each year, the revenue minister may, by order, authorize the amount of an administration fee that may be retained by a municipality from police taxes collected by the municipality.

Public Sector Employers Act

62 *The Schedule to the Public Sector Employers Act, R.S.B.C. 1996, c. 384, is amended by striking out "Board of Parole (Parole Act)".*

Sex Offender Registry Act

63 Section 1 of the Sex Offender Registry Act, S.B.C. 2001, c. 21, is amended in paragraph (h) of the definition of "personal information" by striking out "under an order of the court, the National Parole Board or the Board of Parole for the Province of British Columbia," and substituting "under an order of the court or the National Parole Board,".

Victims of Crime Act

64 Section 1 of the Victims of Crime Act, R.S.B.C. 1996, c. 478, is amended in the definition of "justice system personnel" by striking out ", officers and employees appointed or employed under section 4 of the *Parole Act*".

65 Section 7 (1) is amended by striking out "designate of the minister or the chair of the Board of Parole for the Province of British Columbia or the designate of the chair must give" and substituting "designate of the minister must give".

Transitional and Validation Provisions

Transitional -- *Parole Act* repeal

66 (1) The definitions in section 1 of the *Parole Act*, as they read immediately before its repeal, apply in this section.

(2) A person who, on the date this section comes into force, is absent from a correctional centre under a parole granted by the board in relation to the person's detention in the correctional centre, pursuant only to a conviction for an offence against an enactment of British Columbia, is deemed to be absent from that correctional centre under a temporary absence authorized under section 22 (1) (b) of the *Correction Act*.

(3) A temporary absence referred to in subsection (2) expires on the earlier of the following:

(a) 60 days after the coming into force of this section;

(b) the date the parole certificate would have expired but for section 58 of this Act.

(4) An application for parole that

(a) was received by the board on or before March 31, 2007,

(b) is made by or on behalf of an inmate who is detained in a correctional centre pursuant only to a conviction for an offence against an enactment of British Columbia, and

(c) has not been decided by the board,

is deemed to be an application for a temporary absence under section 22 (1) (b) of the *Correction Act* and must be forwarded to the person in charge of the correctional centre of which the applicant is an inmate.

(5) Records of the board relating to offenders of federal enactments,

(a) despite the *Document Disposal Act*, may be transferred to the National Parole Board, and

(b) otherwise, are transferred to the minister.

(6) Records of the board not referred to in subsection (5) are transferred to the minister.

(7) On the date of a transfer under subsection (5) or (6), the records of the transferor become the records of the transferee.

Transitional -- *Petroleum and Natural Gas Act*

67 (1) In this section, "**the Act**" means the *Petroleum and Natural Gas Act*.

(2) Despite section 59 of this Act, section 59 of the Act as it was before the coming into force of section 59 of this Act continues to apply to a lease

(a) that was issued under section 64 or 71 of the Act before the coming into force of section 59 of this Act,

(b) that is issued from a permit or a drilling licence that was issued before the coming into force of section 59 of this Act, if the location of the lease is within or coincides with the location of the permit or the drilling licence, or

(c) that is issued under section 64 of the Act from a lease described in paragraph (a) or (b) of this subsection.

Validation -- appointments to New Relationship Trust

68 (1) Subject to subsection (2), the appointment of each person who was appointed as a director of the New Relationship Trust before the coming into force of this section is conclusively deemed to have been a valid appointment made in compliance with the *New Relationship Trust Act*.

(2) The term of office of a person whose appointment as director is referred to in subsection (1) terminates, or, if the director is no longer in office, terminated,

(a) on the expiry of the director's term of office,

(b) on the effective date of the resignation of the director, or

(c) at the end of the day on November 30, 2008,

whichever is earliest.

(3) This section is retroactive to the extent necessary to give it full force and effect and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

Commencement

69 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 3 and 4	December 31, 2006
3	Section 5	The date the <i>Music Teachers (Registered) Act, R.S. B.C. 1996, c. 327</i> , is repealed
4	Sections 7 and 8	By regulation of the Lieutenant Governor in Council
5	Section 9	December 31, 2006
6	Sections 10 to 14	April 1, 2007

7	Sections 15 and 16	By regulation of the Lieutenant Governor in Council
8	Section 18	By regulation of the Lieutenant Governor in Council
9	Sections 20 to 40	By regulation of the Lieutenant Governor in Council
10	Section 41	April 1, 2007
11	Sections 42 and 43	December 31, 2006
12	Section 46	By regulation of the Lieutenant Governor in Council
13	Section 49	By regulation of the Lieutenant Governor in Council
14	Sections 52 and 53	By regulation of the Lieutenant Governor in Council
15	Sections 57 and 58	April 1, 2007
16	Sections 60 and 61	December 31, 2006
17	Sections 62 to 66	April 1, 2007

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