

# APPLICATION OF *ADMINISTRATIVE TRIBUNALS ACT* (ATA) TO OTHER ENTITIES

November 2, 2016

This table is provided for convenience purposes only. All attempts have been made to maintain its accuracy and it may be updated from time to time. To ensure accuracy of the application of ATA provisions to a particular entity, please consult the legislation applicable to the entity.

ATA Provisions:	<u>Section 34(3) &amp; (4):</u> Power to compel witnesses and order disclosure	<u>Section 44:</u> Tribunal without jurisdiction over constitutional questions	<u>Section 46.3:</u> Tribunal without jurisdiction to apply the <i>Human Rights Code</i>	<u>Section 48:</u> Maintenance of order at hearings	<u>Section 49:</u> Contempt for uncooperative witness	<u>Section 56:</u> Immunity protection <sup>1</sup>	<u>Other provisions</u>
Entity to which ATA Provisions Apply and Legislation:							
Athletic Commissioner s. 46 (3)(e), <i>Athletic Commissioner Act</i>	Provisions applied by regulation						
BC Institute of Agrologists: panels conducting disciplinary hearings s. 28(1), <i>Agrologists Act</i>	X			X	X		
Director, Business Practices and Consumer Protection s. 175 (4), <i>Business Practices and Consumer Protection Act</i>			X				ss. 1, 11, 14(a) & (c), 15, 18, 28, 29, 33, 35 – 37, 39, 40(5), 57
College of Applied Biology: panels conducting disciplinary hearings s. 31(1), <i>College of Applied Biology Act</i>	X			X	X		
Emergency Medical Assistants Licensing Board: Board conducting disciplinary hearings s. 7(2), <i>Emergency and Health Services Act</i>	X			X	X		
Association of BC Forest Professionals: panels conducting disciplinary hearings s. 27(5), <i>Foresters Act</i>	X			X	X		

<sup>1</sup> The entity may have immunity protection under its own legislation, so that section 56 is not required.

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ATA Provisions:	Section 34(3) & (4): Power to compel witnesses and order disclosure	Section 44: Tribunal without jurisdiction over constitutional questions	Section 46.3: Tribunal without jurisdiction to apply the <i>Human Rights Code</i>	Section 48: Maintenance of order at hearings	Section 49: Contempt for uncooperative witness	Section 56: Immunity protection <sup>†</sup>	Other provisions
Entity to which ATA Provisions Apply and Legislation:							
Law Society of British Columbia: benchers, hearing panels and special compensation fund committee, in a proceeding under Part 2 (Membership and Authority to Practice), Part 3 (Protection of Public) and Part 4 (Discipline) s. 44.1, <i>Legal Profession Act</i>				X	X	X	
Medical Services Commission: hearings conducted by commission (and committees) under Act s. 5(3), <i>Medicare Protection Act</i>	X			X	X		
Motor Dealer Customer Compensation Fund Board: compensation fund hearings <sup>2</sup> s. 15(7), <i>Motor Dealer Act</i>							
Society of Notaries Public of BC: disciplinary committee hearings s. 27(1.1), <i>Notaries Act</i>	X			X	X		
College Pension Board of Trustees: appeal hearings conducted by board or panel							
Superintendent of Real Estate: hearings under Act, conducted by Superintendent s. 29(2), <i>Real Estate Development Marketing Act</i>	X			X	X		
Real Estate Council of BC: hearings conducted by disciplinary committee and compensation committee <sup>3</sup> s. 42(2) and s. 63(1), <i>Real Estate Services Act</i>							

<sup>2</sup> Sections 12, 15, and 16 of the *Inquiry Act* apply.

<sup>3</sup> Sections 12, 15, and 16 of the *Inquiry Act* apply.

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ATA Provisions:	<u>Section 34(3) &amp; (4):</u> Power to compel witnesses and order disclosure	<u>Section 44:</u> Tribunal without jurisdiction over constitutional questions	<u>Section 46.3:</u> Tribunal without jurisdiction to apply the <i>Human Rights Code</i>	<u>Section 48:</u> Maintenance of order at hearings	<u>Section 49:</u> Contempt for uncooperative witness	<u>Section 56:</u> Immunity protection <sup>†</sup>	<u>Other provisions</u>
Entity to which ATA Provisions Apply and Legislation:							
Director, Residential Tenancies s. 71.1, <i>Manufactured Home Park Tenancy Act</i> , s. 78.1, <i>Residential Tenancy Act</i>		X	X	X		X	ss. 1, 57, 58, 61
Superintendent of Achievement s. 11.7, <i>School Act</i>	X	X	X				ss. 29, 31, 36, 38, 45, 58, 61
Secure Care Board: hearings by Board and panel of Board s. 24, <i>Secure Care Act</i> <sup>4</sup>	X			X	X		
Director, Teacher Certification s. 41(2), <i>Teachers Act</i>						X	ss. 55 & 61
Commissioner: Teachers' professional conduct and discipline matters s. 41, <i>Teachers Act</i>		X	X	X	X	X	ss. 55, 57, 58, 61

<sup>4</sup> The *Secure Care Act* is not currently in force.