

ATTORNEY GENERAL
AND DEPUTY PREMIER

BILL 21 – 2025

ATTORNEY GENERAL STATUTES AMENDMENT ACT (No. 2), 2025

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

PART 1 – *INSURANCE (VEHICLE) ACT* AMENDMENTS

- 1 *Sections 14.1 (2), 14.2 and 14.3 of the Insurance (Vehicle) Act, R.S.B.C. 1996, c. 231, are repealed.*
- 2 *The following Part is added:*

PART 5.1 – RETROACTIVE TAX

Definitions

94.1 In this Part:

“**accident**” has the same meaning as in section 1.1;

“**agreement**” means an agreement between the corporation and the government, whether in written form or not, entered into in or after 1973 including, but not limited to, the following:

- (a) the agreement dated January 21, 1988 entered into by the corporation and British Columbia, as represented by the Minister of Health;
- (b) the agreement dated April 1, 1994 entered into by the corporation and British Columbia, as represented by the Minister of Health;

“**certificate**”, if issued under a predecessor Act, has the meaning set out in the predecessor Act;

“**costs of health-related services**” means costs of health-related services arising from bodily injury or death arising out of an accident;

“**policy**” means a policy, as defined in section 1 (1), issued by the corporation;

“predecessor Act” means the following:

- (a) the *Automobile Insurance Act*, S.B.C. 1973, c. 6;
- (b) the *Insurance (Motor Vehicle) Act*, R.S.B.C. 1979, c. 204;
- (c) the *Insurance (Motor Vehicle) Act*, R.S.B.C. 1996, c. 231;

“relevant period” means the period starting on April 18, 1973, and ending on the date this section comes into force.

Retroactive tax

- 94.2** (1) For the purpose of raising revenue for provincial purposes, an applicant to whom a certificate or policy is issued during the relevant period must pay to the government a tax equal to the total amount payable for the certificate or policy.
- (2) The tax imposed under subsection (1) is payable at the time the certificate or policy is issued to the applicant.
- (3) The corporation must
- (a) collect the tax imposed under subsection (1), and
 - (b) remit the tax to the government.

Reimbursements applied against tax

- 94.3** (1) In this section, **“reimbursements”** means amounts or payments described in section 14.2 or 14.3, as those sections read before their repeal by the *Attorney General Statutes Amendment Act (No. 2), 2025*.
- (2) The reimbursements paid to the government during the relevant period must be applied against the tax required to be paid, collected and remitted under section 94.2.
- (3) In respect of the tax remaining unpaid after the reimbursements are applied by operation of subsection (2), any liability of an applicant or the corporation in relation to the requirement to pay, collect or remit the remaining tax is extinguished.
- (4) For certainty, coverage provided by certificates and policies issued during the relevant period is not affected by this section.

Sections 94.1 to 94.3 retroactive

- 94.4** Sections 94.1 to 94.3
- (a) are retroactive to the extent necessary to give them full force and effect on and after April 18, 1973, and
 - (b) must not be construed as lacking retroactive effect in relation to any matter because they make no specific reference to that matter.

**Termination of reimbursements in relation to
costs of health-related services**

- 94.5** (1) All agreements under which the corporation reimburses the government in relation to the costs of health-related services are terminated.
- (2) The corporation may not reimburse the government in relation to the costs of health-related services.

**PART 2 – PUBLIC GUARDIAN AND TRUSTEE ACT
AMENDMENTS**

3 Section 1 of the Public Guardian and Trustee Act, R.S.B.C. 1996, c. 383, is amended

(a) by renumbering the section as section 1 (1),

(b) in subsection (1) by adding the following definition:

“child” means a person under 19 years of age; ,

(c) in subsection (1) by repealing the definition of “guardian”,

(d) in subsection (1) by adding the following definitions:

“Indigenous authority” has the same meaning as in section 1 (1) of the *Child, Family and Community Service Act*;

“Indigenous child” has the same meaning as in section 1 (1) of the *Child, Family and Community Service Act*;

“Indigenous child and family services” has the same meaning as in section 1 (1) of the *Child, Family and Community Service Act*;

“Indigenous law” has the same meaning as in section 1 (1) of the *Child, Family and Community Service Act*;

“property guardian”, in respect of a child, means the role of the Public Guardian and Trustee with respect to the management and protection of the child’s legal and financial interests; ,

(e) in subsection (1) by repealing the definition of “young person”, and

(f) by adding the following subsection:

- (2) For the purposes of sections 6.2, 17 and 18 of this Act, “guardian” has the same meaning as “committee” in section 1 (1) of the *Patients Property Act*.

4 *The following heading is added before section 5:*

Division 1 – General and Specific Powers, Duties and Functions .

5 *The following heading is added after section 6.2:*

Division 2 – Property Guardianship of Children .

6 *The following sections are added to Division 2 of Part 2:*

Best interests of child

- 6.3** (1) When the Public Guardian and Trustee exercises the powers and performs the duties and functions as a child's property guardian, the Public Guardian and Trustee must consider the best interests of the child, including the following factors:
- (a) the care, maintenance and educational needs of the child;
 - (b) the effect on the child's well-being, living arrangements and significant relationships that may arise from litigation or other proceedings in relation to the child, including resolving or settling matters or claiming benefits;
 - (c) the child's views and preferences, unless it would be inappropriate to consider them.
- (2) If the child is an Indigenous child, in addition to the factors that the Public Guardian and Trustee must consider under subsection (1), the Public Guardian and Trustee must also consider the following factors:
- (a) the customs, culture and traditions of the child's Indigenous community;
 - (b) the importance of the child belonging to the child's Indigenous community;
 - (c) any applicable Indigenous laws.

Circumstances for property guardianship

- 6.4** The Public Guardian and Trustee is a child's property guardian in the following circumstances:
- (a) when appointed by a court order, including a court order under section 58 of the *Child, Family and Community Service Act*;
 - (b) when appointed or otherwise authorized under an enactment, including the following:
 - (i) section 24 of the *Adoption Act*;
 - (ii) section 50 (1) of the *Child, Family and Community Service Act*;

- (c) when property guardianship in respect of an Indigenous child results from an agreement entered into with an Indigenous authority
 - (i) to continue property guardianship under section 51.1 (2) of the *Child, Family and Community Service Act*, or
 - (ii) as described in section 6.5 (2) of this Act;
- (d) when property guardianship in respect of a child results from the circumstances described in section 6.6 of this Act.

**Property guardianship by agreement
with Indigenous authority**

- 6.5** (1) The Public Guardian and Trustee may, in circumstances other than those set out in section 51.1 of the *Child, Family and Community Service Act*, enter into an agreement with an Indigenous authority in relation to the Public Guardian and Trustee acting as property guardian for Indigenous children for whom the Indigenous authority has jurisdiction to provide, and is providing, Indigenous child and family services under Indigenous law.
- (2) If the Public Guardian and Trustee has entered into an agreement with an Indigenous authority under subsection (1), the Public Guardian and Trustee is an Indigenous child's property guardian when, in accordance with the agreement, confirmation is provided in writing by the Public Guardian and Trustee and the Indigenous authority.

**Property guardianship if no other guardian or
if guardian is dead, refuses or is incompetent to act**

- 6.6** (1) Unless otherwise ordered by the court under subsection (2), the Public Guardian and Trustee is a child's property guardian, as circumstances require, when a child has no other guardian responsible for legal and financial interests or if the guardian appointed for that purpose is dead, refuses or is incompetent at law to act.
- (2) In the case of property guardianship described in subsection (1), if there is a dispute or any uncertainty as to whether the Public Guardian and Trustee is or is not the property guardian in respect of a child, the court may make an order declaring whether or not the Public Guardian and Trustee is the property guardian of the child on application by
- (a) the Public Guardian and Trustee, or
 - (b) a parent or guardian of the child.
- (3) The fact that, in respect of a child, the Public Guardian and Trustee does not apply to the court for a declaration
- (a) does not affect the authority of the Public Guardian and Trustee as the child's property guardian, and
 - (b) is not evidence that the Public Guardian and Trustee is not the child's property guardian.

**Powers, duties and functions when
property guardian for children**

- 6.7** (1) When the Public Guardian and Trustee is a child's property guardian, the Public Guardian and Trustee has the powers, duties and functions under this Act and any other applicable enactment in respect of property guardianship.
- (2) The powers, duties and functions of the Public Guardian and Trustee under subsection (1) include, with respect to a child,
- (a) authority with respect to the following responsibilities listed as parental responsibilities in section 41 (k) of the *Family Law Act*:
 - (i) starting, defending, compromising or settling any proceeding relating to the child;
 - (ii) identifying, advancing and protecting the child's legal and financial interests, and
 - (b) to the extent necessary to facilitate the exercise of the responsibilities described in paragraph (a) (i) and (ii) of this subsection, the following responsibilities listed as parental responsibilities in section 41 (h), (i) and (j) of the *Family Law Act*:
 - (i) giving, refusing or withdrawing consent for the child, if consent is required;
 - (ii) receiving and responding to any notice that a parent or guardian is entitled or required by law to receive;
 - (iii) requesting and receiving from third parties health, education or other information respecting the child.
- (3) For certainty, this section does not affect the powers, duties or functions of a child's personal guardian.

7 Section 7 is amended

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

- (1) The Public Guardian and Trustee, when exercising the powers and performing the duties and functions as a child's property guardian, is a trustee of all property that comes into the control of, or is held by, the Public Guardian and Trustee on behalf of the child. , *and*

(b) in subsections (2) and (3) by striking out "young person" wherever it appears and substituting "child" and by striking out "young person's" wherever it appears and substituting "child's".

8 Section 7.1 is repealed.

9 Section 8 is amended by striking out "young person's" and substituting "child's".

10 *The following sections are added:*

Powers for maintenance and education

- 8.1** If the Public Guardian and Trustee is the property guardian of a child, the Public Guardian and Trustee may, for any money or other property of the child held by the Public Guardian and Trustee or to the Public Guardian and Trustee's account, exercise for the benefit of the child the powers conferred on trustees by section 24 of the *Trustee Act* and, without obtaining leave of the court, by section 25 of that Act.

Use of trust money

- 8.2** If the Public Guardian and Trustee is acting as trustee under section 6 (b) (v) for a person who has not yet reached 27 years of age and in respect of whom the Public Guardian and Trustee was property guardian when the person reached 19 years of age, the Public Guardian and Trustee may, during the term of the trusteeship, authorize payment of all or part of the trust money for the maintenance, education or benefit of that person.

Disclosure and collection of information

- 8.3** (1) Any person or public body may disclose information in the custody or control of the person or public body to the Public Guardian and Trustee that is necessary to enable the Public Guardian and Trustee
- (a) to exercise the powers and perform the duties and functions as a child's property guardian, or
 - (b) to assess whether the circumstances for property guardianship referred to in section 6.6 are present.
- (2) The Public Guardian and Trustee may collect information from any person or public body that the Public Guardian and Trustee considers necessary
- (a) to facilitate the exercise of the powers and performance of the duties and functions as a child's property guardian in all circumstances in which property guardianship arises, or
 - (b) to assess whether the circumstances for property guardianship referred to in section 6.6 are present.

Evidence of authority

- 8.4** (1) If the authority of the Public Guardian and Trustee as a child's property guardian arises from a source other than an appointment by court order, a letter signed by an authorized signatory of the Public Guardian and Trustee indicating that the Public Guardian and Trustee is the child's property guardian is conclusive proof of the Public Guardian and Trustee's authority in respect of a child's property guardianship.

- (2) The source of the authority for the property guardianship must be specified in a letter under subsection (1).
- (3) For certainty, if an appointment by court order is the source of the authority of the Public Guardian and Trustee as a child's property guardian, the court order is evidence of that authority.

When property guardianship terminates

8.5 Property guardianship in respect of a child terminates on the earliest of the following, as applicable:

- (a) in accordance with a court order;
- (b) when a court order declares that the Public Guardian and Trustee is not the property guardian of the child;
- (c) when an enactment provides for termination of property guardianship;
- (d) in accordance with any terms or conditions that provide for termination of property guardianship in an agreement
 - (i) to continue property guardianship under section 51.1 (2) of the *Child, Family and Community Service Act*, or
 - (ii) described in section 6.5 (1) or (2) of this Act;
- (e) the date that the child reaches 19 years of age.

**Payment or transfer of property after termination
before child reaches age of majority**

8.6 On termination of a child's property guardianship before the child reaches 19 years of age, the Public Guardian and Trustee, after deducting any fees, commissions or other amounts payable, must pass the Public Guardian and Trustee's accounts under the Supreme Court Civil Rules.

**Payment or transfer of property after termination
when child reaches age of majority**

8.7 (1) In this section:

“**individual**” means an individual who is under property guardianship when the individual reaches 19 years of age;

“**relevant date**” means the applicable of the following:

- (a) in the case that the individual has entered into an agreement as described in subsection (3), the earlier of the following dates:
 - (i) the date that the individual terminates the agreement;
 - (ii) the date that the individual reaches 27 years of age;
- (b) in any other case, the date that the individual reaches 19 years of age.

- (2) Subject to this section, if the Public Guardian and Trustee is the property guardian of the individual when the individual reaches 19 years of age, the Public Guardian and Trustee, after deducting any fees, commissions or other amounts payable and settling the claims and liability of the property arising or accruing due before the relevant date, must
 - (a) pay or transfer to the individual the individual's property on receiving a release from the individual, or
 - (b) if the individual requests, pass the Public Guardian and Trustee's accounts as a guardian under the Supreme Court Civil Rules.
- (3) If the individual enters into an agreement with the Public Guardian and Trustee under section 6 (b) (v), subsection (2) of this section does not apply until the earlier of the following dates:
 - (a) the date that the individual terminates the agreement;
 - (b) the date that the individual reaches 27 years of age.

11 *The following heading is added before section 9:*

**Division 3 – Financial Powers, Duties and Functions
and Related Trustee or Other Matters .**

12 *Sections 17 (1) and (4), 18 (2) (a) (ii) and 19 (2) are amended by striking out “young person” wherever it appears and substituting “child”.*

Consequential Amendments

Adoption Act

13 *Section 3.2 of the Adoption Act, R.S.B.C. 1996, c. 5, is repealed and the following substituted:*

Self-government principle

- 3.2** This Act, to the extent the provisions of this Act relate to the adoption of Indigenous children who are in the continuing custody of a director of child protection, must be interpreted and administered in accordance with the principle that Indigenous peoples have an inherent right of self-government, including self-determination, that is recognized and affirmed by section 35 of the *Constitution Act, 1982* and by the *United Nations Declaration on the Rights of Indigenous Peoples*.

14 Section 4 (2) is repealed and the following substituted:

- (2) In addition to the authority under subsection (1) (a), a director may, at the request of a director of child protection, place a child for adoption with the person or persons selected by the director of child protection, if the child is in the continuing custody of the director of child protection.

15 Section 7 (2) is repealed and the following substituted:

- (2) Subsection (1) does not apply in relation to an Indigenous child who is in the continuing custody of a director of child protection.

16 Section 13 (3) is amended by striking out “or a director of child protection is the child’s personal guardian under section 51 of the *Infants Act*,”.

Child, Family and Community Service Act

17 Section 50.1 of the *Child, Family and Community Service Act*, R.S.B.C. 1996, c. 46, is amended

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

- (1) Subject to section 50.06, a director may request a director of adoption to place a child for adoption if the child is in the continuing custody of the director. ,
and

(b) in subsection (2) by striking out “subsection (1) (a)” and substituting “subsection (1)”.

18 Section 51 is amended by striking out “given by section 7 of the *Public Guardian and Trustee Act* and sections 12, 14 and 16 of the *Infants Act*” and substituting “under Division 2 of Part 2 of the *Public Guardian and Trustee Act* and section 14 of the *Infants Act*”.

19 Section 51.1 (3) is repealed.

20 Section 79 is amended

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

- (h) necessary to enable the Public Guardian and Trustee
 - (i) to perform duties and exercise powers as a child’s property guardian under this Act or in other circumstances referred to in section 6.4 of the *Public Guardian and Trustee Act*, or
 - (ii) to assess whether the circumstances for property guardianship referred to in section 6.6 of the *Public Guardian and Trustee Act* are present, , **and**

(b) by repealing paragraph (h.2) and substituting the following:

(h.2) made to a director of adoption to facilitate the adoption of a child if the child is in the continuing custody of a director, .

Court Rules Act

- 21** ***Section 1 (2) (f) of the Court Rules Act, R.S.B.C. 1996, c. 80, is amended by adding “the Public Guardian and Trustee Act,” after “the Power of Attorney Act,”.***

Independent School Act

- 22** ***Section 1 (1) of the Independent School Act, R.S.B.C. 1996, c. 216, is amended by repealing the definition of “guardian” and substituting the following:***

“guardian” means a guardian within the meaning of the *Family Law Act*; .

Infants Act

- 23** ***Sections 12, 16 and 51 of the Infants Act, R.S.B.C. 1996, c. 223, are repealed.***

School Act

- 24** ***Section 1 (1) of the School Act, R.S.B.C. 1996, c. 412, is amended by repealing the definition of “guardian” and substituting the following:***

“guardian” means a guardian within the meaning of the *Family Law Act*; .

Commencement

- 25** 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 | Sections 1 and 2 | The date of Royal Assent |
| 2 | Sections 3 to 24 | By regulation of the Lieutenant Governor in Council |