
TEACHERS ACT

CHAPTER 19

Assented to November 14, 2011

Contents

PART 1 – DEFINITIONS

- 1 Definitions

PART 2 – COMMISSIONER AND DIRECTOR OF CERTIFICATION

- 2 Appointment of commissioner
- 3 Commissioner's power to delegate
- 4 Recommendations about standards
- 5 Annual commissioner report
- 6 Appointment of director of certification
- 7 Director of certification's power to delegate
- 8 Staff of the commissioner and director of certification

PART 3 – BRITISH COLUMBIA TEACHERS' COUNCIL AND DISCIPLINARY AND PROFESSIONAL CONDUCT BOARD

Division 1 – British Columbia Teachers' Council

- 9 British Columbia Teachers' Council
- 10 Objects of council and responsibilities of council members
- 11 Oath of office
- 12 Council meetings
- 13 Powers and duties of council
- 14 Ratification of council rules, standards and decisions
- 15 Minister's orders
- 16 Annual council report
- 17 Additional council reports

Division 2 – Elections of Council Members

- 18 Administration of elections of council members
- 19 Zones
- 20 Candidates
- 21 No opposing nomination
- 22 Elections
- 23 By-elections
- 24 Council members to be certificate holders
- 25 Failure to elect

Division 3 – Disciplinary and Professional Conduct Board

- 26 Disciplinary and Professional Conduct Board
- 27 Powers after resignation or expiry of term
- 28 Termination for cause
- 29 Panel member duties and remuneration

PART 4 – CERTIFICATION AND LETTERS OF PERMISSION**Division 1 – Certification**

- 30 Issuance of certificate
- 31 Review of certificate
- 32 Reconsideration and appeal
- 33 Suspension or cancellation of certificate
- 34 Notification of suspension or cancellation of certificate

Division 2 – Letters of Permission

- 35 Issuance of letter of permission
- 36 Suspension or cancellation of letter of permission

PART 5 – RESPONSIBILITIES OF AUTHORIZED PERSONS

- 37 Annual practice fee
- 38 Duty to report professional misconduct

PART 6 – DISCIPLINARY AND PROFESSIONAL CONDUCT INQUIRIES AND CERTIFICATION APPEALS**Division 1 – General**

- 39 Definitions
- 40 Commissioner's rules of practice and procedure
- 41 Application of *Administrative Tribunals Act*
- 42 Final and binding decisions
- 43 Former authorized persons and former members

DIVISION 2 – PRELIMINARY REVIEWS AND INVESTIGATIONS

- 44 Preliminary review of report or complaint
- 45 Decision not to take further action after preliminary review
- 46 Deferral
- 47 Investigation
- 48 Power to compel witnesses and require disclosure
- 49 Additional investigation powers
- 50 Suspension of certificate or letter of permission before hearing
- 51 Actions of commissioner
- 52 Decision not to take further action after investigation

Division 3 – Consent Resolution

- 53 Consent resolution agreement
- 54 Publication of consent resolution agreement
- 55 Notification of suspension or cancellation in consent resolution agreement

Division 4 – Disciplinary and Professional Conduct Hearings

- 56 Citation
- 57 Establishment of panels for disciplinary and professional conduct hearings
- 58 Quorum of panel
- 59 Conduct of hearings
- 60 Power to compel witnesses and order disclosure
- 61 Hearings open to public
- 62 Failure to attend
- 63 Findings after hearing
- 64 Consequences after hearing

- 65 Power to award costs
- 66 Written reasons and publication of reasons
- 67 Notification of suspension or cancellation

Division 5 – Certification Appeals

- 68 Definition
- 69 Notice to director of certification
- 70 Preliminary review of certification appeal
- 71 Summary dismissal
- 72 Referral to hearing
- 73 Establishment of panels for certification appeals
- 74 Quorum of panel
- 75 Conduct of hearing
- 76 Certification appeal hearing
- 77 Written reasons and publication of reasons

PART 7 – REGISTER AND EMPLOYERS LIST

- 78 Certificate holder register
- 79 Online registry
- 80 Employers list

PART 8 – GENERAL

- 81 Power of minister to make regulations
- 82 Additional ministerial powers
- 83 Power of Lieutenant Governor in Council to make regulations
- 84 Fees and costs
- 85 *Teachers Act* Special Account

PART 9 – TRANSITIONAL PROVISIONS, REPEAL AND CONSEQUENTIAL AMENDMENTS**Division 1 – Transitional Provisions**

- 86 Definitions
- 87 Transition – college
- 88 Transition – discipline inquiries
- 89 Transition – certification inquiries
- 90 Transition – college bylaws
- 91 Transition – certificates of qualification
- 92 Transition – independent school teaching certificates
- 93 Transition – letters of permission
- 94 Transition – independent school teaching certification standards committee
- 95 Transition – disciplinary matters under *Independent School Act*
- 96 Transition – investigations under *Independent School Act*
- 97 Transition – teacher education programs
- 98 Transition – registrar

Division 2 – Repeal

- 99 Repeal of former Act

Division 3 – Consequential Amendments

- 100 – 124 Consequential Amendments
- 125 Commencement

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

PART 1 – DEFINITIONS

Definitions

1 In this Act:

“**authorized person**” means

- (a) a certificate holder, or
- (b) a person who holds a letter of permission issued under section 35 [*issuance of letter of permission*];

“**board**” means the Disciplinary and Professional Conduct Board established under section 26 [*disciplinary and professional conduct board*];

“**board of education**” means a board of education or a francophone education authority as defined in section 1 [*definitions and interpretation*] of the *School Act*;

“**certificate holder**” means a person who holds a certificate of qualification or an independent school teaching certificate;

“**certificate of qualification**” means a certificate of qualification issued under this Act by the director of certification;

“**certification appeal**” means an appeal filed under section 32 (8) [*reconsideration and appeal*];

“**certification standards**” means the standards the council establishes under section 13 (d) [*powers and duties of council*] that are effective under section 14 (3) or (4) [*ratification of council rules, standards and decisions*] or a standard that is effective under section 15 (4) [*minister’s orders*];

“**citation**” means a citation issued by the commissioner under section 56 [*citation*];

“**commissioner**” means the commissioner appointed under section 2 (1) [*appointment of commissioner*] or designated under section 2 (5);

“**council**” means the British Columbia Teachers’ Council established under section 9 [*British Columbia Teachers’ Council*];

“**director of certification**” means the director of certification appointed under section 6 [*appointment of director of certification*];

“**independent school**” means an independent school as defined in section 1 [*definitions*] of the *Independent School Act*;

“**independent school authority**” means

- (a) a society incorporated under the *Society Act*,
- (b) a corporation incorporated under the *Business Corporations Act* or a private Act, or

(c) a person designated, by regulation, as an independent school authority that operates or intends to operate an independent school;

“independent school teaching certificate” means an independent school teaching certificate issued under this Act by the director of certification;

“independent school teaching certificate standards” means the independent school teaching certificate standards as defined in section 1 of the *Independent School Act*;

“independent school teaching certificate standards committee” means the independent school teaching certificate standards committee constituted under the *Independent School Act*;

“inspector of independent schools” means the inspector of independent schools appointed under the *Independent School Act*;

“letter of permission” means a letter of permission issued under this Act by the director of certification authorizing a person to teach without being a certificate holder;

“panel” means a panel established under section 57 [*establishment of panels for disciplinary and professional conduct inquiries*] or 73 [*establishment of panels for certification appeals*];

“practising teacher” means a certificate holder who has carried out one or more of the following duties in the preceding 2 years in the course of his or her employment:

- (a) design, supervision and assessment of educational programs;
- (b) instruction, assessment and evaluation of individual students and of groups of students;

“public school” means a school or a francophone school as defined in section 1 of the *School Act*;

“register of certificate holders” means the register of certificate holders kept under this Act by the director of certification;

“student” means

- (a) a student as defined in section 1 of the *School Act*,
- (b) a student as defined in section 1 of the *Independent School Act*,
- (c) a child registered under section 13 [*registration*] of the *School Act*,
- (d) a child engaged in a program of studies at an educational institution operated by
 - (i) a first nation, as defined in section 1 of the *School Act*, or
 - (ii) a Community Education Authority established by one or more participating First Nations under the *First Nations Jurisdiction over Education in British Columbia Act* (Canada), or

Section 2

- (e) a child participating in a kindergarten to grade 12 program of studies provided by a treaty first nation under its own laws;

“**zone**” means a zone established by regulation by the minister under section 19 [zones].

PART 2 – COMMISSIONER AND DIRECTOR OF CERTIFICATION

Appointment of commissioner

- 2** (1) On the recommendation of the minister, the Lieutenant Governor in Council may appoint, under the *Public Service Act*, a commissioner.
- (2) The term of office of the commissioner is up to 5 years and a commissioner may be reappointed.
- (3) Subject to subsection (4), before making the recommendation under subsection (1), the minister must consult with the council.
- (4) The minister may make a recommendation under subsection (1) without consulting with the council with respect to the initial commissioner appointed after this section comes into force.
- (5) If the office of the commissioner is vacant or the commissioner is temporarily absent because of illness or another reason, the minister may designate, without consulting with the council, an acting commissioner to exercise the powers and perform the duties of the commissioner until whichever of the following is the case and occurs first:
 - (a) a person is appointed under subsection (1);
 - (b) the commissioner returns to office after the temporary absence.
- (6) The commissioner has the powers conferred and the duties imposed on the commissioner by this Act and the regulations.

Commissioner’s power to delegate

- 3** (1) Subject to subsection (2) and the regulations, the commissioner may delegate to one or more employees of the ministry the commissioner’s powers or duties under this Act.
- (2) The delegation of the powers or duties of the commissioner must be in writing and may include any terms or conditions the commissioner considers advisable.

Recommendations about standards

- 4** The commissioner may provide recommendations to
 - (a) the council in respect of the certification standards, and
 - (b) the independent school teaching certificate standards committee in respect of the independent school teaching certificate standards.

Annual commissioner report

- 5** (1) The commissioner must annually report to the minister, by a date specified by the minister, on the following:
- (a) the activities of the commissioner;
 - (b) the activities of panels;
 - (c) other matters
 - (i) on which the commissioner considers he or she should report, or
 - (ii) that the minister has directed be included in the annual report.
- (2) When providing the annual report to the minister under subsection (1), the commissioner must also provide a copy of the annual report to the chair of the council and to the board members.
- (3) The minister, within 45 days of receiving a report under subsection (1), must make public the report.

Appointment of director of certification

- 6** (1) There is to be appointed, under the *Public Service Act*, a director of certification.
- (2) The director of certification has the powers conferred and the duties imposed on the director of certification by this Act and the regulations.

Director of certification's power to delegate

- 7** (1) Subject to subsection (2) and the regulations, the director of certification may delegate to one or more employees of the ministry any of the director's powers or duties under this Act.
- (2) The delegation of the powers or duties of the director of certification must be in writing and may include any terms or conditions the director of certification considers advisable.

Staff of commissioner and director of certification

- 8** The staff of the commissioner and of the director of certification are employees of the ministry.

**PART 3 – BRITISH COLUMBIA TEACHERS' COUNCIL AND DISCIPLINARY
AND PROFESSIONAL CONDUCT BOARD****Division 1 – British Columbia Teachers' Council****British Columbia Teachers' Council**

- 9** (1) The British Columbia Teachers' Council is established, consisting of the following persons:

Section 9

- (a) 3 certificate holders, nominated by the British Columbia Teachers' Federation in accordance with the regulations, who are appointed by the minister;
 - (b) 5 persons elected in the zones in accordance with Division 2 [*Elections of Council Members*] of this Part;
 - (c) subject to subsection (6), 7 persons appointed by the minister in accordance with the regulations;
 - (d) one person appointed by the minister.
- (2) In making the initial appointments after this section comes into force, the minister must appoint,
 - (a) under subsection (1) (a), one council member for a term of one year, one council member for a term of 2 years and one council member for a term of 3 years, and
 - (b) under subsection (1) (c), 2 council members for a term of one year, 3 council members for a term of 2 years and 2 council members for a term of 3 years.
- (3) Subject to subsection (4), after the initial appointments under subsection (2), the term of office of a council member appointed under subsection (1) (a) or (c) is 3 years.
- (4) The minister may appoint a council member to a term of office other than 3 years but no more than 5 years if the council member is appointed to fill a vacancy.
- (5) If the British Columbia Teachers' Federation fails to nominate one or more persons under subsection (1) (a), the minister may appoint, as required, the number of persons not nominated who are certificate holders.
- (6) In making an appointment under subsection (1) (c), the minister must
 - (a) consult with prescribed persons or prescribed organizations, in accordance with the regulations, before making the appointments, and
 - (b) appoint at least one person with substantial knowledge of and experience in the independent school system.
- (7) The person appointed by the minister under subsection (1) (d)
 - (a) is a non-voting council member, and
 - (b) must report to the minister on the activities of the council.
- (8) Subject to section 14 [*ratification of council rules, standards and decisions*], the council may make rules governing its practices and procedures, including the conduct of council meetings.
- (9) A majority of council members must elect a chair from among the council members, and may elect a new chair from among the council members at any time.

- (10) The minister may provide for remuneration of council members and for payment of expenses to council members.

Objects of council and responsibilities of council members

- 10** (1) The objects of the council are as follows:
- (a) to establish standards for the education of applicants for certificates of qualification;
 - (b) to establish standards for the conduct and competence of applicants for certificates of qualification and certificate holders.
- (2) In carrying out its objects, the council must exercise its powers and perform its duties under this Act in the public interest.
- (3) A council member must act
- (a) in good faith, and
 - (b) in a manner that puts the public interest ahead of the interest of any organization with which the council member may be affiliated.
- (4) A council member must not act on behalf of an authorized person in respect of a complaint, a report, an investigation, a consent resolution process or a hearing under Part 6 [*Disciplinary and Professional Conduct Inquiries and Certification Appeals*] or on behalf of an appellant in respect of a certification appeal under Part 6.

Oath of office

- 11** (1) Before taking office, a person appointed or elected to the council, other than the person appointed under section 9 (1) (d), must take and sign, by oath or solemn affirmation, a prescribed oath of office within the following applicable time limit:
- (a) in the case of a person elected by acclamation, within 45 days after the date set for voting day had an election by voting been required in respect of this person;
 - (b) in the case of a person elected by voting, within 45 days after the declaration of the results of the election;
 - (c) in the case of a person appointed to office, within 45 days after the effective date of the appointment.
- (2) A person must take the oath before a justice of the peace, the secretary treasurer of a board of education or the director of certification and must obtain the completed oath or a certificate of it from the person before whom the oath was taken.
- (3) A person appointed or elected to the council must present the completed oath required by subsection (1) or a certificate of it to the director of certification within the applicable time limit under subsection (1) (a), (b) or (c) and before the person takes office on the council.

Section 12

- (4) If a person appointed or elected to the council does not take and sign the oath required by subsection (1) or does not comply with subsection (3) within the time limits set by those subsections, the office to which that person was appointed or elected is vacant and the minister may appoint a person to fill the vacancy.
- (5) After reasonable notice to a council member, the council, by resolution passed by the vote of at least 2/3 of the other council members voting on the resolution, may remove from council a council member elected under section 9 (1) (b) if the council is satisfied that the person has contravened a term of the oath required by subsection (1) of this section.
- (6) The minister may terminate the appointment of a council member appointed under section 9 (1) (a) or (c) or (4) if the minister is satisfied that the person has contravened a term of the oath required by subsection (1) of this section.
- (7) If a person is removed from the council under subsection (5) of this section, the person ceases to be
 - (a) a council member,
 - (b) a board member, if appointed as a board member under section 26 [*disciplinary and professional conduct board*], and
 - (c) a panel member, if sitting on a panel,and section 23 [*by-elections*] applies.
- (8) If the appointment of a person is terminated under subsection (6) of this section, the person ceases to be
 - (a) a council member,
 - (b) a board member, if appointed as a board member under section 26, and
 - (c) a panel member, if sitting on a panel,and the minister may appoint a person under section 9 (1) (a) or (c), as applicable, to fill the vacancy.

Council meetings

- 12**
- (1) The council must hold a meeting at least once in each year.
 - (2) Council meetings must be open to the public.
 - (3) Despite subsection (2) of this section and subject to the regulations, the council may direct that the public is excluded from all or part of a council meeting, but the council member appointed under section 9 (1) (d) [*British Columbia Teachers' Council*] may report to the minister on all council meetings.

Powers and duties of council

13 The council has the following powers and duties:

- (a) to establish teacher education program approval standards for determining if the teacher education program of any faculty of teacher education or school of teacher education satisfies the academic standards for a graduate of that program to be issued a certificate of qualification;
- (b) to determine if a teacher education program meets the teacher education program approval standards;
- (c) to cooperate with a faculty of teacher education or school of teacher education in the design and evaluation of teacher education programs;
- (d) to establish the standards that a person must meet in order to be issued and to maintain a certificate of qualification, including
 - (i) standards with respect to the training and qualifications of applicants for a certificate of qualification and persons holding a certificate of qualification, including, but not limited to, professional, academic and specialist standards,
 - (ii) competence standards, and
 - (iii) conduct standards;
- (e) to classify certificates of qualification into one or more types, including requiring that different certification standards be met for different types of certificates of qualification;
- (f) to prepare and submit annual reports under section 16 and other reports under section 17 [*additional council reports*].

Ratification of council rules, standards and decisions

- 14** (1) The chair of the council must submit to the minister a copy of
- (a) each rule, made by the council under section 9 (8) [*British Columbia Teachers' Council*], governing its practices and procedures,
 - (b) each standard established under section 13 (a) or (d), and
 - (c) each decision, made under section 13 (e), in respect of classifying certificates of qualification,
- within 10 days after the rule or decision was made or the standard was established.
- (2) The minister may disallow a rule, standard or decision within 60 days after its submission under subsection (1).
- (3) Subject to subsection (4) of this section and to section 15, a rule, standard or decision becomes effective 60 days after its submission under subsection (1) unless the minister disallows the rule, standard or decision under subsection (2).

Section 15

- (4) If the minister notifies the council, before the end of the 60-day period described in subsection (3), that the minister will not disallow a rule, standard or decision under subsection (2), the rule, standard or decision becomes effective on the date of the notification.

Minister's orders

- 15** (1) In this section:

“**NWPTA**” means the New West Partnership Trade Agreement entered into by the governments of British Columbia, Alberta and Saskatchewan on April 30, 2010 and includes amendments to the agreement;

“**TILMA**” means the Trade, Investment and Labour Mobility Agreement entered into by the governments of British Columbia and Alberta on April 28, 2006 and includes amendments to the agreement.

- (2) The minister, in respect of a standard established under section 13 (d) and submitted to the minister under section 14 (1) (b), may request the council to amend the standard submitted to the minister or to establish a new standard if the minister considers this is necessary or advisable to ensure that the certification standards comply with the NWPTA and TILMA.
- (3) If the council does not comply with a request under subsection (2) within 60 days after the date of the request, the minister, by order, despite anything in this Act, may amend the standard or establish a new standard in accordance with that request.
- (4) An amended standard or a newly established standard under subsection (3) becomes effective on the date of the minister's order or on a date specified in the minister's order.

Annual council report

- 16** (1) The council must annually report to the minister, by a date specified by the minister, on the activities of the council during the year and on other matters
- (a) on which the council considers it should report, or
 - (b) that the minister has directed be included in the annual report.
- (2) The minister, within 45 days of receiving a report under subsection (1), must make public the report.

Additional council reports

- 17** (1) The council must report to the minister, by a date specified by the minister, on any matter related to the objects, powers and duties of the council as directed by the minister.
- (2) The minister, within 45 days of receiving a report under subsection (1), must make public the report.

Division 2 – Elections of Council Members

Administration of elections of council members

- 18** The minister must administer the election of council members in accordance with this Division and the regulations.

Zones

- 19** (1) The minister, by regulation, must establish 5 zones in British Columbia.
(2) One certificate holder must be elected in each zone.

Candidates

- 20** A certificate holder is not eligible to be a candidate for election to the council in a zone unless
- (a) the certificate holder is a practising teacher,
 - (b) the certificate holder's principal residence is in that zone,
 - (c) the certificate holder, if elected, would be an elected member of the council for less than 7 years at the end of the term of office for which the election is being held,
 - (d) the certificate holder's nomination in writing is proposed by 10 certificate holders each having his or her principal residence in that zone, and
 - (e) written consent of the certificate holder for the nomination has been filed with the minister by the prescribed date of the year in which the election is to take place.

No opposing nomination

- 21** If in a zone there is only a single candidate nominated, the minister must declare that the candidate is elected as the council member in the zone.

Elections

- 22** (1) The minister, by regulation, must set the date of the first election after this section comes into force.
(2) The minister must hold an election on a prescribed date in every third year after the date set under subsection (1).
(3) At an election of a certificate holder in a zone, the vote must be by secret ballot of the certificate holders who have their principal residence in the zone.

By-elections

- 23** (1) If an elected council member ceases to hold office before the member has served 30 months of his or her term, the minister must promptly hold an election to choose a successor.

Section 24

- (2) This Division and the regulations apply to an election held under subsection (1) of this section.
- (3) If an elected council member ceases to hold office after the member has served 30 months or more of his or her term, the minister may appoint an eligible certificate holder in the same zone to fill the vacancy.
- (4) A council member elected under subsection (1) or appointed under subsection (3) holds office for the remainder of the term of the member whom he or she replaces.

Council members to be certificate holders

- 24** If an elected council member ceases to be a certificate holder, the council member ceases to hold office, and section 23 applies.

Failure to elect

- 25** (1) In the case of failure at an election to elect in any zone the required council member, the minister may appoint in the same zone a certificate holder to be a council member.
- (2) A council member appointed under subsection (1) holds office as though he or she had been elected at an election.

Division 3 – Disciplinary and Professional Conduct Board**Disciplinary and Professional Conduct Board**

- 26** (1) The Disciplinary and Professional Conduct Board is established, consisting of 9 council members appointed by the minister in accordance with this section.
- (2) The minister must make the appointments under subsection (1) as follows:
- (a) 4 of the 9 board members must be council members appointed under section 9 (1) (a) [*British Columbia Teachers' Council*] or elected under section 9 (1) (b);
 - (b) 5 of the 9 board members must be council members appointed under section 9 (1) (c).
- (3) In making appointments under subsection (1), the minister must appoint at least one person with substantial knowledge of and experience in the independent school system.
- (4) If a board member ceases to be a council member, the board member ceases to hold office as a board member.

Powers after resignation or expiry of term

- 27** (1) If a board member resigns or his or her appointment expires, the commissioner may authorize the person to continue to exercise powers as a panel member, if selected to sit on a panel before the end of his or her term.

- (2) An authorization under subsection (1) continues until a final decision is made in the hearing in which the person is participating or until the commissioner revokes the authorization.

Termination for cause

- 28** (1) The minister may terminate the appointment of a board member for cause.
- (2) A board member whose appointment is terminated under subsection (1) ceases to be a council member and to be a panel member if sitting on a panel.

Panel member duties and remuneration

- 29** (1) A panel member must faithfully, honestly and impartially perform his or her duties as a panel member and, except in the proper performance of those duties, must not disclose to any person any information obtained as a panel member.
- (2) A panel member must participate in training or education programs as directed by the commissioner.
- (3) A panel member must act
 - (a) in good faith, and
 - (b) in a manner that puts the public interest ahead of the interest of any organization with which the panel member may be affiliated.
- (4) The minister may provide for remuneration of panel members and for payment of expenses to panel members.

PART 4 – CERTIFICATION AND LETTERS OF PERMISSION**Division 1 – Certification****Issuance of certificate**

- 30** (1) Subject to subsections (2) and (3), the director of certification may issue a certificate of qualification or an independent school teaching certificate, as applicable, to an applicant who
 - (a) applies in writing in the form required by the director of certification,
 - (b) pays the prescribed fees, and
 - (c) satisfies the director of certification of the following requirements:
 - (i) the person meets
 - (A) the certification standards in respect of a certificate of qualification, or
 - (B) the independent school teaching certificate standards in respect of an independent school teaching certificate;

Section 31

- (ii) the person is of good moral character and is otherwise fit and proper to be issued a certificate of qualification or an independent school teaching certificate.
- (2) The director of certification must consult with the inspector of independent schools before issuing an independent school teaching certificate to an applicant under subsection (1).
- (3) The director of certification must not issue a certificate of qualification or an independent school teaching certificate to a person
 - (a) if the person fails to authorize a criminal record check under the *Criminal Records Review Act* or the deputy registrar under that Act has determined the person presents a risk of physical or sexual abuse to children or vulnerable adults and that determination has not been overturned by the registrar under that Act, or
 - (b) who has not paid costs ordered under section 65 [*power to award costs*].
- (4) The director of certification may impose a limitation or condition on a certificate of qualification or an independent school teaching certificate
 - (a) in accordance with the certification standards,
 - (b) if a panel orders the director of certification to impose the limitation or condition, or
 - (c) if the limitation or condition is a term of a consent resolution agreement under section 53 [*consent resolution agreement*].
- (5) The director must give the applicant written reasons for a decision
 - (a) to deny an applicant a certificate of qualification or an independent school teaching certificate,
 - (b) to issue a type of certificate of qualification or independent school teaching certificate other than the type for which the applicant applied, or
 - (c) to impose a limitation or condition on a certificate of qualification or independent school teaching certificate under subsection (4) (a).

Review of certificate

- 31** (1) If the director of certification receives information relating to the conduct of a certificate holder that occurred prior to the issuance of a certificate of qualification or an independent school teaching certificate to the certificate holder
- (a) that was not disclosed to the director of certification, or not before the director of certification for any other reason, prior to the director issuing the certificate of qualification or independent school teaching certificate, and

- (b) that the director considers could have affected the decision to issue that certificate of qualification or independent school teaching certificate, the director may review the information and rescind the certificate holder's certificate of qualification or independent school teaching certificate if the director determines that the certificate holder did not meet the requirements in section 30 when the certificate of qualification or independent school teaching certificate was issued to the certificate holder.
- (2) Before deciding to rescind a certificate of qualification or an independent school teaching certificate under subsection (1), the director of certification must notify the certificate holder of the director's intention and the certificate holder
- (a) may provide written submissions, and
 - (b) must provide any submissions under paragraph (a) within 30 days of the director's notification.
- (3) The director of certification may rescind the certificate holder's certificate of qualification or independent school teaching certificate after considering any submissions provided by the certificate holder under subsection (2).
- (4) If the director of certification rescinds a certificate of qualification or an independent school teaching certificate under subsection (1), the director of certification
- (a) must provide written reasons to the certificate holder,
 - (b) notify each board of education and independent school authority of the rescission, and
 - (c) record the fact of the rescission in the register of certificate holders.

Reconsideration and appeal

- 32** (1) An applicant for a certificate of qualification or an independent school teaching certificate may request the director of certification to reconsider the director of certification's decision in respect of any of the following:
- (a) a denial to issue to the applicant a certificate of qualification or an independent school teaching certificate under section 30;
 - (b) the issuance of a type of certificate of qualification or independent school teaching certificate other than the type for which the applicant applied;
 - (c) the imposition of a limitation or condition on a certificate of qualification or an independent school teaching certificate under section 30 (4) (a).
- (2) A certificate holder whose certificate of qualification or independent school teaching certificate is rescinded under section 31 may request the director of certification to reconsider the director of certification's decision to rescind the certificate.
- (3) The request under subsection (1) or (2) must
- (a) be in writing in the form required by the director of certification,

Section 33

- (b) include the prescribed fee, and
- (c) subject to subsection (4) of this section, be delivered to the director of certification within 30 days from,
 - (i) in the case of a reconsideration under subsection (1) (a) of this section, the date of the decision under section 30 (5),
 - (ii) in the case of a reconsideration under subsection (1) (b) or (c) of this section, the date the certificate of qualification or independent school teaching certificate is issued, or
 - (iii) in the case of a reconsideration under subsection (2) of this section, the date of the decision under section 31 (1).
- (4) The director of certification may consider a request under subsection (1) or (2) submitted to the director of certification outside the required timeline if the director is satisfied that special circumstances exist.
- (5) When reconsidering a decision under section 30 or 31, the director of certification may consider information that was not before the director at the time of making the original decision.
- (6) The director of certification may confirm, vary or reverse a decision under section 30 or 31.
- (7) The director of certification must provide the person who requested the reconsideration written reasons for the reconsideration decision.
- (8) An applicant for a certificate of qualification or an independent school teaching certificate or a certificate holder whose certificate of qualification or independent school teaching certificate is rescinded under section 31 may appeal a reconsideration decision by the director of certification to the commissioner in writing within 30 days of the date of the reconsideration decision.

Suspension or cancellation of certificate

- 33** (1) The director of certification must suspend a certificate of qualification or an independent school teaching certificate
- (a) in accordance with section 37 (3) [*annual practice fee*],
 - (b) if the commissioner orders the director of certification to suspend the certificate under section 50 [*suspension of certificate or letter of permission before hearing*],
 - (c) if the commissioner notifies the director of certification that the suspension is a term of a consent resolution agreement under section 53 [*consent resolution agreement*],
 - (d) if a panel orders the director of certification to suspend the certificate under section 64 [*consequences after hearing*],
 - (e) if the certificate holder does not pay the costs ordered under section 65 (1) [*power to award costs*] by the date specified in the order, or

- (f) if the certificate holder does not authorize a criminal record check under the *Criminal Records Review Act*.
- (2) The director of certification must cancel a certificate of qualification or an independent school teaching certificate
 - (a) in accordance with section 37 (4),
 - (b) if the commissioner notifies the director of certification that the cancellation is a term of a consent resolution agreement under section 53,
 - (c) if a panel orders the director of certification to cancel the certificate under section 64,
 - (d) 6 months after the date specified in an order made under section 65, if the certificate holder does not pay the costs ordered under that section,
 - (e) 6 months after the date of suspension under subsection (1) (f) of this section if the certificate holder does not authorize a criminal record check under the *Criminal Records Review Act* within that 6-month period, or
 - (f) if the deputy registrar under the *Criminal Records Review Act* has determined that a certificate holder presents a risk of physical or sexual abuse to children or vulnerable adults and that determination has not been overturned by the registrar under that Act.

Notification of suspension or cancellation of certificate

- 34** If the director of certification suspends or cancels a certificate of qualification or an independent school teaching certificate under section 33, the director of certification must
- (a) notify the certificate holder of the suspension or cancellation,
 - (b) notify each board of education and independent school authority of the suspension or cancellation, and
 - (c) record the fact of the suspension or cancellation in the register of certificate holders.

Division 2 – Letters of Permission**Issuance of letter of permission**

- 35** (1) Subject to subsections (2) and (3) and the regulations, the director of certification may
- (a) issue, on the payment of a prescribed fee, a letter of permission to a suitable person who is not a certificate holder and whose services the director of certification considers are required for a specified period of time, and
 - (b) place limitations or conditions on the letter of permission that the director of certification considers appropriate.

Section 36

- (2) The director of certification must consult with the inspector of independent schools before issuing a letter of permission to a person to teach in an independent school.
- (3) The director of certification must not issue a letter of permission to a person
 - (a) if the person fails to authorize a criminal record check under the *Criminal Records Review Act* or the deputy registrar under that Act has determined the person presents a risk of physical or sexual abuse to children or vulnerable adults and that determination has not been overturned by the registrar under that Act, or
 - (b) who has not paid costs ordered under section 65 [*power to award costs*].
- (4) That a person is issued a letter of permission under subsection (1) does not make the person a certificate holder.

Suspension or cancellation of letter of permission

- 36**
- (1) The director of certification must suspend a letter of permission
 - (a) if the commissioner orders the director of certification to suspend the letter of permission under section 50 [*suspension of certificate or letter of permission before hearing*],
 - (b) if the commissioner notifies the director of certification that the suspension is a term of a consent resolution agreement under section 53 [*consent resolution agreement*],
 - (c) if a panel orders the director of certification to suspend a letter of permission under section 64 [*consequences after hearing*], or
 - (d) if the person holding the letter of permission does not pay the costs ordered under section 65 (1) [*power to award costs*] by the date specified in the order.
 - (2) The director of certification must cancel a letter of permission
 - (a) if the commissioner notifies the director of certification that the cancellation is a term of a consent resolution agreement under section 53,
 - (b) if a panel orders the director of certification to cancel a letter of permission under section 64, or
 - (c) 6 months after the date specified in an order made under section 65, if the person holding the letter of permission does not pay the costs ordered under that section.

PART 5 – RESPONSIBILITIES OF AUTHORIZED PERSONS**Annual practice fee**

- 37**
- (1) A certificate holder must pay a prescribed annual practice fee on or before May 31 each year unless the fee is remitted, in respect of the certificate holder, by

- (a) a board of education under section 168.2 [*annual practice fee*] of the *School Act*, or
 - (b) an independent school authority under section 14.1 [*annual practice fee*] of the *Independent School Act*.
- (2) If a certificate holder is in default of paying the annual practice fee, the director of certification must give notice to the certificate holder that the annual practice fee and a prescribed late fee are due and payable no later than June 30.
- (3) If a certificate holder continues to be in default after June 30, the director of certification must
 - (a) suspend the certificate holder's certificate of qualification effective July 1, and
 - (b) give notice to the certificate holder that the annual practice fee and an additional prescribed late fee are due and payable no later than October 31.
- (4) If a certificate holder continues to be in default after October 31, the director of certification must cancel the certificate holder's certificate effective November 1.

Duty to report professional misconduct

- 38** (1) An authorized person must promptly provide to the commissioner a written and signed report if the authorized person has reason to believe that another authorized person has engaged in conduct that involves any of the following:
- (a) physical harm to a student;
 - (b) sexual abuse or sexual exploitation of a student;
 - (c) significant emotional harm to a student.
- (2) Subsection (1) applies even if the information on which the belief is based
- (a) is privileged, except as a result of a solicitor-client relationship, or
 - (b) is confidential and its disclosure is prohibited under another Act.
- (3) An authorized person who knowingly reports false information under subsection (1) commits an offence.
- (4) No action for damages lies or may be brought against an authorized person for reporting information under this section unless the authorized person knowingly reported false information.

PART 6 – DISCIPLINARY AND PROFESSIONAL CONDUCT INQUIRIES AND CERTIFICATION APPEALS

Division 1 – General

Definitions

- 39** In this Part:

“**complaint**” means a written complaint about the competency or conduct of an authorized person, signed by the person making the complaint;

“report” means the following:

- (a) a report about an authorized person under section 16 [*report of dismissal, suspension and discipline regarding authorized persons*] or 16.1 [*report of dismissal, suspension and discipline regarding superintendents*] of the *School Act*;
- (b) a report about an authorized person under section 7 [*report of dismissal, suspension and discipline regarding authorized persons*] or 7.2 [*report of dismissal, suspension and discipline regarding principals*] of the *Independent School Act*;
- (c) a report about an authorized person under section 38 of this Act.

Commissioner’s rules of practice and procedure

- 40** The commissioner, in accordance with the regulations, may make rules respecting practice and procedure in relation to any of the following:
- (a) the just and timely resolution of a matter raised in a report or complaint;
 - (b) investigations initiated by the commissioner under section 47 (1) (b) [*investigation*];
 - (c) hearings before a panel.

Application of *Administrative Tribunals Act*

- 41** (1) The following sections of the *Administrative Tribunals Act*, S.B.C. 2004, c. 45, apply to the commissioner and panels:
- (a) section 44 [*tribunal without jurisdiction over constitutional questions*];
 - (b) section 46.3 [*tribunal without jurisdiction to apply the Human Rights Code*];
 - (c) section 48 [*maintenance of order at hearings*];
 - (d) section 49 [*contempt proceeding for uncooperative witness or other person*];
 - (e) section 55 [*compulsion protection*];
 - (f) section 61 [*application of the Freedom of Information and Protection of Privacy Act*].
- (2) The following sections of the *Administrative Tribunals Act* apply to the director of certification, the commissioner and panel members:
- (a) section 55 [*compulsion protection*];
 - (b) section 56 [*immunity protection for tribunal and members*];
 - (c) section 61 [*application of the Freedom of Information and Protection of Privacy Act*].
- (3) The following sections of the *Administrative Tribunals Act* apply to decisions of the commissioner and of a panel:
- (a) section 57 [*time limit for judicial review*];

- (b) section 58 [*standard of review if tribunal's enabling Act has privative clause*].

Final and binding decisions

- 42** (1) Subject to subsection (2), decisions of the commissioner and of a panel are final and binding.
- (2) The commissioner, within 30 days of the date of a decision by the commissioner or by a panel, may amend a final decision to
- (a) correct a typographical, an arithmetical or another similar error in the decision, and
 - (b) correct an obvious error or omission in the decision.

Former authorized persons and former members

- 43** (1) In this section, “**former member**” means a person who was a member of the College of Teachers under the *Teaching Profession Act*, R.S.B.C. 1996, c. 449.
- (2) For the purposes of determining whether a former authorized person or a former member has been guilty of professional misconduct or conduct unbecoming a teacher, section 38 [*duty to report professional misconduct*] of this Act and this Part apply to
- (a) the former authorized person as if the former authorized person were a certificate holder or a person holding a letter of permission, as applicable, and
 - (b) the former member as if the former member were a certificate holder.

Division 2 – Preliminary Reviews and Investigations**Preliminary review of report or complaint**

- 44** If the commissioner receives a report or complaint, the commissioner must
- (a) acknowledge receipt of the report or complaint, and
 - (b) conduct a preliminary review of the matters raised in the report or complaint.

Decision not to take further action after preliminary review

- 45** (1) The commissioner may decide after a preliminary review not to take further action in respect of one or more of the matters raised in a report or complaint if the commissioner determines that any of the following apply:
- (a) the matter is not within the jurisdiction of the commissioner or a panel;
 - (b) the matter is frivolous, vexatious or trivial or gives rise to an abuse of process;

Section 46

- (c) the report or complaint was made in bad faith or filed for an improper purpose or motive;
 - (d) there is no reasonable prospect the report or complaint will result in an adverse finding by a panel;
 - (e) it is not in the public interest to take further action in respect of the matter;
 - (f) the matter has not been pursued in a timely manner.
- (2) If the commissioner decides not to take further action, the commissioner must provide written reasons to the following persons:
- (a) the authorized person who is the subject of the report or complaint;
 - (b) the person who sent the report or complaint to the commissioner.
- (3) The commissioner, if the commissioner determines it to be in the public interest, may make public a summary of the commissioner's decision not to take further action under subsection (1), excluding all identifying information.

Deferral

- 46**
- (1) The commissioner, after a preliminary review, may defer taking further action in respect of one or more of the matters raised in a report or complaint if
- (a) the matter is addressed in another process, and
 - (b) the commissioner determines that it is in the public interest that the other process is concluded before taking further action.
- (2) If the commissioner decides to defer taking further action until the conclusion of another process, the commissioner must notify, in writing, all of the following:
- (a) the authorized person who is the subject of the report or complaint;
 - (b) the person who sent the report or complaint to the commissioner;
 - (c) if the authorized person is employed by a board of education or an independent school authority, the board of education or independent school authority.
- (3) The commissioner,
- (a) at any time, may take further action in respect of a matter that the commissioner deferred under this section, and
 - (b) at the conclusion of the other process, must decide, in respect of a matter that the commissioner deferred under this section,
 - (i) to take no further action under section 45,
 - (ii) to initiate an investigation under section 47, unless the commissioner decides that no investigation is required before making or accepting a proposal for a consent resolution agreement under Division 3 [*Consent Resolution*] of this Part or before issuing a citation under section 56 [*citation*],

- (iii) to make or accept a proposal for a consent resolution agreement under Division 3 of this Part, or
- (iv) to issue a citation under section 56.

Investigation

- 47** (1) The commissioner
- (a) must investigate a report or complaint unless the commissioner
 - (i) decides not to take further action under section 45, or
 - (ii) decides that no investigation is required before making or accepting a proposal for a consent resolution agreement under Division 3 [*Consent Resolution*] of this Part or before issuing a citation under section 56 [*citation*], and
 - (b) may initiate, on the commissioner's own initiative if it is in the public interest, an investigation into the competency or conduct of an authorized person.
- (2) The commissioner must notify, in writing, the following persons, as applicable, of any investigation under subsection (1):
- (a) the authorized person who is the subject of the investigation;
 - (b) the person who sent the report or complaint to the commissioner;
 - (c) if the authorized person is employed by a board of education or an independent school authority, the board of education or independent school authority.
- (3) In an investigation under this section, the commissioner may consider any of the following in respect of the authorized person who is the subject of the investigation:
- (a) previous decisions not to take further action after a preliminary review under section 45;
 - (b) previous investigations under this section;
 - (c) previous consent resolution agreements under section 53 [*consent resolution agreement*];
 - (d) previous findings under section 63 [*findings after hearing*] or orders under section 64 [*consequences after hearing*];
 - (e) disciplinary action taken under the *Teaching Profession Act*, R.S.B.C. 1996, c. 449.

Power to compel witnesses and require disclosure

- 48** (1) At any time during an investigation under section 47, the commissioner may require a person
- (a) to give evidence, on oath or affirmation or in any other manner, that is relevant to a matter being investigated, or

Section 49

- (b) to produce a document or other thing in the person's possession or control that is relevant to a matter being investigated.
- (2) The commissioner may apply to the court for an order directing a person to comply with the commissioner's requirement under subsection (1).

Additional investigation powers

- 49** For the purpose of an investigation under section 47, the commissioner may do one or more of the following:
- (a) enter the building of a public school or of an independent school or any other building used in conjunction with the school or offices of the board of education or independent school authority, or any part of them;
 - (b) inspect any record of a board of education or of an independent school authority;
 - (c) interview
 - (i) any employee of a board of education or of an independent school authority,
 - (ii) the authorized person who is the subject of the investigation,
 - (iii) the person who sent the report or complaint to the commissioner, and
 - (iv) any other person the commissioner considers may have relevant information.

Suspension of certificate or letter of permission before hearing

- 50** (1) At any time between the commissioner's receipt of a report or complaint or the initiation of an investigation under section 47 (1) (b) [*investigation*] and the resolution under this Part of the report, complaint or investigation, the commissioner may order the director of certification
- (a) to suspend the certificate of qualification or independent school teaching certificate of the certificate holder who is the subject of the report, complaint or investigation until the report, complaint or investigation is resolved under this Part, or
 - (b) to suspend the letter of permission of a person who is the subject of the report, complaint or investigation until the report, complaint or investigation is resolved under this Part
- if the commissioner considers there is a risk of
- (c) physical harm to a student,
 - (d) sexual abuse or sexual exploitation of a student, or
 - (e) significant emotional harm to a student.
- (2) The commissioner must deliver a notice of a suspension under subsection (1) to the following, as applicable:

- (a) the certificate holder whose certificate of qualification or independent school teaching certificate is suspended;
 - (b) the person whose letter of permission is suspended;
 - (c) if the authorized person is employed by a board of education or an independent school authority, the board of education or independent school authority.
- (3) The commissioner,
 - (a) on the commissioner's own initiative,
 - (b) on the written request of the certificate holder whose certificate of qualification or independent school teaching certificate is suspended, or
 - (c) on the written request of a person whose letter of permission is suspended,may vary or rescind a suspension made under subsection (1).
- (4) The commissioner must notify all of the persons listed in subsection (2), as applicable, of any variation or rescission under subsection (3).

Actions of commissioner

- 51** After completing an investigation under section 47 [*investigation*], the commissioner must take one or more of the following actions:
- (a) in accordance with section 52, decide not to take further action;
 - (b) in accordance with Division 3 [*Consent Resolution*] of this Part, make or accept a proposal for a consent resolution agreement;
 - (c) in accordance with section 56 [*citation*], issue a citation.

Decision not to take further action after investigation

- 52** (1) The commissioner may decide not to take further action in respect of one or more of the matters related to an investigation after the investigation is concluded if the commissioner determines that any of the following apply:
- (a) the matter is not within the jurisdiction of the commissioner or a panel;
 - (b) the matter is frivolous, vexatious or trivial or gives rise to an abuse of process;
 - (c) the report or complaint that led to the investigation was made in bad faith or filed for an improper purpose or motive;
 - (d) there is no reasonable prospect that the report or complaint or a matter relating to the investigation will result in an adverse finding by a panel;
 - (e) it is not in the public interest to take further action in respect of the matter;
 - (f) the matter has not been not pursued in a timely manner.
- (2) If the commissioner decides not to take further action, the commissioner must provide written reasons to the following, as applicable:
- (a) the authorized person who is the subject of the investigation;

Section 53

- (b) the person who sent the report or complaint to the commissioner;
 - (c) if the authorized person is employed by a board of education or an independent school authority, the board of education or independent school authority.
- (3) The commissioner, if the commissioner determines it to be in the public interest, may make public a summary of the commissioner's decision not to take further action under subsection (1), excluding all identifying information.

Division 3 – Consent Resolution

Consent resolution agreement

- 53** (1) At any time between a preliminary review or the initiation of an investigation under section 47 [*investigation*] and the resolution, at a hearing under Division 4 [*Disciplinary and Professional Conduct Hearings*] of this Part, of the report, complaint or investigation, the commissioner may
- (a) propose in writing to the authorized person who is the subject of the report, complaint or investigation to enter into a consent resolution agreement, or
 - (b) accept a proposal in writing from the authorized person who is the subject of the report, complaint or investigation to enter into a consent resolution agreement.
- (2) In deciding whether to make or accept a proposal under subsection (1), the commissioner may consider any of the following in respect of the authorized person who is the subject of the report, complaint or investigation:
- (a) previous decisions not to take further action after a preliminary review under section 45 [*decisions not to take further action after preliminary review*];
 - (b) previous investigations under section 47;
 - (c) previous consent resolution agreements under this section;
 - (d) previous findings under section 63 [*findings after hearing*] or orders under section 64 [*consequences after hearing*];
 - (e) disciplinary action taken under the *Teaching Profession Act*, R.S.B.C. 1996, c. 449.
- (3) A consent resolution agreement must contain
- (a) the terms set out in the proposal made by the commissioner, or the terms set out in the proposal made by the authorized person if they are accepted by the commissioner,
 - (b) one or more admissions by the authorized person in relation to one or more of the matters raised in the report or complaint or related to the investigation, and
 - (c) one or more of the consequences with respect to which a panel may make an order under section 64 [*consequences after hearing*].

- (4) A consent resolution agreement entered into under this section has the same effect as an order made under section 64.
- (5) After a consent resolution agreement is entered into under this section, no further action may be taken under this section or section 56 [citation] with respect to the matters contained in the consent resolution agreement, unless the authorized person does not comply with one or more of the terms of the consent resolution agreement.
- (6) If the commissioner and the authorized person who is the subject of the preliminary review or investigation do not enter in a consent resolution agreement, a panel must not consider the admissions made or any information provided in relation to a proposal for a consent resolution agreement, apart from information collected in an investigation separate from the proposal for a consent resolution agreement, in making a finding under section 63 or an order under section 64.
- (7) In a proceeding, other than a criminal proceeding, unless agreed to by the commissioner and the authorized person who is the subject of the consent resolution, a person must not disclose or be compelled to disclose a document or other record created specifically for the purposes of entering into a consent resolution agreement.
- (8) The consent resolution agreement is not confidential unless the commissioner gives a direction to the director of certification under section 54 (3) (a) or decides not to make public the reasons under section 54 (3) (b).
- (9) Subsection (7) of this section applies despite any provision, other than section 44 (1) (b), (2), (2.1) and (3), of the *Freedom of Information and Protection of Privacy Act*.
- (10) In the case of a complaint or report, the commissioner must provide a copy of the consent resolution agreement to the person who sent the complaint or report to the commissioner, unless the commissioner gives a direction to the director of certification under section 54 (3) (a) or decides not to make public the reasons under section 54 (3) (b).

Publication of consent resolution agreement

- 54**
- (1) Subject to subsection (3), the director of certification must make public a consent resolution agreement entered into under this Division.
 - (2) The publication under subsection (1) may be made by posting a notice on a publicly accessible website maintained by or on behalf of the ministry.
 - (3) If the commissioner considers that making public the consent resolution agreement would cause significant hardship to a person who was harmed, abused or exploited by the authorized person, the commissioner may
 - (a) direct the director of certification to make public a summary of the consent resolution agreement, excluding all identifying information, or

- (b) decide not to make public the consent resolution agreement.

**Notification of suspension or cancellation in
consent resolution agreement**

55 If the certificate of qualification, independent school teaching certificate or letter of permission of an authorized person is suspended or cancelled as a term of a consent resolution agreement, the director of certification must notify the following of the suspension or cancellation:

- (a) each board of education and independent school authority;
- (b) in the case of the certificate holder who is the subject of the consent resolution agreement, record the fact in the register of certificate holders.

Division 4 – Disciplinary and Professional Conduct Hearings

Citation

56 (1) After

- (a) a preliminary review under section 44 [*preliminary review of report or complaint*], the commissioner may issue a citation to the authorized person who is the subject of the preliminary review, and
- (b) an investigation under section 47 [*investigation*], the commissioner must issue a citation to the authorized person who is the subject of the investigation, unless the commissioner decides not to take further action under section 52 [*decision not to take further action after investigation*] or to make or accept a proposal for a consent resolution agreement under Division 3 [*Consent Resolution*] of this Part.

(2) A citation issued under subsection (1) must include

- (a) a description of the matters to be considered by a panel, and
- (b) a statement of the material facts on which the citation is based.

(3) If the commissioner issues a citation under subsection (1), the commissioner

- (a) must deliver a copy of the citation to the last known address of the authorized person who is the subject of the citation,
- (b) must notify, in the case of a report or complaint, the person who sent the report or complaint to the commissioner,
- (c) must establish a panel in accordance with section 57,
- (d) must determine whether the hearing will be by way of an oral hearing or written submissions and if the hearing
 - (i) is by way of an oral hearing, set the time and place of the hearing, or
 - (ii) is by way of written submissions, set the timelines for submissions, and

- (e) may make any other orders, in accordance with the commissioner's rules of practice and procedure, the commissioner considers necessary to facilitate the just and timely resolution of one or more matters relating to the citation.
- (4) The commissioner may amend a citation at any time before the conclusion of a hearing if the commissioner receives new information relevant to the citation.
- (5) If the commissioner amends a citation under subsection (4), the commissioner must
 - (a) issue the amended citation to the authorized person who is the subject of the citation and set out the information described in subsection (1), and
 - (b) in the case of a report or complaint, notify the person who sent the report or complaint to the commissioner of the amended citation.

Establishment of panels for disciplinary and professional conduct inquiries

- 57**
- (1) The commissioner must establish a panel, consisting of 3 members, in respect of a citation issued by the commissioner.
 - (2) If the citation that is referred to a panel is in relation to
 - (a) a certificate holder who holds a certificate of qualification or a person who holds a letter of permission to teach in a public school, the commissioner must select as a panel member one, and no more than one, board member who is a board member appointed under section 26 (2) (a) [*disciplinary and professional conduct board*], unless no board member appointed under section 26 (2) (a) is available, or
 - (b) a certificate holder who holds an independent school teaching certificate, the commissioner must select at least one panel member with substantial knowledge of and experience in the independent school system.
 - (3) Subject to subsection (2) and the regulations, the commissioner may select to sit on a panel a person who is not a board member.
 - (4) A panel member selected under subsection (3) must take and sign, by oath or affirmation, a prescribed oath before sitting as a panel member, unless the panel member is a council member.
 - (5) The commissioner must
 - (a) designate a chair from among the panel members, and
 - (b) designate a new chair from among the panel members if the chair is unable for any reason to complete the duties of chair.

Quorum of panel

- 58**
- (1) A decision of the majority of the panel members is the decision of the panel.
 - (2) If a panel member is unable for any reason to complete the panel member's duties, the commissioner must take one of the following actions:

Section 59

- (a) give consent that the remaining members of that panel continue to hear and determine the matter, and the vacancy does not invalidate the hearing;
 - (b) replace the panel member and that panel continues to hear and determine the matter;
 - (c) remove the remaining panel members and establish a new panel under section 57 to hear and determine the matter.
- (3) If the commissioner gives consent and the remaining panel members continue to hear and determine the matter under subsection (2) (a), in the case of a tie, the decision of the chair of the panel governs.

Conduct of hearings

- 59** (1) A panel must conduct hearings in accordance with
- (a) the commissioner's rules of practice and procedure, and
 - (b) any orders made by the commissioner under section 56 (3) [citation].
- (2) If a panel considers it necessary and appropriate to facilitate the just and timely resolution of one or more matters before the panel, that panel, despite subsection (1),
- (a) may make determinations about the application of the commissioner's rules of practice and procedure and may vary the rules, and
 - (b) may request the commissioner to schedule an oral hearing.

Power to compel witnesses and order disclosure

- 60** (1) At any time before or during a hearing, a panel may make an order requiring a person
- (a) to attend a hearing to give evidence, on oath or affirmation or in any other manner, that is relevant to a matter before the panel, or
 - (b) to produce for the panel a document or other thing in the person's possession or control that is relevant to a matter before the panel.
- (2) The commissioner may apply to the court for an order directing a person to comply with an order made by a panel under subsection (1).

Hearings open to public

- 61** (1) An oral hearing of a panel must be open to the public.
- (2) Despite subsection (1) and subject to the regulations, a panel may direct that the public is excluded from all or part of a hearing if the panel considers that the desirability of avoiding disclosure in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.

Failure to attend

- 62** If an authorized person who is the subject of a citation being heard by a panel fails to attend the hearing, on proof that a copy of the citation was delivered to the authorized person's last known address in accordance with section 56 (3) (a) [*citation*], the panel may proceed with the hearing and may take, without further notice, any action it is authorized to take under this Act and make any order that the panel could have made in the presence of the authorized person.

Findings after hearing

- 63** (1) A panel, after a hearing, may make any of the following findings:
- (a) dismiss the citation;
 - (b) determine that an authorized person has been or is guilty of professional misconduct or conduct unbecoming a teacher;
 - (c) determine that an authorized person has been or is incompetent to carry out the professional duties and responsibilities of a teacher;
 - (d) determine that an authorized person does not have the capacity to carry out professional duties and responsibilities of a teacher because of a physical or mental disability;
 - (e) make to the commissioner any other report respecting the citation that the panel considers appropriate.
- (2) In making a finding under subsection (1), the panel may consider any of the following in respect of the authorized person who is the subject of the hearing:
- (a) previous decisions not to take further action after a preliminary review under section 45 [*decisions not to take further action after preliminary review*];
 - (b) previous investigations under section 47 [*investigation*];
 - (c) previous consent resolution agreements under section 53 [*consent resolution agreements*];
 - (d) previous findings under this section or orders under section 64;
 - (e) disciplinary action taken under the *Teaching Profession Act*, R.S.B.C. 1996, c. 449.

Consequences after hearing

- 64** If a panel makes a finding under section 63 (1) (b), (c) or (d), the panel may make an order setting out one or more of the following:
- (a) a reprimand of the authorized person;
 - (b) a requirement for the director of certification to suspend the certificate of qualification, independent school teaching certificate or letter of permission of the authorized person for a fixed period;

Section 65

- (c) a requirement for the director of certification to suspend the certificate of qualification, independent school teaching certificate or letter of permission of the authorized person until the authorized person has fulfilled conditions imposed by the panel;
- (d) a requirement for the director of certification to suspend the certificate of qualification, independent school teaching certificate or letter of permission of an authorized person until the authorized person satisfies the director of certification that the authorized person is able to carry out the professional duties and responsibilities of an authorized person;
- (e) a requirement for the director of certification to cancel the certificate of qualification, independent school teaching certificate or letter of permission of the authorized person;
- (f) a requirement for the director of certification to suspend or cancel a certificate of qualification, an independent school teaching certificate or a letter of permission unless the authorized person has fulfilled conditions by a fixed date imposed by the panel;
- (g) a requirement for the director of certification not to issue a certificate of qualification, an independent school teaching certificate or a letter of permission for a fixed or indeterminate period;
- (h) a requirement for the director of certification to place limitations and conditions on the certificate of qualification, independent school teaching certificate or letter of permission of the authorized person.

Power to award costs

- 65** (1) The panel, in addition to any order under section 64, may make an order requiring the authorized person to pay all or part of the costs of a hearing if the panel considers the conduct of the authorized person to have been improper, vexatious, frivolous or abusive during the hearing.
- (2) An order under subsection (1), after filing in the court registry, has the same effect as an order of the court for the recovery of a debt in the amount stated in the order against the person named in it, and all proceedings may be taken on it as if it were an order of the court.

Written reasons and publication of reasons

- 66** (1) A panel must give written reasons for making one of the findings under section 63 [*findings after hearing*] and for making an order under section 64 to the following:
- (a) the authorized person who is the subject of the citation;
 - (b) subject to subsection (5) of this section, in the case of a report or complaint, the person who sent the report or complaint to the commissioner;
 - (c) the director of certification.

- (2) Subject to subsection (4), the director of certification must make public the written reasons under subsection (1).
- (3) The publication under subsection (2) may be made by posting a notice on a publicly accessible website maintained by or on behalf of the ministry.
- (4) If the panel that makes the finding under section 63 [*findings after hearing*] or the order under section 64 considers that making public the written reasons under subsection (1) would cause significant hardship to a person who was harmed, abused or exploited by the authorized person, the panel may
 - (a) direct the director of certification to make public a summary of the reasons, excluding all identifying information, or
 - (b) decide not to make public the reasons.
- (5) If the panel gives a direction to the director of certification under subsection (4) (a) or decides not to make public the reasons under subsection (4) (b), the panel must not give written reasons to the person who sent the report or complaint to the commissioner.

Notification of suspension or cancellation

- 67** If an order is made to suspend or cancel a certificate of qualification, an independent school teaching certificate or a letter of permission under section 64 [*consequences after hearing*], the director of certification must
- (a) notify each board of education and independent school authority, and
 - (b) in the case of a certificate holder who is the subject of the citation, record the fact in the register of certificate holders.

Division 5 – Certification Appeals**Definition**

- 68** In this Division, “**appellant**” means a person who files an appeal under section 32 (8) [*reconsideration and appeal*].

Notice to director of certification

- 69** The commissioner must notify the director of certification of a certification appeal received by the commissioner.

Preliminary review of certification appeal

- 70** If the commissioner receives a certification appeal, the commissioner must
- (a) acknowledge receipt of the certification appeal, and
 - (b) conduct a preliminary review of the certification appeal.

Section 71

Summary dismissal

- 71** (1) After completing a preliminary review, the commissioner may dismiss the certification appeal if the commissioner determines that any of the following apply:
- (a) the appellant did not pay the prescribed certification appeal fee;
 - (b) the appellant did not file the appeal within the timeline set out in section 32 (8) [*reconsideration and appeal*];
 - (c) the matters raised in the certification appeal are not within the jurisdiction of the commissioner or a panel;
 - (d) the certification appeal is frivolous, vexatious or trivial or gives rise to an abuse of process;
 - (e) there is no reasonable prospect the certification appeal will be successful.
- (2) Before deciding to summarily dismiss the certification appeal, the commissioner must notify the appellant of the commissioner's intention, and the appellant
- (a) may provide written submissions, and
 - (b) must provide any submissions under paragraph (a) within 30 days of the commissioner's notification.
- (3) The commissioner may dismiss the certification appeal after considering any submissions provided by the appellant under subsection (2).
- (4) If the commissioner dismisses the certification appeal, the commissioner must provide written reasons to
- (a) the appellant, and
 - (b) the director of certification.

Referral to hearing

- 72** If the commissioner does not dismiss a certification appeal under section 71 after a preliminary review, the commissioner
- (a) must refer the certification appeal to a panel for a hearing,
 - (b) must notify the appellant and the director of certification of the referral,
 - (c) must establish a panel in accordance with section 73,
 - (d) must determine whether the hearing will be by way of an oral hearing or written submissions and if the hearing
 - (i) is by way of an oral hearing, set the time and place of the hearing, or
 - (ii) is by way of written submissions, set the timelines for submissions, and
 - (e) may make any other orders, in accordance with the commissioner's rules of practice and procedure, the commissioner considers necessary to facilitate the just and timely resolution of the certification appeal.

Establishment of panels for certification appeals

- 73** (1) The commissioner must establish a panel, consisting of 3 members, to hear a certification appeal.
- (2) If the appellant
- (a) applied for a certificate of qualification, the commissioner must select as a panel member one, and no more than one, board member who is a board member appointed under section 26 (2) (a) [*disciplinary and professional conduct board*], unless no board member appointed under section 26 (2) (a) is available, or
 - (b) applied for an independent school teaching certificate, the commissioner must select as a panel member at least one board member with substantial knowledge and experience in the independent school system.
- (3) Subject to subsection (2) and the regulations, the commissioner may select to sit on a panel a person who is not a board member.
- (4) A panel member selected under subsection (3) must take and sign, by oath or affirmation, a prescribed oath before sitting as a panel member, unless the panel member is a council member.
- (5) The commissioner must
- (a) designate a chair from among the panel members, and
 - (b) designate a new chair from among the panel members if the chair is unable for any reason to complete the duties of chair.

Quorum of panel

- 74** (1) A decision of the majority of the panel members is the decision of the panel.
- (2) If a panel member is unable for any reason to complete the panel member's duties, the commissioner must take one of the following actions:
- (a) give consent that the remaining members of that panel continue to hear and determine the matter, and the vacancy does not invalidate the hearing;
 - (b) replace the panel member and that panel continues to hear and determine the matter;
 - (c) remove the remaining panel members and establish a new panel under section 73 to hear and determine the matter.
- (3) If the commissioner gives consent and the remaining panel members continue to hear and determine the matter under subsection (2) (a), in the case of a tie, the decision of the chair of the panel governs.

Conduct of hearing

- 75** (1) A panel must conduct hearings in accordance with
- (a) the commissioner's rules of practice and procedure, and

Section 76

- (b) any orders made by the commissioner under section 72 (2) (e) [*referral to hearing*].
- (2) If a panel considers it necessary and appropriate to facilitate the just and timely resolution of one or more matters before the panel, that panel, despite subsection (1),
 - (a) may make determinations about the application of the commissioner's rules of practice and procedure and may vary the rules, and
 - (b) may request the commissioner to schedule an oral hearing.

Certification appeal hearing

- 76** (1) At a certification appeal hearing, a panel may do the following:
- (a) determine whether or not the appellant meets the requirements in section 30 [*issuance of certificate*] to be issued a certificate of qualification or an independent school teaching certificate;
 - (b) if the appellant meets the requirements in section 30, determine what type of certificate of qualification or independent school teaching certificate the director of certification must issue to the appellant.
- (2) In making a determination under subsection (1), a panel must not consider evidence that was not before the director of certification unless
- (a) the evidence was not before the director of certification even though the appellant exercised due diligence to provide the director of certification all relevant evidence for the reconsideration under section 32 [*reconsideration and appeal*], and
 - (b) the panel considers the evidence to be relevant and credible and, when taken together with the other evidence before the panel, the evidence is likely to affect the panel's determination.
- (3) If the panel considers evidence under subsection (2), the director of certification may provide additional evidence to the panel.
- (4) If the panel determines that an appellant meets the requirements in section 30 to be issued a certificate of qualification or an independent school teaching certificate, the panel may make an order requiring the director of certification to issue to the appellant the type of certificate for which the appellant meets the requirements.

Written reasons and publication of reasons

- 77** (1) A panel must give to the appellant and the director of certification written reasons for its decision under section 76.
- (2) Subject to subsection (4), the director of certification must make public the written reasons under subsection (1).

- (3) The publication under subsection (2) may be made by posting a notice on a publicly accessible website maintained by or on behalf of the ministry.
- (4) If the panel that makes a determination under section 76 considers that making public the written reasons under subsection (1) would cause significant and undue hardship to any person, the panel may
 - (a) direct the director of certification to make public a summary of the reasons, excluding all identifying information, or
 - (b) decide not to make public the reasons.

PART 7 – REGISTER AND EMPLOYERS LIST

Certificate holder register

- 78** The director of certification must maintain a register of all certificate holders.

Online registry

- 79** The director of certification must establish and maintain an online registry for the purpose of providing the public the following information about each authorized person:
- (a) the authorized person's name;
 - (b) the current status of the authorized person's certificate of qualification, independent school teaching certificate or letter of permission;
 - (c) a record of any suspension or cancellation of the authorized person's certificate of qualification, independent school teaching certificate or letter of permission;
 - (d) a record of a term of a consent resolution agreement under section 53 [*consent resolution agreement*] that is
 - (i) an admission of professional misconduct or conduct unbecoming a teacher or an admission of incompetency to carry out professional duties and responsibilities, or
 - (ii) a consequence with respect to which a panel may make an order under section 64 [*consequences after hearing*];
 - (e) a record of any findings under section 63 (1) (b) or (c) [*findings after hearing*] and orders made under section 64.

Employers list

- 80** (1) In this section:
- “**aboriginal educator**” means any of the following:
- (a) a first nation, as defined in section 1 [*definitions and interpretation*] of the *School Act*, that is operating an educational institution;

(b) a Community Education Authority, established by one or more participating First Nations under the *First Nations Jurisdiction over Education in British Columbia Act* (Canada), that is operating an educational institution;

(c) a treaty first nation that is operating a school under its own laws;

“employer” means a board of education or an independent school authority that employs a certificate holder in his or her capacity as a certificate holder;

“participating First Nation” has the same meaning as in the *First Nations Jurisdiction over Education in British Columbia Act* (Canada);

“prospective employer” means either of the following that is considering becoming an employer of a certificate holder:

(a) a board of education;

(b) an independent school authority.

(2) On or before October 15 of each year, an employer must submit to the director of certification information that identifies the certificate holders employed by the employer during the 12-month period from July 1 in the previous year to June 30, including information that identifies any certificate holders currently employed by that employer, and the director of certification must maintain the information for at least 10 years.

(3) From the information submitted and maintained under subsection (2), the director of certification must create and maintain a list that identifies the employers of every certificate holder, and a prospective employer or an aboriginal educator that is considering hiring a certificate holder may inspect the list.

(4) A prospective employer or an aboriginal educator that inspects a list under subsection (3) must keep confidential the information obtained from the list.

PART 8 – GENERAL

Power of minister to make regulations

81 (1) The minister may make regulations for the purpose of carrying out any of the minister’s powers and duties under this Act and, without restriction, may make regulations as follows:

(a) respecting the nominations under section 9 (1) (a) [*British Columbia Teachers’ Council*], including prescribing the minimum number of certificate holders the British Columbia Teachers’ Federation must nominate;

(b) respecting the appointment of the 7 council members under section 9 (1) (c);

(c) respecting the consultation for the purposes of section 9 (6);

(d) prescribing persons or organizations for the purposes of section 9 (6);

- (e) respecting council meetings for the purposes of section 12 [*council meetings*];
 - (f) respecting the administration and conduct of the election of council members;
 - (g) establishing zones for the purposes of the election of council members;
 - (h) prescribing a date for the purposes of section 20 [*candidates*];
 - (i) prescribing a date for the purposes of section 22 [*elections*];
 - (j) respecting the issuance, suspension and cancellation of letters of permission;
 - (k) respecting the commissioner's rules of practice and procedure;
 - (l) respecting the selection by the commissioner of a person who is not a board member to sit on a panel for the purposes of section 57 (3) [*establishment of panels for disciplinary and professional conduct inquiries*] or 73 (3) [*establishment of panels for certification appeals*];
 - (m) respecting hearings for the purposes of section 61 [*hearings open to public*];
 - (n) classifying independent school teaching certificates into one or more types.
- (2) In making a regulation under this Act, the minister may do one or more of the following:
- (a) delegate a matter to a person;
 - (b) confer a discretion on a person;
 - (c) make different regulations for different classes of persons, types of certificates of qualification and types of independent school teaching certificates, and for different letters of permission, activities, circumstances, matters or things.
- (3) Without limiting subsection (1), the minister may make regulations respecting any matter for which regulations of the minister are contemplated by this Act.

Additional ministerial powers

- 82** The minister may use personal information, in the custody or under the control of the ministry, about certificate holders to distribute information to certificate holders.

Power of Lieutenant Governor in Council to make regulations

- 83** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

Section 84

- (a) respecting the power of the commissioner to delegate under section 3 [*commissioner's power to delegate*] and the power of the director of certification to delegate under section 7 [*director of certification's power to delegate*];
 - (b) prescribing the oath of office for council members under section 11 [*oath of office*] and panel members appointed under section 57 [*establishment of panels for disciplinary and professional conduct inquiries*] or section 73 [*establishment of panels for certification appeals*];
 - (c) prescribing fees that are to be paid under this Act and for any other service provided under this Act, including different annual practice fees for certificates of qualifications, independent school teaching certificates and different types of certificates;
 - (d) varying the dates in section 37 [*annual practice fee*].
- (3) In making a regulation under this Act, the Lieutenant Governor in Council may do one or more of the following:
- (a) delegate a matter to a person;
 - (b) confer a discretion on a person;
 - (c) make different regulations for different classes of persons, types of certificates of qualification and types of independent school teaching certificates, and for different letters of permissions, activities, circumstances, matters or things.
- (4) Without limiting subsection (1) or (2), the Lieutenant Governor in Council may make regulations respecting any matter for which regulations of the Lieutenant Governor in Council are contemplated by this Act.
- (5) The Lieutenant Governor in Council may make regulations for transitional matters with respect to any matter inadequately provided for or not provided for as a result of the repeal of an Act by this Act and the enactment of this Act.

Fees and costs

- 84** All fees and costs payable under this Act must be paid to the government.

Teachers Act Special Account

- 85** (1) In this section, “**special account**” means the special account, as defined in section 1 [*definitions*] of the *Financial Administration Act*, established under subsection (2) of this section.
- (2) A special account, to be known as the *Teachers Act Special Account*, is established.
- (3) The following amounts are credited to the special account:
- (a) money transferred to the government under section 87;

- (b) proceeds realized on disposition of rights, property and assets that are transferred to the government under section 87;
 - (c) fees, remittances and costs paid to the government under this Act and remittances paid to the government under section 168.2 [*annual practice fee*] of the *School Act* and section 14.1 [*annual practice fee*] of the *Independent School Act*.
- (4) Despite section 21 (3) [*Supply Act appropriations*] of the *Financial Administration Act*, the minister may make payments out of the special account for any of the following purposes:
- (a) costs and expenses incurred in connection with the administration of this Act;
 - (b) debts, obligations and liabilities transferred to the government under section 87.

PART 9 – TRANSITIONAL PROVISIONS, REPEAL AND CONSEQUENTIAL AMENDMENTS

Division 1 – Transitional Provisions

Definitions

86 In this Division:

“College of Teachers” means the College of Teachers continued under the former Act;

“discipline committee” means the committee that was appointed under section 28 (1) of the former Act and was in place immediately before the coming into force of this section;

“former Act” means the *Teaching Profession Act*, R.S.B.C. 1996, c. 449;

“former council” means the council of the College of Teachers that was in place immediately before the coming into force of this section;

“former council member” means a council member of the former council immediately before the coming into force of this section;

“former committee member” means a member of any of the following immediately before the coming into force of this section:

- (a) the qualifications committee;
- (b) the discipline committee;
- (c) a subcommittee appointed under section 26 (1.1) or 28 (1.1) of the former Act;

“qualifications committee” means the committee that was appointed under section 26 (1) of the former Act and was in place immediately before the coming into force of this section.

Section 87

Transition – college

- 87** (1) On the repeal of the former Act,
- (a) the College of Teachers is dissolved,
 - (b) subject to sections 88 and 89 of this Act, the appointment of each former council member and each former committee member is rescinded, and members of the former council, whether appointed or elected, and of the qualifications committee, the discipline committee and any subcommittee appointed under section 26 (1.1) or 28 (1.1) of the former Act cease to hold office,
 - (c) all of the rights, property and assets of the College of Teachers are transferred to and vested in the government, and
 - (d) all of the debts, liabilities, and obligations of the College of Teachers are transferred to and assumed by the government.
- (2) The minister may dispose of any rights, property or assets that are transferred to the government under subsection (1) (c).
- (3) Subsection (1) (b) must not be construed as a breach of any contract, agreement or order related to the election or appointment of a person as a member of the former council, the discipline committee, the qualifications committee or any subcommittee appointed under section 26 (1.1) or 28 (1.1) of the former Act, and no legal proceeding for damages lies or may be commenced or maintained as a result of a member of the former council, the discipline committee, the qualifications committee or any subcommittee appointed under section 26 (1.1) or 28 (1.1) of the former Act ceasing to hold office.
- (4) On and after the date on which the former Act is repealed, a reference to the council of the College of Teachers or to the College of Teachers in any commercial paper, contract, lease, licence, permit or other instrument or document is deemed to be a reference to the government.

Transition – discipline inquiries

- 88** (1) If, before the repeal of the former Act, the former council received a report or complaint referred to in section 28 (4) of the former Act, and the former council, the discipline committee or a subcommittee has started an inquiry under section 28 or 29 of the former Act but has not taken any action under section 34 or 35 of the former Act, then
- (a) subject to subsection (2) of this section, the former council members or former committee members of the discipline committee or subcommittee are deemed to be members of a panel under this Act, and
 - (b) the inquiry must be continued under this Act.
- (2) If a panel member withdraws from an inquiry referred to in subsection (1), the commissioner may do one of the following:

- (a) if at least two panel members remain on the panel, authorize the remaining panel members to hear the matter, and the vacancy does not invalidate the inquiry;
- (b) remove the remaining panel members hearing the matter and either
 - (i) appoint a panel under section 57 [*establishment of panels for disciplinary and professional conduct inquiries*] of this Act to conduct a new inquiry under this Act, or
 - (ii) in accordance with Division 3 [*Consent Resolution*] of Part 6 [*Disciplinary and Professional Conduct Inquiries and Certification Appeals*] of this Act, make or accept a proposal for a consent resolution agreement under section 53 [*consent resolution agreement*] of this Act.
- (3) If, before the repeal of the former Act, a citation was issued under section 30 (1) of the former Act, and the former council, the discipline committee or a subcommittee has not commenced a hearing under that section, the commissioner may appoint a panel under section 57 of this Act with respect to that citation.

Transition – certification inquiries

- 89** (1) If, before the repeal of the former Act, the former council received an application for a certificate of qualification, and the qualifications committee or a subcommittee has started an inquiry with respect to the application under section 26 of the former Act but a decision with respect to the application has not been made, then
- (a) the applicant, within 30 days after the coming into force of this section, may request that the application be forwarded to the director of certification for determination under section 30 [*issuance of certificate*] of this Act, and
 - (b) if the applicant does not make a request under paragraph (a) of this subsection, the inquiry must be continued under the former Act as if section 26 of the former Act were still in force, and the results of the inquiry must be forwarded to the director of certification, who, with respect to the application, must exercise his or her powers under section 30 of this Act in accordance with those results.
- (2) If a former committee member withdraws from an inquiry referred to in subsection (1), the commissioner may do one of the following:
- (a) if at least two former committee members remain on the qualifications committee or subcommittee, authorize the remaining former committee members to hear the matter, and the vacancy does not invalidate the inquiry;
 - (b) remove the remaining former committee members hearing the matter and forward the application that was the subject of the inquiry to the director of certification for determination under section 31 or 32 [*reconsideration and appeal*] of this Act, as applicable.

Section 90

Transition – college bylaws

- 90** (1) Bylaws respecting the matters referred to in section 23 (1) (d) of the former Act that were in effect immediately before the coming into force of this Act remain in effect until the council first establishes standards under section 13 (d) [*powers and duties of council*] of this Act.
- (2) Bylaws respecting the matters referred to in section 23 (1) (e) of the former Act that were in effect immediately before the coming into force of this Act remain in effect until the council first classifies certificates of qualification under section 13 (e) of this Act.
- (3) Criteria established under the College of Teachers Bylaw 5.C.03 that were in effect immediately before the coming into force of this Act remain in effect until the council first establishes standards under section 13 (a) of this Act.
- (4) In the bylaws referred to in subsections (1) to (3), a reference to an authority
- (a) must be read as a reference to the director of certification, if the reference is in relation to a matter that, under this Act, is within the authority of the director of certification, and
 - (b) must be read as a reference to the council, if the reference is in relation to a matter that, under this Act, is within the authority of the council.

Transition – certificates of qualification

- 91** (1) A certificate of qualification issued under the former Act that
- (a) was valid and subsisting immediately before the coming into force of this Act, and
 - (b) was not, immediately before the coming into force of this Act, subject to an undertaking according to which the certificate holder agrees not to practise teaching, other than an undertaking entered into because the holder of the certificate is incompetent to carry out professional duties and responsibilities because of a physical or mental disability,
- is deemed to be a certificate of qualification issued under this Act, subject to all limitations and conditions imposed under the former Act with respect to the certificate.
- (2) A certificate of qualification issued under the former Act is rescinded if the certificate of qualification is not deemed under subsection (1) to be a certificate of qualification issued under this Act.
- (3) A certificate of qualification issued under the former Act is deemed to be suspended by the director of certification under section 33 (1) (d) [*suspension or cancellation of certificate*] of this Act as a result of an order issued under section 64 (d) [*consequences after hearing*] of this Act if the certificate of qualification was, immediately before the coming into force of this Act, subject to an

undertaking according to which the certificate holder agrees not to practise teaching because the certificate holder is incompetent to carry out professional duties and responsibilities because of a physical or mental disability.

Transition – independent school teaching certificates

- 92** A certificate of qualification issued by the inspector under the *Independent School Act* or the *School Support (Independent) Act*, R.S.B.C. 1979, c. 378, that was valid and subsisting immediately before the coming into force of this Act is deemed to be an independent school teaching certificate issued under this Act.

Transition – letters of permission

- 93** A letter of permission issued under the former Act or *Independent School Act* that was valid and subsisting immediately before the coming into force of this Act is deemed to be a letter of permission issued under this Act.

Transition – independent school teaching certificate standards committee

- 94** The independent school teacher certification committee in place immediately before the coming into force of this Act is deemed to be the first independent school teaching certificate standards committee constituted under section 5 (1) of the *Independent School Act*.

Transition – disciplinary matters under *Independent School Act*

- 95** If, immediately before the coming into force of this Act, the inspector under the *Independent School Act* is considering whether to make a suspension or revocation under section 5 (3) of that Act, the inspector may make the suspension or revocation, and the suspension or revocation is deemed to be made by the director of certification under section 33 or 36 of this Act, as applicable.

Transition – investigations under *Independent School Act*

- 96** If, immediately before the coming into force of this Act, a person authorized by the inspector under the *Independent School Act* has started an investigation under section 7.3 of that Act, the investigation may continue under that Act and section 7.3 (3) of that Act, as it reads immediately after the coming into force of this Act, applies.

Transition – teacher education programs

- 97** An approval of a teacher education program for certification purposes under the former Act that is in place immediately before the coming into force of this Act is deemed to be an approval under this Act of the teacher education program.

Transition – registrar

- 98** (1) In this section, “**former registrar**” means the registrar under the former Act immediately before the coming into force of this section.

- (2) On the coming into force of this section, the appointment of the former registrar is rescinded and the former registrar ceases to hold office.
- (3) The minister may appoint a registrar who has all the powers, duties and obligations of the registrar under the former Act until its repeal.
- (4) For greater certainty, the registrar appointed under subsection (3) is not an officer or employee of the College of Teachers.
- (5) Despite anything in the former Act, the minister may direct the registrar appointed under subsection (3) respecting the exercise of the registrar's powers or the carrying out of the registrar's duties or obligations under the former Act, and if there is an inconsistency between a direction of the minister under this subsection and a direction of the former council to the registrar under the former Act, the direction of the minister prevails to the extent of the inconsistency.
- (6) The registrar appointed under subsection (3) must report to the minister on matters related to the exercise of the registrar's powers and the carrying out of the registrar's duties and obligations under the former Act.

Division 2 – Repeal

Repeal of former Act

- 99** (1) Section 17 of the *Teaching Profession Act*, R.S.B.C. 1996, c. 449, is repealed.
- (2) The *Teaching Profession Act* is repealed.

Division 3 – Consequential Amendments

Business Practices and Consumer Protection Act

100 *Section 142.1 (3) (t) of the Business Practices and Consumer Protection Act, S.B.C. 2004, c. 2, is repealed and following substituted:*

- (t) the *Teachers Act*; .

Criminal Records Review Act

101 *Section 1 of the Criminal Records Review Act, R.S.B.C. 1996, c. 86, is amended*

(a) in the definition of “education program” by repealing paragraph (b) (ii) and substituting the following:

- (ii) certification under the *Teachers Act*; ,

(b) by repealing the definition of “inspector”, and

(c) *by adding the following definition:*

“**director of certification**” means the director of certification appointed under the *Teachers Act*; .

102 *Section 1 is amended in the definition of “education program”, as enacted by section 22 (b) of the Miscellaneous Statutes Amendment Act (No. 2), 2009, S.B.C. 2009, c. 34, by repealing paragraph (b) (ii) and substituting the following:*

(ii) certification under the *Teachers Act*, or .

103 *Sections 4 (2) (b) and (4) (g), 5 (7) (f) and 6 (1) (e) are amended by striking out “inspector” and substituting “director of certification”.*

104 *Section 7 (2) (a) (ii) is repealed and the following substituted:*

(ii) under Part 4.2 as an individual who applies for or holds a certificate of qualification or an independent school teaching certificate issued under the *Teachers Act*, .

105 *Part 4.2 is repealed and the following substituted:*

PART 4.2 – DIRECTOR OF CERTIFICATION

Duty of director of certification

- 17.5** (1) The director of certification must ensure that every individual who applies for or holds a certificate of qualification or an independent school teaching certificate issued under section 30 of the *Teachers Act* undergoes a criminal record check in accordance with this Part.
- (2) The director of certification must inform individuals referred to in subsection (1) of the requirements of this Act.

New certifications

- 17.6** (1) Before a certificate of qualification or an independent school teaching certificate is issued under section 30 of the *Teachers Act*, the individual to be certified must provide to the director of certification a criminal record check authorization.
- (2) If an individual does not provide the criminal record check authorization required by subsection (1), the director of certification must not issue a certificate of qualification or an independent school teaching certificate to the individual.

Existing certification holders

- 17.7** (1) A person who holds a certificate of qualification or an independent school teaching certificate under section 30 of the *Teachers Act* must provide a criminal record check authorization to the director of certification
- (a) before the date prescribed by regulation, and

- (b) at least once every 5 years after the date on which the authorization is provided in compliance with paragraph (a) of this subsection.
- (2) If a person referred to in subsection (1) of this section does not provide a criminal record check authorization as required by that subsection or by section 17.9,
 - (a) the person must not work with children until the person has provided the criminal record check authorization, and
 - (b) the director of certification must review the certificate of qualification or independent school teaching certificate and take appropriate action under the *Teachers Act*.

Effect of finding of risk

- 17.8** If the deputy registrar determines that an outstanding charge or a conviction indicates that an individual presents a risk of physical or sexual abuse to children and unless that determination is overturned by the registrar under section 5, the director of certification must review the individual's application for a certificate of qualification or an independent school teaching certificate and take appropriate action under the *Teachers Act*.

New convictions or outstanding charges

- 17.9** (1) If a person who holds a certificate of qualification or an independent school teaching certificate under section 30 of the *Teachers Act* is charged with or convicted of a relevant offence subsequent to a criminal record check, the person must promptly report the charge or conviction to the director of certification and provide to the director of certification a criminal record check authorization for a further criminal record check.
- (2) When the director of certification becomes aware that a person who holds a certificate of qualification or an independent school teaching certificate under section 30 of the *Teachers Act* has an outstanding charge for, or has been convicted of, a relevant offence, the director of certification must require the person to provide a criminal record check authorization for a further criminal record check.

106 *Schedule 2 is amended by repealing item 13.*

Independent School Act

107 *Section 1 (1) of the Independent School Act, R.S.B.C. 1996, c. 216, is amended*

- (a) *by repealing the definitions of “certified teacher” and “independent school teacher certification committee” and substituting the following:*

“**certified teacher**” means a teacher who holds any of the following issued under the *Teachers Act*:

- (a) a certificate of qualification;
- (b) an independent school teaching certificate;
- (c) a letter of permission;

“independent school teaching certificate standards committee” means an independent school teaching certificate standards committee constituted under section 5; , *and*

(b) by adding the following definitions:

“certificate of qualification” means a certificate of qualification as defined in section 1 of the *Teachers Act*;

“certification standards” means the certification standards as defined in section 1 of the *Teachers Act*;

“commissioner” means the commissioner as defined in section 1 of the *Teachers Act*;

“director of certification” means the director of certification as defined in section 1 of the *Teachers Act*;

“independent school teaching certificate” means an independent school teaching certificate as defined in section 1 of the *Teachers Act*;

“independent school teaching certificate standards” means the standards, established by the independent school teaching certificate standards committee in respect of an independent school teaching certificate, that are effective under section 5;

“letter of permission” means a letter of permission issued under the *Teachers Act*; .

108 *Section 5 is repealed and the following substituted:*

Independent school teaching certificate standards committee

- 5** (1) The minister may, for the purposes of subsections (2) and (3),
- (a) constitute an independent school teaching certificate standards committee,
 - (b) name the persons to be members of the committee, and
 - (c) provide for remuneration of and payment of expenses to members of the committee.
- (2) The independent school teaching certificate standards committee must
- (a) establish the standards that are required to be met in order to be issued an independent school teaching certificate and to maintain an independent school teaching certificate, and
 - (b) determine which standards must be met for each type of independent school teaching certificate.

Section 109

- (3) At the request of the inspector, the independent school teaching certificate standards committee must provide the inspector with advice in respect of the application for an independent school teaching certificate or a letter of permission authorizing a person to teach in an independent school.

109 Sections 7 to 7.6 are repealed and the following substituted:**Report of dismissal, suspension and discipline
regarding authorized persons**

- 7** (1) In this section, “**authorized person**” means
- (a) a person who holds a certificate of qualification issued under the *Teachers Act*, but does not include a principal,
 - (b) a person who holds an independent school teaching certificate issued under the *Teachers Act*, but does not include a principal, or
 - (c) a person who holds a letter of permission issued under the *Teachers Act*.
- (2) If a principal
- (a) suspends or dismisses an authorized person, or
 - (b) disciplines an authorized person for misconduct that involves
 - (i) physical harm to a student or minor,
 - (ii) sexual abuse or sexual exploitation of a student or minor, or
 - (iii) significant emotional harm to a student or minor,
- the principal must without delay send to the commissioner a report regarding the suspension, dismissal or disciplinary action.
- (3) If an authority suspends or dismisses an authorized person or disciplines an authorized person for misconduct referred to in subsection (2) (b),
- (a) the authority must without delay notify the principal of the suspension, dismissal or disciplinary action, and
 - (b) the principal must without delay send to the commissioner a report regarding the suspension, dismissal or disciplinary action.
- (4) A report referred to in subsection (2) or (3) (b) must
- (a) be in writing,
 - (b) be signed by the principal, and
 - (c) include reasons for the action taken by the principal or authority.
- (5) The principal must send a copy of a report referred to in subsection (2) or (3) (b) to the authorized person who is suspended, dismissed or disciplined.

- (6) If the principal considers any conduct by, or the competence of, an authorized person to be in breach of the independent school teaching certificate standards or the certification standards, as applicable, the principal must send to the commissioner a report, in writing, regarding that conduct or competence if it is in the public interest to do so.
- (7) The principal must send a copy of the report referred to in subsection (6) to the authorized person whose conduct or competence is the subject of that report.
- (8) If an authorized person resigns, the principal must
 - (a) report, without delay, the circumstances of the resignation to the commissioner if it is in the public interest to report the matter, and
 - (b) send a copy of the report to the authorized person who resigned.
- (9) A principal who has made a report to the commissioner under this section in respect of an authorized person must, without delay after being requested to do so by the commissioner,
 - (a) provide the commissioner all of the records available to the principal that relate to the matter in respect of which the report was made, and
 - (b) send to the authorized person a copy of the records referred to in paragraph (a).
- (10) A principal who fails to report as required under subsection (2), (3) (b) or (8) commits an offence.

**Report of dismissal, suspension and discipline
regarding principals**

- 7.2** (1) If an authority
- (a) suspends or dismisses a principal, or
 - (b) disciplines a principal for misconduct referred to in section 7 (2) (b),
- the authority must without delay send to the commissioner a report regarding the suspension, dismissal or disciplinary action.
- (2) The report referred to in subsection (1) must
 - (a) be in writing,
 - (b) be signed by the chair of the authority, and
 - (c) include reasons for the action taken by the authority.
 - (3) The authority must send to the principal a copy of the report referred to in subsection (1).
 - (4) If an authority considers any conduct by, or the competence of, a principal to be in breach of the independent school teaching certificate standards or the certification standards, as applicable, the authority must send to the commissioner a report, in writing, regarding that conduct or competence if it is in the public interest to do so.

Section 109

- (5) The authority must send to the principal a copy of a report sent to the commissioner under subsection (4).
- (6) If a principal resigns, the authority must
 - (a) report, without delay, the circumstances of the resignation to the commissioner if it is in the public interest to report the matter, and
 - (b) send to the principal a copy of the report.
- (7) An authority that has made a report to the commissioner under this section in respect of a principal must, without delay after being requested to do so by the director of certification,
 - (a) provide the commissioner all of the records available to the authority that relate to the matter in respect of which the report was made, and
 - (b) send to the principal a copy of the records referred to in paragraph (a).

Commissioner may investigate

- 7.3** (1) If the commissioner considers that
- (a) a principal has failed to report to the commissioner a matter that, in the opinion of the commissioner, should have been reported under section 7,
 - (b) an authority has failed to notify a principal of a matter that, in the opinion of the commissioner, should have been the subject of a notice under section 7 (3) (a),
 - (c) an authority has failed to report to the commissioner a matter that, in the opinion of the commissioner, should have been reported under section 7.2, or
 - (d) an authority has failed to submit information as required under section 80 of the *Teachers Act*,
- the commissioner may authorize a person to investigate the circumstances of the failure.
- (2) A person authorized under subsection (1) may
- (a) enter the building of an independent school or any other building used in conjunction with the school or offices of the authority, or any part of them, for the purposes of conducting the investigation,
 - (b) inspect any record relating to the administration or supervision of the independent school, and
 - (c) interview students and teachers of the independent school and staff of the authority that operates the independent school.
- (3) A person authorized under subsection (1) must submit a report to the commissioner in respect of anything resulting from carrying out the person's duties under subsection (1).

- (4) After receiving a report referred to in subsection (3) regarding a principal, the commissioner
 - (a) may initiate an investigation under section 47 of the *Teachers Act*, and
 - (b) must provide the report to the inspector.

110 *The following section is added:*

Annual practice fee

- 14.1** (1) In this section, “**fee**” means the annual practice fee, prescribed under the *Teachers Act*, for a certificate of qualification or an independent school teaching certificate.
- (2) Subject to subsection (4), an authority must deduct once a year, from the wage of a certificate holder employed with the authority, an amount that is equal to the fee.
 - (3) Subject to subsections (4) and (5), on or before May 15 each year, an authority must
 - (a) remit to the government the fee in respect of each certificate holder employed by the authority on April 30, and
 - (b) provide the minister with the name of each certificate holder for whom the authority has remitted the fee to the government.
 - (4) The authority must not
 - (a) deduct the fee from a certificate holder’s wage, and
 - (b) remit the fee in respect of the certificate holder
 if another authority or board remits the fee to the government for that certificate holder.
 - (5) The minister, by order, may vary the dates set in subsection (3).

Public Service Labour Relations Act

111 *Section 1 (1) of the Public Service Labour Relations Act, R.S.B.C. 1996, c. 388, is amended in the definition of “employee” by adding the following paragraph:*

- (gg) a person employed in the Teacher Regulation Branch of the Ministry of Education; .

School Act

112 *Section 1 (1) of the School Act, R.S.B.C. 1996, c. 412, is amended*

(a) by adding the following definitions:

“**certificate holder**” means a person who holds a certificate of qualification;

“certification standards” means the certification standards as defined in section 1 of the *Teachers Act*;

“commissioner” means the commissioner as defined in section 1 of the *Teachers Act*; ,

(b) by repealing the definition of “certificate of qualification” and substituting the following:

“certificate of qualification” means a certificate of qualification as defined in the *Teachers Act*; , *and*

(c) by repealing the definition of “college”.

113 *Section 1 (1) is amended in the definition of “immigrant” by striking out “Immigration Act (Canada)” in both places and substituting “Immigration and Refugee Protection Act (Canada)”.*

114 *Sections 16 and 16.1 are repealed and the following substituted:*

**Report of dismissal, suspension and discipline
regarding authorized persons**

- 16** (1) In this section, **“authorized person”** means a certificate holder or a person holding a letter of permission issued under the *Teachers Act*, but does not include a superintendent.
- (2) If a superintendent of schools suspends an authorized person, the superintendent must without delay send to the commissioner a report regarding the suspension.
- (3) If a board
- (a) suspends or dismisses an authorized person, or
 - (b) disciplines an authorized person for misconduct that involves
 - (i) physical harm to a student or minor,
 - (ii) sexual abuse or sexual exploitation of a student or minor, or
 - (iii) significant emotional harm to a student or minor,
- the board must without delay notify the superintendent of schools of the suspension, dismissal or disciplinary action, and the superintendent must without delay send to commissioner a report regarding the suspension, dismissal or disciplinary action.
- (4) A report referred to in subsection (2) or (3) must
- (a) be in writing,
 - (b) be signed by the superintendent of schools, and
 - (c) include reasons for the action taken by the board or superintendent.

- (5) The superintendent of schools must send a copy of a report referred to in subsection (2) or (3) to the authorized person who is suspended, dismissed or disciplined.
- (6) If the superintendent of schools considers any conduct by, or the competence of, an authorized person to be in breach of the certification standards, the superintendent must send to the commissioner a report, in writing, regarding that conduct or competence if it is in the public interest to do so.
- (7) The superintendent of schools must send a copy of the report referred to in subsection (6) to the authorized person whose conduct or competence is the subject of that report.
- (8) If an authorized person resigns, the superintendent of schools must
 - (a) report, without delay, the circumstances of the resignation to the commissioner if it is in the public interest to report the matter, and
 - (b) send to the authorized person who resigned a copy of the report.
- (9) A superintendent of schools who has made a report to the commissioner under this section in respect of an authorized person must, without delay after being requested to do so by the commissioner,
 - (a) provide the commissioner all of the records available to the superintendent that relate to the matter in respect of which the report was made, and
 - (b) send to the authorized person a copy of the records referred to in paragraph (a).
- (10) A superintendent of schools who fails to report as required under subsection (2), (3) or (8) commits an offence.

**Report of dismissal, suspension and discipline
regarding superintendents**

16.1 (1) If a board

- (a) suspends or dismisses a superintendent of schools, or
- (b) disciplines a superintendent of schools for conduct referred to in section 16 (3) (b),

the board must without delay send to the commissioner a report regarding the suspension, dismissal or disciplinary action.

- (2) The report referred to in subsection (1) must
 - (a) be in writing,
 - (b) be signed by the chair of the board, and
 - (c) include reasons for the action taken by the board.
- (3) The board must send to the superintendent of schools a copy of the report referred to in subsection (1).

Section 115

- (4) If the board considers any conduct by, or the competence of, a superintendent of schools to be in breach of the certification standards, the board must send to the commissioner a report, in writing, regarding that conduct or competence if it is in the public interest to do so.
- (5) The board must send to the superintendent of schools a copy of the report sent to the commissioner under subsection (4).
- (6) If a superintendent of schools resigns, the board must
 - (a) report, without delay, the circumstances of the resignation to the commissioner if it is in the public interest to do so, and
 - (b) send to the superintendent a copy of the report.
- (7) A board that has made a report to the commissioner under this section in respect of a superintendent of schools must, without delay after being requested to do so by the commissioner,
 - (a) provide the commissioner all of the records available to the board that relate to the matter in respect of which the report was made, and
 - (b) send to the superintendent a copy of the records referred to in paragraph (a).

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

- (b) holds a letter of permission to teach issued under the *Teachers Act*.

116 Sections 75 (7) (b) and 86 (1) (a.1) are amended by striking out “a member of the college” and substituting “a certificate holder”.**117 Section 92 is amended****(a) by repealing subsection (4) (b) and substituting the following:**

- (b) if the employee is a certificate holder, report the circumstances to the commissioner. ,

(b) in subsection (5) by striking out “if the employee is a member of the college, satisfactory to the college.” and substituting “if the employee is a certificate holder, satisfactory to the director of certification.”, and**(c) in subsection (6) by striking out everything after “until he or she submits” and substituting “to the minister a medical certificate, satisfactory to the minister, that the disability no longer exists.”****118 Section 166.25 (6) (b) is amended by striking out “a member of the college.” and substituting “a certificate holder.”****119 Section 168 (2) is amended by striking out “and” at the end of paragraph (s.1) and by adding the following paragraph:**

- (s.2) varying the dates in section 168.2 (3), and .

120 The following section is added:**Annual practice fee**

- 168.2** (1) In this section, “**fee**” means the annual practice fee, prescribed under the *Teachers Act*, for a certificate of qualification.
- (2) Subject to subsection (4), a board must deduct once a year, from the wage of a certificate holder employed with the board, an amount that is equal to the fee.
- (3) Subject to subsection (4), on or before May 15 each year, a board must
- (a) remit to the government the fee in respect of each certificate holder employed by the board on April 30, and
 - (b) provide the minister with the name of each certificate holder for whom the board has remitted the fee to the government.
- (4) The board must not
- (a) deduct the fee from a certificate holder’s wage, and
 - (b) remit the fee in respect of the certificate holder
- if another board or an authority as defined in the *Independent School Act* remits the fee to the government for that certificate holder.

121 Section 171.1 is amended**(a) by repealing subsection (1) (c) and substituting the following:**

- (c) if the minister considers that
- (i) a superintendent of schools has failed to report to the commissioner a matter that, in the opinion of the minister, should have been reported under section 16,
 - (ii) a board has failed to notify a superintendent of schools of a matter that, in the opinion of the minister, should have been the subject of a notice under section 16 (3),
 - (iii) a board has failed to report to the commissioner a matter that, in the opinion of the minister, should have been reported under section 16.1, or
 - (iv) a board has failed to submit to the director of certification information as required under section 80 [*employers list*] of the *Teachers Act*,
- to investigate the circumstances of the failure. , **and**

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

- (2) The special advisor must
- (a) submit a report to the minister in respect of anything resulting from carrying out his or her duties under subsection (1), and

- (b) provide to the commissioner a copy of the report if the report relates to a matter described in subsection (1) (c).

122 Section 175 (2) is amended

- (a) *in paragraphs (c) and (c.1) by striking out “members of the college;” and substituting “certificate holders;”, and*
- (b) *in paragraphs (o) and (p) by striking out “a member of the college;” and substituting “a certificate holder;”.*

Teaching Profession Amendment Act, 2003

123 Sections 4 and 6 (a) of the Teaching Profession Amendment Act, 2003, S.B.C. 2003, c. 43, are repealed.

Teaching Profession Amendment Act, 2004

124 Sections 12 (b) and 21 of the Teaching Profession Amendment Act, 2004, S.B.C. 2004, c. 54, are repealed.

Commencement

- 125** 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 1 to 97	By regulation of the Lieutenant Governor in Council
3	Section 99 (2)	By regulation of the Lieutenant Governor in Council
4	Sections 100 to 112	By regulation of the Lieutenant Governor in Council
5	Sections 114 to 124	By regulation of the Lieutenant Governor in Council