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# PROFESSIONAL GOVERNANCE ACT

## CHAPTER 47

*Assented to November 27, 2018*

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**SCHEDULE 1****SCHEDULE 2****SCHEDULE 3**

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 AND APPLICATION

### Definitions and interpretation

**1** (1) In this Act:

“**applicant**”, in respect of a regulatory body, means a person who applies for

- (a) enrolment in the regulatory body’s admission program for trainees, if applicable, or
- (b) admission or reinstatement as a registrant of the regulatory body;

“**bylaw**” means a bylaw made under this Act;

“**bylaw-making authority**”, in respect of a regulatory body, means the capacity of the council to make bylaws under this Act;

“**certified non-registrant**”, in respect of a regulatory body, means a person who is

- (a) not a registrant, and
- (b) certified and authorized to provide or perform aspects of regulated practice in accordance with any applicable bylaws or regulations under this Act;

“**citation**” means a citation issued under section 66 (1) (d) [*investigations authorized by council*] or 72 (3) [*reprimand or remedial action by consent*];

“**committee**”, in respect of a regulatory body, means

- (a) the nomination committee established under section 26 (1) [*election of registrant councillors*],
- (b) the credentials committee established under section 44 (1) [*credentials committee*],
- (c) the audit and practice review committee established under section 63 (1) [*audits and practice reviews*],
- (d) the investigation committee established under section 64 [*investigation committee*],
- (e) the discipline committee established under section 75 (1) [*discipline hearings*], or
- (f) another committee established under section 32 (3) [*officers and committees*];

“**conduct unbecoming a registrant**” means conduct of a registrant that

- (a) brings the regulatory body or its registrants into disrepute,
- (b) undermines the standards, methods or principles that are the foundation of the profession, or
- (c) undermines the principle of holding paramount the safety, health and welfare of the public, including the protection of the environment and the

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promotion of health and safety in the workplace in the manner that reflects the stewardship of a given profession by each regulatory body;

**“confidential information”** means information, whether written or oral, provided by a person to the superintendent or, in respect of a matter under Part 6 [*Protection of the Public Interest With Respect to Professional Governance and Conduct*], to an audit and practice review committee, an investigation committee or another committee with powers and duties in respect of an investigation, audit, hearing or other procedure under this Act

- (a) for the purpose of the investigation, audit, hearing or other procedure, and
- (b) under an agreement, express or implied, that the information will be kept confidential;

**“council”** means the council established under section 23 [*council of regulatory body*] for a regulatory body;

**“councillor”** means a councillor referred to in section 23;

**“declaration”** means, as applicable,

- (a) a competence declaration filed by a registrant under section 60 (1) (a) [*registrants must file competence declarations and conflict of interest declarations*], or
- (b) a conflict of interest declaration filed by a registrant under section 60 (1) (b);

**“designated regulatory body”** means a regulatory body that is designated for the purposes of this Act under section 89 (1) [*designation of regulatory body*];

**“firm”** means

- (a) a legal entity or combination of legal entities engaged in providing services in respect of a regulated practice, or
- (b) a government registrant,

but does not include a legal entity or combination of legal entities that may be exempted from this Act by regulation of the Lieutenant Governor in Council;

**“government registrant”** means a ministry or agency of the government that the Lieutenant Governor in Council may prescribe by regulation;

**“incompetent”**, in relation to the performance of duties undertaken while engaged in a regulated practice, includes

- (a) a lack of competence or fitness to engage in the regulated practice, or
- (b) an incapacity or impairment that prevents a registrant from engaging in the regulated practice with reasonable skill, competence and safety to the public;

**“lay councillor”** means a councillor described in section 23 (2) (b) [*council of regulatory body*];

**“minister”** means the Attorney General, unless the context otherwise requires;

**“office”** means the office of the superintendent of professional governance established under section 4 [*office of the superintendent of professional governance established*], unless the context otherwise requires;

**“profession”** means a practice area in which a person exercises professional skill or judgment or provides a professional service;

**“professional association”** means a body corporate, association or other governing body that is responsible for the governance of a profession;

**“professional governance”** means

- (a) the regulation of professions, and
- (b) the superintendence by a regulatory body of registrants engaged in a regulated practice;

**“professional misconduct”** means misconduct by a registrant as a professional, relating to the performance of duties while engaged in a regulated practice, including a failure to comply with, or a breach of, this Act, the regulations or the bylaws;

**“registrant”** means the registrants specified in respect of each regulatory body in Schedule 1 to this Act, and includes, as applicable,

- (a) an individual who is a registered member of a regulatory body, or
- (b) a firm that is registered with the regulatory body, if firms may be registered in respect of that regulatory body;

**“registrant councillor”** means a councillor described in section 23 (2) (a);

**“regulated practice”** means the carrying on of a profession by a registrant of a regulatory body;

**“regulatory body”** means a regulatory body listed in Schedule 1 to this Act that is

- (a) continued under Division 1 [*Regulatory Bodies Continued Under This Act*] of Part 7 [*Applicable Regulatory Bodies*],
- (b) designated under Division 2 [*Designating Regulatory Bodies*] of Part 7, or
- (c) amalgamated under Division 3 [*Amalgamation of Regulatory Bodies*] of Part 7;

**“relevant enactment”** means an enactment that the Lieutenant Governor in Council may prescribe by regulation;

**“reserved practice”** means a regulated practice for which the right to practice is reserved for registrants of a regulatory body;

**“reserved title”** means a title that is reserved for use by registrants of a regulatory body;

**“resolution”**, in respect of a regulatory body, council of the regulatory body or committee of the regulatory body, means a motion passed at a meeting of the regulatory body, council or committee;

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“**respondent**” means a person whose conduct or competence is the subject of a discipline hearing under section 75 [*discipline hearings*];

“**roster**” means a roster of registrants designated by a minister and administered by the superintendent under section 17 [*administration of rosters*];

“**roster member**” means a registrant who is designated under section 17 as a member of a roster;

“**specialist**” means a registrant with a specialization;

“**specialization**” means a specialized area of practice with qualifications established by a regulatory body under section 43 (2) [*restricted and specialized areas of practice*];

“**superintendent**” means the superintendent of professional governance appointed under section 4 [*office of the superintendent of professional governance established*];

“**trainee**”, in respect of a regulated practice, means a person in training to engage in the regulated practice as a registrant.

- (2) For the purposes of this Act, a reference to a professional association refers to a governing body other than a regulatory body listed in Schedule 1 to this Act.

**Specific definitions and information**

- 2 (1) The definitions under this Act are, in the case of each regulatory body, to be read in accordance with the specific definitions and information for each regulatory body that may be set out in Schedule 1 to this Act as applicable, including definitions and information in relation to the following:
- (a) the regulatory bodies;
  - (b) practice areas in respect of professions;
  - (c) regulated practices in respect of professions;
  - (d) registrants and categories of registrants;
  - (e) certified non-registrants;
  - (f) other prescribed matters.
- (2) The Lieutenant Governor in Council may, by regulation, amend Schedule 1 to this Act.

**Application to firms as registrants**

- 3 A firm may only be registered as a registrant in a regulatory body if
- (a) the Lieutenant Governor in Council has, by regulation, authorized the regulatory body to register firms in the regulatory body as registrants, and
  - (b) the council has made bylaws under this Act to enable or to require the registration of firms as registrants.



## PART 2 – SUPERINTENDENT OF PROFESSIONAL GOVERNANCE

### Division 1 – Appointment of Superintendent

#### Office of the superintendent of professional governance established

- 4** (1) An office of the superintendent of professional governance is established in the Ministry of Attorney General that is responsible for the matters described in section 7 (2) [*general duty and responsibilities of superintendent*].
- (2) The following persons may be appointed to the office under the *Public Service Act*:
- (a) the superintendent;
  - (b) one or more deputy superintendents;
  - (c) other employees required to carry out the functions of the office.
- (3) The minister may designate one or more employees of the ministry to act temporarily in the place of the superintendent.
- (4) The minister or, after consultation with the minister, the superintendent may retain consultants, experts and other persons the minister or the superintendent considers necessary to enable or assist the superintendent to exercise powers or perform duties, including investigations or audits, of the superintendent, or the office, under this Act.
- (5) The minister or, after consultation with the minister, the superintendent may establish the remuneration and other terms and conditions of a person retained under subsection (4).
- (6) The *Public Service Act* does not apply in respect of a person retained under subsection (4).

#### Superintendent's power to delegate

- 5** (1) The superintendent may delegate, in writing, to a person employed under the *Public Service Act* any of the superintendent's powers, duties and functions under this Act, except the power to delegate under this section.
- (2) A delegation under this section may be made subject to any terms and conditions the superintendent considers appropriate.

#### Professional Governance Advisory Committee

- 6** (1) The minister may appoint a Professional Governance Advisory Committee consisting of
- (a) the superintendent, who must be appointed chair, and

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- (b) as the minister considers appropriate,
  - (i) representatives of the ministries responsible for the administration of relevant enactments, and
  - (ii) other persons with relevant knowledge and experience.
- (2) An appointment under subsection (1) must specify the term of the appointment.
- (3) The Professional Governance Advisory Committee must
  - (a) review transitional matters relating to the implementation of this Act,
  - (b) carry out activities relating to the implementation of this Act with the ministries responsible for the relevant enactments, and
  - (c) perform other duties the minister requires or as prescribed by regulation of the Lieutenant Governor in Council.
- (4) The minister may establish the expense allowances or other terms and conditions of a person appointed under subsection (1) (b) (ii).

**General duty and responsibilities  
of superintendent**

- 7**
- (1) The superintendent must faithfully, honestly and impartially perform the duties of the superintendent and must not, except in the proper performance of those duties, disclose to a person any information obtained as a superintendent.
  - (2) The superintendent is primarily responsible for the oversight of systemic or general matters relating to professional governance by regulatory bodies, including by doing the following:
    - (a) superintending the governance by regulatory bodies of registrants in the regulatory bodies' respective regulated practices to ensure compliance by the regulatory bodies with their duties;
    - (b) conducting research and promoting or establishing policies on best practices with respect to the regulatory bodies, including
      - (i) monitoring regulatory bodies for consistency in governance of registrants and performance standards for registrants, and
      - (ii) promoting awareness among regulatory bodies to support reconciliation with Indigenous peoples in British Columbia, including supporting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
    - (c) providing for administrative matters that relate to regulatory bodies and are in the public interest, including
      - (i) overseeing the implementation and administration of this Act,
      - (ii) administering rosters,
      - (iii) receiving, if applicable, conflict of interest declarations in respect of registrants from regulatory bodies,

- (iv) advising the minister on matters related to the administration of this Act, and
    - (v) submitting reports in accordance with section 19 [*reports to minister*];
  - (d) promoting professional governance by regulatory bodies or enforcing compliance with this Act, including
    - (i) publishing information and documents that the superintendent determines to be in the public interest,
    - (ii) providing information and advice to regulatory bodies, registrants and professional associations about the requirements under this Act,
    - (iii) establishing guidelines to promote compliance with this Act and the regulations,
    - (iv) conducting investigations and audits in respect of regulatory practices and compliance with this Act and the regulations or in relation to an offence under section 106 (1) [*offences*],
    - (v) issuing directives to ensure compliance with this Act, including compliance in the administration, by regulatory bodies, of declarations,
    - (vi) receiving, investigating and responding to claims made in respect of reprisals prohibited under section 103 [*no reprisals*], and
    - (vii) imposing administrative penalties in accordance with Division 1 [*Enforcement Powers of Superintendent*] of Part 8 [*Enforcement of Act*];
  - (e) carrying out activities in accordance with other powers, duties or functions that the Lieutenant Governor in Council may prescribe.
- (3) For certainty, nothing in this section limits the role of a regulatory body in respect of registrants.

**Rules of practice and procedure**

- 8**
- (1) The superintendent may make rules in respect of practice and procedure for all matters coming before the superintendent under this Act in respect of complaints, investigations and audits.
  - (2) The superintendent must make the rules in respect of practice and procedure accessible to the public in the manner the superintendent considers appropriate.
  - (3) The Lieutenant Governor in Council may, by regulation,
    - (a) provide for any matter in respect of which the superintendent may make rules, and
    - (b) amend or repeal a rule made by the superintendent.

## Division 2 – Powers of Superintendent

### Guidelines

- 9** (1) The superintendent may establish guidelines, in respect of one or more regulatory bodies,
- (a) relating to the governance of the regulatory body, and
  - (b) relating to the following:
    - (i) the protection of the public interest;
    - (ii) bylaws made by the council;
    - (iii) the code of ethics required, or the ethical principles described, under section 57 (2) [*standards of conduct and competence*].
- (2) Guidelines established under subsection (1) must be considered by the council and committees, as applicable, of the regulatory body in exercising powers and performing duties or functions under this Act.
- (3) The superintendent must make any guidelines established under subsection (1) available to the public on a website maintained by or on behalf of the superintendent.

### Investigations and audits by superintendent

- 10** (1) Subject to subsection (4), if the superintendent considers it necessary in the public interest, the superintendent may conduct an investigation or an audit into
- (a) any aspect of the administration or operation of a regulatory body, or
  - (b) the state of practice of a profession in British Columbia.
- (2) Subsection (1) includes
- (a) an investigation or an audit into an exercise of a power or a performance of a duty, or the failure to exercise a power or perform a duty, under this Act, and
  - (b) an investigation in respect of a matter under the following provisions:
    - (i) section 52 [*prohibition and limitation – use of reserved titles*];
    - (ii) section 54 [*prohibitions regarding reserved practice*];
    - (iii) section 58 [*duty to report*];
    - (iv) section 60 [*registrants must file competence declarations and conflict of interest declarations*];
    - (v) section 67 [*extraordinary action to protect public*];
    - (vi) section 103 [*no reprisals*];
    - (vii) section 104 [*obstruction of superintendent*];
    - (viii) section 105 [*obstruction of inspection or search*].

- (3) For the purposes of an investigation or an audit under this section, the superintendent has the powers, privileges and protection set out in section 13 *[power to compel persons to give evidence and order disclosure]*.
- (4) The superintendent may only investigate or conduct an audit in respect of a matter that relates to an individual registrant in the following cases:
  - (a) an investigation or an audit of a general or systemic matter relating to the regulated practice;
  - (b) an investigation in respect of a matter under a provision listed in subsection (2) (b).
- (5) In an investigation or an audit under this section, the superintendent may inquire into a matter that relates to one or more specific regulatory bodies.

**Directives issued by superintendent**

- 11** (1) The superintendent may issue directives relating to the following:
- (a) that a council exercise its powers or perform its duties to better achieve the protection of the public interest with respect to professional governance;
  - (b) that a council appoint an auditor to conduct an audit, in accordance with the directive and any applicable regulations, and provide an audit report to the superintendent;
  - (c) for any matter the superintendent considers necessary in the public interest with respect to professional governance, including a directive that is
    - (i) consistent with any guidelines established under section 9, or
    - (ii) necessary to address issues arising out of an investigation or audit under section 10.
- (2) A directive of the superintendent takes effect immediately or on a later date specified in the directive.
- (3) A council must comply with a directive issued to it under this section.
- (4) The superintendent may require, by directive, a work, act, matter or thing to be performed or completed within a specified period.
- (5) If, in the superintendent's opinion, the circumstances of a case under subsection (4) so require, the superintendent may extend the specified period.
- (6) The superintendent must make accessible to the public any directives made under subsection (1).

**Appointment of public administrator**

- 12** (1) Without limiting sections 10 and 11, the superintendent may appoint a public administrator to discharge the powers and duties of a council under this Act if the superintendent considers this to be necessary in the public interest, whether or not the superintendent has exercised any other power under this Act.

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- (2) On the appointment of a public administrator, the councillors cease to hold office unless otherwise ordered by the superintendent.
- (3) The superintendent may specify
  - (a) the powers, duties and responsibilities of a public administrator appointed under this section, and
  - (b) how a council will operate after the appointment of a public administrator has ended, including specifying whether a new council will be appointed under section 23 [*council of regulatory body*] as if the new council were the first council of a regulatory body.
- (4) The Lieutenant Governor in Council may, within 45 days after an appointment of a public administrator under subsection (1), vary or rescind the appointment.
- (5) The expenses incurred under this section by the government in respect of a regulatory body are a debt due and owing by the regulatory body to the government.

**Power to compel persons to give evidence and order disclosure**

- 13** (1) For the purposes of this Act, the superintendent may make an order requiring a person to do either or both of the following:
- (a) attend, in person or by electronic means, before the superintendent to answer questions on oath or affirmation or in any other manner;
  - (b) produce for the superintendent a record or thing in the person's possession or control.
- (2) The superintendent may apply to the Supreme Court for an order directing
- (a) a person to comply with an order made under subsection (1), or
  - (b) any directors and officers of a person to cause the person to comply with an order made under subsection (1).

**Contempt proceeding for uncooperative witness or other person**

- 14** The failure or refusal of a person summoned as a witness under section 13 (1) to do any of the following makes the person, on application to the court by the superintendent, liable to be committed for contempt as if in breach of an order or judgment of the court:
- (a) take an oath or affirmation;
  - (b) answer questions;
  - (c) produce the records or things in the person's custody or possession.

**Referral of complaints**

- 15** If a complaint is made to the superintendent that relates to a matter that is beyond the investigation power of the superintendent and the superintendent considers that there

is another appropriate person or body having jurisdiction over the matter, the superintendent may

- (a) with the consent of the person who made the complaint, refer that matter directly to an appropriate person or body having jurisdiction over the matter, or
- (b) refer the person who made the complaint to an appropriate person or body having jurisdiction over that matter, or otherwise provide information that would permit the complaint to be made.

#### **Application of the *Administrative Tribunals Act***

**16** The following provisions of the *Administrative Tribunals Act* apply to the superintendent as if the superintendent were a tribunal, including the power of the superintendent to impose, and to consider responses to, administrative penalties under Division 1 [*Enforcement Powers of Superintendent*] of Part 8 [*Enforcement of Act*] of this Act:

- (a) section 44 [*tribunal without jurisdiction over constitutional questions*];
- (b) section 45 [*tribunal without jurisdiction over Canadian Charter of Rights and Freedoms issues*];
- (c) section 46.3 [*tribunal without jurisdiction to apply the Human Rights Code*].

#### **Administration of rosters**

- 17**
- (1) A minister responsible for a relevant enactment may, by order, designate a registrant to be a roster member.
  - (2) The superintendent may administer rosters with roster members designated under subsection (1).
  - (3) The Lieutenant Governor in Council may prescribe, by regulation, any of the following in respect of the designation of roster members under subsection (1):
    - (a) the qualifications or other criteria required for designation as a roster member in respect of a relevant enactment;
    - (b) restricted activities that a registrant may carry out only if the registrant is a roster member;
    - (c) restrictions on carrying out activities by roster members.

#### **Public interest disclosure**

- 18**
- (1) If the superintendent determines that it is in the public interest, the superintendent must, in accordance with regulations that may be made by the Lieutenant Governor in Council, publish prescribed information or documents or classes of information or documents
    - (a) that relate to, or were created by a registrant providing services under, a relevant enactment, or

- (b) that relate to
  - (i) a profession,
  - (ii) a regulated practice, or
  - (iii) a matter relevant to registrants under a relevant enactment.
- (2) If a minister responsible for a relevant enactment determines that it is in the public interest, that minister may order that the superintendent publish any information or documents, or classes of information or documents, described in subsection (1) of this section in accordance with regulations that may be made by the Lieutenant Governor in Council.
- (3) Personal information may not be published under this section that, if disclosed, would constitute an unreasonable invasion of personal privacy as described in section 22 (2) to (4) [*disclosure harmful to personal privacy*] of the *Freedom of Information and Protection of Privacy Act*.

### **Division 3 – Reports of Superintendent**

#### **Reports to minister**

- 19**
- (1) The superintendent must, no later than May 1 in each year, provide to the minister for consideration a proposed annual report in respect of the superintendent's activities under this Act.
  - (2) The minister may provide comments to the superintendent on the proposed annual report no later than May 15 in each year.
  - (3) The superintendent must, no later than May 31 in each year, submit to the minister the annual report in respect of the superintendent's activities under this Act in the preceding calendar year.
  - (4) After receiving the superintendent's annual report under subsection (3), the minister must, as soon as practicable,
    - (a) lay the report before the Legislative Assembly if the Legislative Assembly is then sitting, or
    - (b) file the report with the Clerk of the Legislative Assembly if the Legislative Assembly is not sitting.

#### **Superintendent to make recommendations**

- 20**
- In addition to any other reports provided by the superintendent under this Act, on request of the minister, the superintendent must
- (a) review this Act and recommend to the minister any amendments to this Act that the superintendent considers will better enable the superintendent to exercise or perform the superintendent's powers, duties and functions under this Act, and
  - (b) report to the minister on any other matter, as specified by the minister.



## **PART 3 – REGULATORY BODIES**

### **Division 1 – General**

#### **Definition**

- 21** In this Part, “**lay committee member**”, in respect of a committee of a regulatory body, means a committee member who is not a registrant of the regulatory body.

#### **General duty and responsibilities of regulatory bodies**

- 22** (1) It is the general duty of a regulatory body at all times to
- (a) serve and protect the public interest with respect to the exercise of a profession, professional governance and the conduct of registrants in the registrants’ regulated practice, and
  - (b) exercise its powers and discharge its responsibilities in the public interest.
- (2) A regulatory body has the following responsibilities:
- (a) to superintend the regulated practice;
  - (b) to preserve and protect reserved titles or reserved practices, as applicable, in the public interest;
  - (c) to guard against the unlawful use of reserved titles or the unlawful practice of reserved practices;
  - (d) to govern the registrants of the regulatory body according to this Act, the regulations and the bylaws;
  - (e) to establish the conditions or requirements for registration of a person as a registrant of the regulatory body;
  - (f) to establish, monitor and enforce standards of practice to enhance the quality of practice so that registrants avoid
    - (i) professional misconduct,
    - (ii) conduct unbecoming a registrant, and
    - (iii) incompetent performance of duties undertaken while engaged in the regulated practice;
  - (g) to establish and maintain a continuing competency program to promote high practice standards amongst registrants;
  - (h) to establish, monitor and enforce standards of professional ethics amongst registrants;
  - (i) to establish and employ registration, investigation and discipline procedures that are transparent, objective, impartial and fair;
  - (j) to administer the affairs of the regulatory body and exercise its powers and perform its duties under this Act or other enactments;

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- (k) in the course of exercising the powers and performing the duties of the regulatory body under this Act or other enactments, to promote and enhance the following:
    - (i) collaborative relations with other regulatory bodies, post-secondary education institutions and the government;
    - (ii) interprofessional collaborative practice between its registrants and persons practising another profession;
    - (iii) the ability of its registrants to respond and adapt to changes in practice environments, advances in technology and other emerging issues;
  - (l) any other responsibility that the Lieutenant Governor in Council may prescribe.
- (3) A regulatory body may only act in an advocacy role in accordance with this Act and in accordance with rules, conditions or limits prescribed by the Lieutenant Governor in Council.

## **Division 2 – Organization of Regulatory Body**

### **Council of regulatory body**

- 23** (1) Subject to section 84 [*regulatory bodies continued*], a council is established for each regulatory body in respect of that regulatory body.
- (2) The composition of a council consists of the following councillors:
- (a) 7 registrant councillors, including the president and vice president,
    - (i) who are registrants of the regulatory body, and
    - (ii) who are elected or temporarily appointed under section 26 [*election of registrant councillors*];
  - (b) 4 lay councillors
    - (i) who are not registrants of the regulatory body, and
    - (ii) who are appointed under section 27 [*appointment of lay councillors*];
  - (c) the immediate past president of the regulatory body, who is a non-voting registrant councillor.
- (3) The councillors may act even if there is a vacancy on a council.
- (4) Subject to any exceptions prescribed by regulation, a councillor may not be a member of a committee or panel established in respect of the regulatory body under this Act.

### **Term limits**

- 24** (1) The term for a councillor to hold office is 3 years.

- (2) A registrant councillor who serves successive terms is subject to the following limits:
  - (a) subject to paragraph (b), the registrant councillor may not serve for more than 6 consecutive years in each of the following offices:
    - (i) president of the regulatory body;
    - (ii) vice president of the regulatory body;
    - (iii) a councillor other than president and vice president of the regulatory body;
  - (b) the registrant councillor may not serve for more than 12 consecutive years from the date of the registrant councillor's initial election or appointment, as applicable.
- (3) A regulatory body may set a term that is shorter than 3 years for the following offices:
  - (a) president of the regulatory body;
  - (b) vice president of the regulatory body.
- (4) A lay councillor may not serve successive terms for more than 6 consecutive years from the date of the lay councillor's initial appointment.
- (5) The Lieutenant Governor in Council may, by order, set a term for an individual lay councillor that is shorter than 3 years.
- (6) A person who has served the maximum number of consecutive years under this section is not eligible to serve as a councillor until after a break in service of at least 3 years.

**Selection principles and criteria**

- 25** (1) The selection of nominees to be registrant councillors under section 26 (1) is to be conducted in accordance with the process and merit-based selection principles prescribed by the Lieutenant Governor in Council.
- (2) A council may
  - (a) subject to section 23 (2), establish different criteria or preferences for registrant councillors in determining the council composition, and
  - (b) make recommendations to the Lieutenant Governor in Council in respect of different criteria or preferences for lay councillors.

**Election of registrant councillors**

- 26** (1) The council of each regulatory body must, in accordance with section 23 (4), establish a nomination committee to administer the nomination of registrants who are qualified to be nominated for election to the council in accordance with the process and selection principles referred to in section 25 (1), the bylaws and applicable regulations.

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- (2) Only a registrant who is nominated by the nomination committee under subsection (1) may be elected as a registrant councillor.
- (3) An election of registrant councillors is to be conducted in accordance with the bylaws made by the council and the regulations that may be made by the Lieutenant Governor in Council.
- (4) Subject to subsection (5), a council may temporarily appoint a registrant as a registrant councillor until a successor is elected, in accordance with the process and selection principles referred to in section 25 (1), the bylaws and applicable regulations, if
  - (a) an elected registrant fails to take the oath of office described in section 28,
  - (b) an elected registrant councillor dies, resigns or is incapable of performing the councillor's duties under this Act,
  - (c) an elected registrant councillor is disqualified, or
  - (d) there is a vacancy on the council because no registrant councillor was elected.
- (5) A temporary appointment under subsection (4) may not be for a term that is longer than the remainder of the term of the registrant councillor referred to in that subsection.

**Appointment of lay councillors**

- 27** (1) The Lieutenant Governor in Council may appoint the lay councillors for the council of each regulatory body after a merit-based process.
- (2) If there is a vacancy in the office of a lay councillor, the minister may temporarily appoint a lay councillor for a term of not more than one year.

**Oath of office**

- 28** (1) Before taking office as a councillor or acting as a member of a committee in respect of a regulatory body, a person elected or appointed as a councillor or to a committee must take and sign, by oath or solemn affirmation, an oath of office in the form and manner established by regulation.
- (2) The registrar and the deputy registrars, if any, of each regulatory body may, for the purposes of this Act, administer oaths.
- (3) The Lieutenant Governor in Council may, by regulation, provide for any exceptions in respect of the requirement to take and sign an oath of office.

**Required lay councillors and quorum**

- 29** (1) At least one lay councillor must be present at any meeting, proceeding or hearing of the council under this Act unless there are no lay councillors appointed in respect of the council on the date of the meeting, proceeding or hearing.

- (2) Subject to subsection (1), the majority of the voting councillors of a council of a regulatory body constitutes a quorum.
- (3) Despite subsection (1) of this section and section 23 (2) [*council of regulatory body*],
  - (a) the powers and duties of the council are not affected by a vacancy in the office of a lay councillor, and
  - (b) the acts done by a quorum of council are not invalid by reason only that the council is not at the time composed of the number of councillors required under this Act.

**Disqualification and termination of councillors**

- 30** (1) A registrant councillor ceases to hold office
- (a) if the registrant councillor
    - (i) contravenes a term of the oath of office required by section 28 (1),
    - (ii) contravenes a provision of this Act or the regulations, rules or bylaws,
    - (iii) contravenes a provision of another provincial or federal enactment, or
    - (iv) becomes bankrupt, and
  - (b) if, after reasonable notice to the registrant councillor, the council, by resolution passed by a vote of at least 2/3 of the other councillors of the full council who are eligible to vote on the resolution, considers that the circumstance described in paragraph (a) is sufficiently serious to justify the councillor's removal.
- (2) A registrant councillor ceases to hold office if the registrant councillor ceases to be a registrant.
- (3) The Lieutenant Governor in Council may, by order, terminate the appointment of a lay councillor.

**Registrar and register for regulatory body**

- 31** (1) The council of each regulatory body must appoint a registrar and may appoint one or more deputy registrars for the regulatory body, each of whom holds office during the pleasure of the council.
- (2) The council may, by bylaw, authorize a deputy registrar or deputy registrars appointed under subsection (1) to exercise the powers and perform the duties of the registrar set out in the bylaws, subject to any limits or conditions specified in the bylaws.
- (3) The registrar must include in a register on a publicly available website maintained by or on behalf of the regulatory body, for every person granted registration or certification under this Act, the following information:

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- (a) the person's name and whether the person is a registrant or a former registrant;
  - (b) the category, subcategory or class of registrants in which the person is or was registered;
  - (c) if the registrant is an individual, any limits or conditions imposed on the regulated practice under this Act;
  - (d) if the registrant is a firm, any limits or conditions imposed on the regulated practice under this Act;
  - (e) a notation of each cancellation or suspension of the person's registration, including any cancellation or suspension that
    - (i) occurred or was recorded before the coming into force of this section, or
    - (ii) was imposed by the regulatory body under an enactment that applied to the regulatory body before this section applied to the regulatory body;
  - (f) any additional information
    - (i) specified under subsection (5) by
      - (A) the credentials committee in respect of conditions or limitations on the registration, or
      - (B) the discipline committee,
    - (ii) required under the bylaws of the regulatory body, or
    - (iii) prescribed by the Lieutenant Governor in Council.
- (4) The registrar must cancel the registration of a registrant if
- (a) the registrant requests or consents in writing to the cancellation,
  - (b) the registrant has failed to pay a fee for renewal of registration or another fee within the required time,
  - (c) notification is received of the registrant's death, or
  - (d) the registration of the registrant has been cancelled under Part 6 [*Protection of the Public Interest With Respect to Professional Governance and Conduct*].
- (5) Subject to subsection (6), either of the following may specify information that must be entered on the register:
- (a) the credentials committee, in respect of conditions or limitations on registration;
  - (b) the discipline committee, in disposing of a matter under Part 6 in respect of a registrant.
- (6) Information required to be entered on the register in accordance with subsection (5) may be entered only after the final disposition of a matter.

- (7) The Lieutenant Governor in Council may make regulations
  - (a) prescribing a period of time, including a minimum period of time and a maximum period of time, during which a former registrant is to be included in a list of registrants made available under subsection (3), and
  - (b) in respect of any exceptions in respect of the application of this section.

**Officers and committees**

- 32** (1) In addition to the registrar and any deputy registrars, a council may establish other offices and appoint other officers, including
  - (a) an executive director, who must not be a councillor, and
  - (b) an officer other than the president and vice president, including an officer who may also be a councillor.
- (2) A council may authorize the nomination committee, credentials committee, audit and practice review committee, investigation committee or discipline committee to exercise a power, authority or jurisdiction of the council under this Act, in addition to a power, authority or jurisdiction expressly referred to in this Act in connection with these committees, other than a bylaw-making authority.
- (3) Subject to section 23 (4) [*council of regulatory body*], a council may establish committees, in addition to the nomination committee, credentials committee, audit and practice review committee, investigation committee and discipline committee, for a purpose consistent with this Act.
- (4) A council may authorize a committee established under subsection (3) to exercise a power, authority or jurisdiction of the council under this Act, other than
  - (a) a bylaw-making authority, or
  - (b) a power, authority or jurisdiction expressly referred to in this Act in connection with the nomination committee, credentials committee, audit and practice review committee, investigation committee or discipline committee.
- (5) A council may authorize
  - (a) an officer to exercise a power, authority or jurisdiction of the council, other than a bylaw-making authority, under this Act, and
  - (b) a committee established by the council to delegate to an officer a power, authority or jurisdiction granted to the committee by the council.
- (6) A council may make bylaws in respect of the following:
  - (a) the appointment and termination of officers other than the president and the vice president;
  - (b) the appointment and termination of members of committees;
  - (c) the conduct of committee meetings, including proceedings before a committee.

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- (7) Subject to section 23 (4), each committee of a regulatory body established under this Act must
- (a) include at least one lay committee member,
  - (b) have at least one lay committee member present at every meeting, proceeding or hearing of the committee under this Act, and
  - (c) have a chair who is appointed in accordance with the process and selection principles referred to in section 25 (1) [*selection principles and criteria*].

**General meetings of regulatory bodies**

- 33**
- (1) An annual general meeting of a regulatory body must be held, at the time and place appointed by the council of the regulatory body, at least once in every calendar year and not more than 15 months after the preceding annual meeting.
  - (2) If an annual general meeting is not held as required under subsection (1), the superintendent, on application by a registrant, may call or direct the calling of an annual general meeting.
  - (3) The council, at any time on its own motion, may call a general meeting of the regulatory body.
  - (4) The council must call a general meeting of the regulatory body on the written request of
    - (a) 5 councillors, or
    - (b) the greater of the following:
      - (i) 50 registrants in good standing;
      - (ii) 1% of the registrants.
  - (5) Subject to this section, the council may make bylaws governing the calling and conduct of a general meeting of the regulatory body, including the annual general meeting.

**Implementing resolutions of general meetings**

- 34**
- (1) A resolution of a general meeting of a regulatory body, including the annual general meeting, is not binding on the council of a regulatory body, except as provided in this section.
  - (2) Subject to subsection (4), the council must conduct a referendum of all registrants on a resolution of a general meeting if
    - (a) the resolution has not been substantially implemented by the council within 4 months following the general meeting at which it was adopted, and
    - (b) the council or an officer receives a written request for a referendum on the resolution signed by at least 5% of the registrants.



- (3) Subject to subsection (4), the resolution referred to in subsection (2) is binding on the council if
  - (a) at least 50% of all registrants in good standing vote in the referendum, and
  - (b) at least 2/3 of the votes cast are in favour of the resolution.
- (4) The council must not implement a resolution if to do so would
  - (a) be inconsistent with this Act and the regulations made under it or otherwise constitute a breach of a statutory duty, or
  - (b) make, amend or repeal a bylaw of the regulatory body.

**Bylaws of council**

- 35** (1) Subject to the requirements of this Act and any applicable regulations, the council of a regulatory body may make bylaws in respect of the following:
- (a) the duties of councillors;
  - (b) the removal of a registrant councillor;
  - (c) the temporary appointment of a registrant councillor to fill a vacancy caused by the incapacity, resignation, removal or death of a registrant councillor;
  - (d) the duties of the president and the vice president of the council;
  - (e) the temporary appointment of a vice president of the council to fill a vacancy caused by the incapacity, resignation, removal or death of a vice president;
  - (f) for certainty, any other purpose contemplated as a bylaw-making authority of the regulatory body under this Act, including bylaws that may be made under this Part, Part 4 [*Registrants*] and Part 6 [*Protection of the Public Interest With Respect to Professional Governance and Conduct*];
  - (g) the management, duties and purposes of the regulatory body.
- (2) The council may make bylaws governing the conduct of the affairs of the council, including the conduct of council meetings and proceedings before the council.
- (3) The council may amend or repeal an existing bylaw made under a bylaw-making authority in accordance with the requirements under this Act and must promptly, by written notice, notify the superintendent of the amendment or repeal of the bylaw.

**Division 3 – General Matters in Respect of Bylaws****Provisions may be different in bylaws**

- 36** Provisions in a bylaw under this Act may be different for
- (a) different classes of registrants,
  - (b) different classes of certified non-registrants, and

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- (c) different matters, classes of persons, circumstances or categories prescribed by regulation of the Lieutenant Governor in Council.

**Filing of bylaws**

- 37** (1) Subject to subsection (3), a bylaw made by the council of a regulatory body under a bylaw-making authority
- (a) must be delivered, in accordance with any regulations respecting the form and manner of delivery of the bylaws, to the superintendent for filing with the minister,
  - (b) must be filed by the superintendent with the minister within 45 days of delivery by the council unless the superintendent considers that the bylaw is unsuitable, in accordance with any criteria prescribed by the Lieutenant Governor in Council, and
  - (c) has no effect unless it is delivered to the superintendent and filed with the minister.
- (2) A bylaw filed under subsection (1) comes into force on the date that is the number of days prescribed by the Lieutenant Governor in Council after the date the bylaw is filed by the superintendent under subsection (1) unless
- (a) the superintendent declares, under section 38 (1) (a), that the bylaw comes into force on an earlier date,
  - (b) the council withdraws the bylaw under section 38 (2), or
  - (c) the superintendent disallows the bylaw under section 38 (3).
- (3) The Lieutenant Governor in Council may, by regulation, provide exceptions for the requirements of this section and section 38 in respect of bylaws made for different matters, classes of persons, circumstances or categories.

**Disallowance of bylaws**

- 38** (1) If the superintendent considers it necessary or advisable to do so, the superintendent may, by order, within 45 days after the filing of a bylaw under section 37,
- (a) declare that the bylaw or a portion of the bylaw comes into force on a specified date that is earlier than the date it would otherwise come into force under section 37 (2), or
  - (b) disallow a bylaw filed under section 37 or a portion of the bylaw in accordance with subsection (3) of this section.
- (2) The council may, by written notice delivered to the superintendent, withdraw a bylaw or a portion of a bylaw delivered under section 37 at any time before it would otherwise come into force or before it is disallowed.
- (3) The superintendent must disallow a bylaw filed under section 37 if the superintendent is not satisfied that appropriate provision has been made in respect of the following:

- (a) the appointment or election of councillors of a regulatory body under
    - (i) section 23 [*council of regulatory body*],
    - (ii) section 26 [*election of registrant councillors*], or
    - (iii) section 27 [*appointment of lay councillors*];
  - (b) the responsibilities referred to in section 22 [*general duty and responsibilities of regulatory bodies*];
  - (c) the presence of required lay councillors of a regulatory body in accordance with section 29 [*required lay councillors and quorum*].
- (4) The superintendent may request the council to amend or repeal an existing bylaw for its regulatory body or to make a new bylaw for its regulatory body if the superintendent is satisfied that this is necessary or advisable.
- (5) If the council does not comply with a request under subsection (4) within 60 days after the date of the request, the superintendent may, by order, amend or repeal the existing bylaw for a regulatory body or make a new bylaw for the regulatory body in accordance with the request.

**Forms established by bylaws**

- 39** (1) A bylaw made under a bylaw-making authority in this Act may authorize the registrar to establish a form that is required, under that bylaw, to be used by registrants or certified non-registrants, as the case may be.
- (2) A form established by a registrar under subsection (1) is considered to be a bylaw made by the council of a regulatory body.

**Copies of bylaws**

- 40** The council of each regulatory body must
- (a) maintain a complete and accurate record of the bylaws that are in effect for the regulatory body and provide a copy of those bylaws to each registrant,
  - (b) make the bylaws available for inspection by any person, free of charge, at the office of the regulatory body at all reasonable times during regular business hours, and
  - (c) post the bylaws on a publicly available website maintained by or on behalf of the regulatory body.

**Division 4 – Reports of Regulatory Bodies****Annual report to superintendent**

- 41** The council of each regulatory body must, on or before April 1 each year, file with the superintendent an annual report of the general operations of the regulatory body in the form and manner established by the registrar with any information required by the superintendent and as may be prescribed by the Lieutenant Governor in Council that is current to the preceding calendar year.

## **PART 4 – REGISTRANTS**

### **Division 1 – Categories of Registrants**

#### **Categories of registrants and bylaws for categories of registrants**

- 42** (1) A regulatory body may have categories of registrants established in accordance with a bylaw made under subsection (2) (a).
- (2) The council of a regulatory body may make bylaws to do the following:
- (a) establish categories of registrants, including firms and practising, non-practising, temporary, retired and honorary registrants;
  - (b) establish subcategories within the categories of registrants referred to in paragraph (a);
  - (c) subject to regulations that may be made by the Lieutenant Governor in Council, determine the rights and privileges under this Act for each category of registrants referred to in paragraph (a), and for each subcategory of registrants established in accordance with a bylaw made under paragraph (b) of this subsection, including
    - (i) voting rights, and
    - (ii) use of titles, abbreviations or designations referred to in Part 5 *[Reserved Titles and Reserved Practice]*;
  - (d) establish requirements and procedures for the admission or reinstatement of registrants within a category established under paragraph (a);
  - (e) set fees for registrants within a category established in accordance with a bylaw made under paragraph (a);
  - (f) determine whether a person is a registrant in good standing of the regulatory body.

#### **Restricted and specialized areas of practice**

- 43** (1) Subject to regulations that may be made by the Lieutenant Governor in Council, the council of a regulatory body may make bylaws in respect of restricted areas of practice for the regulated practice as follows:
- (a) designating restricted areas of practice;
  - (b) providing for the manner and extent to which a category of registrants referred to in section 42 (1), or a subcategory of registrants established in accordance with a rule made under section 42 (2) (b), may engage in a restricted area of practice.
- (2) Subject to regulations that may be made by the Lieutenant Governor in Council, the council may make bylaws in respect of specialized areas of practice for the regulated practice as follows:
- (a) designating specialized areas of practice;

- (b) providing that registrants of the regulatory body must not hold themselves out as specialists in these areas unless they are practising registrants who have qualified in accordance with a bylaw made under paragraph (c);
- (c) providing for the qualification of practising registrants as specialists in areas of practice designated under paragraph (a).

## **Division 2 – Enrolment, Admission and Reinstatement**

### **Credentials committee**

- 44** (1) The council of a regulatory body may, subject to section 23 (4) [*council of regulatory body*], establish a credentials committee to
- (a) advise the council on matters falling within the scope of this Division, and
  - (b) carry out other functions consistent with this Division.
- (2) The council may authorize the credentials committee to exercise a power, authority or jurisdiction of the council under this Division, other than a bylaw-making authority.

### **Application for enrolment, admission or reinstatement as registrant**

- 45** (1) On receiving an application for enrolment, admission or reinstatement as a registrant of a regulatory body, the registrar of the regulatory body, or a committee authorized by the council of the regulatory body, may, in accordance with the bylaws,
- (a) grant the application,
  - (b) grant the application subject to conditions or limitations on the registration, or
  - (c) reject the application, with written reasons.
- (2) The council may vary conditions or limitations made under subsection (1) (b) if the applicant consents in writing to the variation.

### **Enrolment of trainees**

- 46** (1) The council of a regulatory body may make bylaws to do the following:
- (a) establish requirements, including academic requirements, and procedures for the enrolment of trainees in the regulatory body's admission program for trainees;
  - (b) set fees for enrolment;
  - (c) establish, maintain or endorse an education program for trainees;
  - (d) establish requirements for practising registrants to act as mentors or supervisors of trainees;
  - (e) stipulate the duties of a practising registrant who acts as a mentor or supervisor of a trainee;

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- (f) stipulate the duties of a trainee with respect to a practising registrant who acts as their mentor or supervisor.
- (2) Bylaws made under subsection (1) may do the following:
  - (a) establish different requirements and procedures for enrolment, set different enrolment fees and establish, maintain or endorse different education programs for trainees with different specializations;
  - (b) establish different requirements and stipulate different duties for practising registrants who act as mentors or supervisors for trainees with different specializations;
  - (c) stipulate different duties for trainees with different specializations with respect to practising registrants who act as their mentors or supervisors.

**Admission and reinstatement of registrants**

- 47** (1) The council of a regulatory body may make bylaws to do the following:
- (a) establish requirements, including academic requirements, and procedures for admission as a registrant;
  - (b) set fees for admission;
  - (c) establish requirements and procedures for the reinstatement of former registrants;
  - (d) set fees for reinstatement;
  - (e) provide for examinations to assess applicants for admission or reinstatement as registrants.
- (2) Bylaws made under subsection (1) may do either or both of the following:
- (a) establish different requirements and procedures, set different fees and provide for different examinations for the admission of registrants with different specializations in the regulatory body;
  - (b) establish different requirements and procedures, set different fees and provide for different examinations for the reinstatement of registrants with different specializations in the regulatory body.
- (3) If, under the *Labour Mobility Act* or in accordance with a prescribed trade agreement, the council of a regulatory body is required to admit a person as a registrant, the council may admit the person as a registrant in accordance with
- (a) regulations that the Lieutenant Governor in Council may make in respect of the council, including any bylaws the council must make, and
  - (b) bylaws the council may make to administer the admission of the person as a registrant.

**Review on the record**

- 48**
- (1) Within 30 days of receiving notice of a decision in respect of an application in respect of a regulatory body, the applicant may apply in writing to the council of the regulatory body for a review on the record.
  - (2) On receiving a request under subsection (1), the council or the credentials committee, if authorized by the council, may conduct a review of the record in accordance with the bylaws.
  - (3) Despite subsections (1) and (2), if, in the opinion of the council, there are special circumstances, the council may hear evidence that is not part of the record.
  - (4) After conducting its review, the council may
    - (a) confirm the decision in respect of the application, or
    - (b) substitute a decision in respect of the application, including any conditions or limitations on the registration.
  - (5) The council may make bylaws establishing
    - (a) procedures and criteria for an application for review under this section, and
    - (b) the practice and procedure for proceedings before the council under this section, which may be different for reviews of different applications under section 45.

**Certificate of registration and seal**

- 49**
- (1) The registrar of each regulatory body must issue to each registrant a certificate of registration and, on payment of the annual fee, confirmation that the registrant is in good standing and has complied with this Act and the bylaws.
  - (2) A certificate or confirmation under subsection (1) purporting to contain the signature of the registrar stating that a person is, or was at the time specified in the certificate, a registrant in good standing is proof of that fact in the absence of evidence to the contrary.
  - (3) Subject to subsection (4), the council of the regulatory body may make bylaws
    - (a) providing for the issuance of a seal to registrants in good standing, and
    - (b) governing the use of the seal.
  - (4) The Lieutenant Governor in Council may, by regulation, establish requirements in respect of the following:
    - (a) bylaws made by the council under subsection (3);
    - (b) the use of the seal by registrants.

**Fees and special assessments**

- 50**
- (1) The council of a regulatory body may make bylaws to do the following:
    - (a) set the annual fee to be paid by registrants, which may be different for different specializations;

- (b) set fees, in addition to the annual fee referred to in paragraph (a), to be paid by registrants, trainees, certified non-registrants or applicants;
  - (c) levy special assessments, for a purpose consistent with this Act, to be paid by registrants, trainees, certified non-registrants or applicants;
  - (d) set the date by which a fee, including the annual fee or a special assessment, must be paid;
  - (e) permit late payment of a fee, including the annual fee or a special assessment;
  - (f) set a fee for late payment of a fee, including the annual fee or a special assessment;
  - (g) determine the circumstances in which a full or partial refund of a fee, including the annual fee or a special assessment, may be made;
  - (h) waive payment of all or part of a fee, including the annual fee or a special assessment, for a person who the council wishes to honour.
- (2) If a registrant fails to pay a fee, including the annual fee, a special assessment or a penalty imposed by the council under this Act by the time the fee, assessment or penalty is required to be paid, the registrant ceases to be a member of the regulatory body unless the council of the regulatory body otherwise directs, subject to bylaws made under subsection (1).

## **PART 5 – RESERVED TITLES AND RESERVED PRACTICE**

### **Exclusivity of reserved titles and right of practice of reserved practice**

- 51** (1) Registrants of a regulatory body have, in accordance with regulations that may be made by the Lieutenant Governor in Council,
- (a) the exclusive use of a reserved title as prescribed by regulation of the Lieutenant Governor in Council, if the regulatory body is listed in Schedule 2 to this Act, and
  - (b) the right of practice of a reserved practice as prescribed by regulation of the Lieutenant Governor in Council, if the regulatory body is listed in Schedule 3 to this Act.
- (2) The Lieutenant Governor in Council may, by regulation, amend Schedules 2 and 3 to this Act.
- (3) Despite this section, this Act does not apply to prevent a person from assuming a title or designation
- (a) if registered as a registrant in more than one regulatory body under this Act, or
  - (b) as authorized by another enactment purporting to regulate another profession or occupation.



**Prohibition and limitation – use of reserved titles**

- 52** (1) If a regulation under section 51 (1) (a) or 89 (2) (b) [*designation of regulatory body*] prescribes a title to be used exclusively by registrants of a regulatory body listed in Schedule 2 to this Act, a person other than a registrant of the regulatory body must not use the title, an abbreviation of the title or an equivalent of the title or abbreviation in another language
- (a) to describe the person's work,
  - (b) in association with or as part of another title describing the person's work, or
  - (c) in association with a description of the person's work.
- (2) If a regulation under section 51 (1) or 89 (2) (c) prescribes a limit or condition in respect of the use of a reserved title, the reserved title must not be used except in accordance with the regulation.
- (3) A person other than a registrant of a regulatory body must not use a reserved title or other name, title, description or abbreviation of a name or title, or an equivalent of a reserved title or other name or title in another language, in any manner that expresses or implies that the person is a registrant or associated with the regulatory body or is authorized to practice in a profession that is subject to a reserved title.

**Exceptions for use of reserved titles**

- 53** Despite section 52 (1) and (2), but subject to subsection (3) of that section, a person's use of a title prescribed under section 51 (1) (a) or 89 (2) (b), an abbreviation of the title or an equivalent of the title or abbreviation in another language is not a contravention of section 52 (1) if the person
- (a) is authorized by a body in another province or a foreign jurisdiction that regulates a profession in that other province or foreign jurisdiction to do so,
  - (b) indicates, in doing so,
    - (i) whether the person is authorized to practise the profession in the other province or foreign jurisdiction, and
    - (ii) the name of the other province or foreign jurisdiction, and
  - (c) uses the title only for the purpose of indicating whether the person is authorized to practise the profession in the other province or foreign jurisdiction.

**Prohibitions regarding reserved practice**

- 54** (1) If a regulation under section 51 (1) (b) or 89 (2) (d) prescribes a service as a reserved practice that may only be provided by a registrant of a particular regulatory body,
- (a) a person other than a registrant of the regulatory body must not provide the service, and

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- (b) a person must not recover a fee or remuneration in respect of the provision of the service unless, at the time the service was provided, the person was a registrant of the regulatory body.
- (2) If a regulation under section 51 (1) (b) or 89 (2) (e) prescribes a service as a reserved practice that may only be provided by or under the supervision of a registrant of a particular regulatory body,
  - (a) a person other than a registrant of the regulatory body must not provide the service unless the person does so under the supervision of such a registrant, and
  - (b) a person other than a registrant of the regulatory body must not recover a fee or remuneration in respect of the provision of the service unless, at the time the service was provided, the person providing the service was supervised by such a registrant.

**Exceptions to prohibitions**

- 55** Despite section 54, nothing in this Act, the regulations or the bylaws prohibits a person from practising a profession, discipline or other occupation in accordance with this Act, regulations made under this Act or another enactment.

## **PART 6 – PROTECTION OF THE PUBLIC INTEREST WITH RESPECT TO PROFESSIONAL GOVERNANCE AND CONDUCT**

### **Division 1 – Standards of Conduct and Competence**

**Definition and application**

- 56** (1) In this Part, “**registrant**” includes
- (a) a former registrant, and
  - (b) a certified non-registrant or former certified non-registrant to whom this Part applies.
- (2) In the case of a former registrant or former certified non-registrant, the application of this Part is limited to the period of time when the former registrant or the former certified non-registrant was acting as a registrant or certified non-registrant, as the case may be.

**Standards of conduct and competence**

- 57** (1) Subject to subsections (2) and (3), the council of each regulatory body must make bylaws establishing the following:
- (a) standards of professional and ethical conduct for registrants, which standards may be different for different categories or subcategories of registrants;

- (b) standards of competence for registrants, which standards may be different for different categories or subcategories of registrants or different areas of practices;
  - (c) aspects of practice that a registrant either may or must not
    - (i) delegate to a non-registrant to provide or perform, or
    - (ii) authorize a non-registrant to provide or perform under the supervision of a registrant;
  - (d) a program to assist registrants in dealing with professional or ethical issues;
  - (e) continuing education programs or requirements for qualified continuing education for individual registrants, which programs or requirements may be different for different specializations;
  - (f) continuing education programs or requirements that support reconciliation with Indigenous peoples in British Columbia;
  - (g) continuing education programs to be provided by registrants that are firms.
- (2) The bylaws made under subsection (1) must include a code of ethics that must include at least the following ethical principles:
- (a) hold paramount the safety, health and welfare of the public, including the protection of the environment and the promotion of health and safety in the workplace;
  - (b) practice only in those fields where training and ability make the registrant professionally competent;
  - (c) have regard for the common law and any applicable enactments, federal enactments or enactments of another province;
  - (d) have regard for applicable standards, policies, plans and practices established by the government or the regulatory body;
  - (e) maintain competence in relevant specializations, including advances in the regulated practice and relevant science;
  - (f) provide accurate information in respect of qualifications and experience;
  - (g) provide professional opinions that distinguish between facts, assumptions and opinions;
  - (h) avoid situations and circumstances in which there is a real or perceived conflict of interest and ensure conflicts of interest, including perceived conflicts of interest, are properly disclosed and necessary measures are taken so a conflict of interest does not bias decisions or recommendations;
  - (i) report to the regulatory body and, if applicable, any other appropriate authority, if the registrant, on reasonable and probable grounds, believes that the continued practice of a regulated practice by another registrant or other person, including firms and employers, might pose a risk of significant harm to the environment or to the health or safety of the public or a group of people;

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- (j) present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded;
  - (k) clearly identify each registrant who has contributed professional work, including recommendations, reports, statements or opinions;
  - (l) undertake work and documentation with due diligence and in accordance with any guidance developed to standardize professional documentation for the applicable profession.
- (3) The Lieutenant Governor in Council may make regulations
  - (a) specifying further details about the code of ethics and ethical principles described in subsection (2),
  - (b) prescribing additional ethical principles that the council of a regulatory body must establish in a code of ethics for registrants, and
  - (c) prescribing ethical principles that apply to a class of registrants, including firms that are registrants, that a regulatory body must include in a code of ethics made under subsection (1).
- (4) The council may make bylaws establishing the following:
  - (a) a class or classes of certified non-registrants to whom registrants may delegate aspects of the regulated practice or who may be authorized to provide or perform aspects of the regulated practice in accordance with a bylaw made under subsection (1) (c);
  - (b) conditions or requirements, including training or education requirements, for the certification by the regulatory body of certified non-registrants described in paragraph (a);
  - (c) standards, limits or conditions in respect of the aspects of regulated practice that may be provided or performed by certified non-registrants;
  - (d) conditions or requirements for renewal, suspension, cancellation and reinstatement of the certification of certified non-registrants, and provide for the suspension or cancellation of the certification of certified non-registrants for late payment or non-payment of fees;
  - (e) fees payable to the regulatory body by certified non-registrants;
  - (f) joint standards of conduct or competence in conjunction with another professional or occupational body in another jurisdiction, if relevant.

**Duty to report**

- 58** (1) In this section, “**identified registrant**” means a registrant of a regulatory body who is believed to be engaged in conduct described in subsection (2) (a) or (b).
- (2) If a registrant has reasonable and probable grounds to believe that an identified registrant is

(a) engaged in the regulated practice in a manner that may pose a risk of significant harm to the environment or to the health or safety of the public or a group of people, or

(b) engaged in a matter or conduct prescribed by the Lieutenant Governor in Council,

the registrant must promptly report this to the registrar of the identified registrant's regulatory body.

(3) Subsection (2) applies even if the information on which the belief is based is confidential and its disclosure is prohibited under another Act.

(4) If a person

(a) terminates the employment of an identified registrant,

(b) revokes, suspends or imposes restrictions on the privileges of the identified registrant, or

(c) dissolves a partnership or association with the identified registrant,

based on a belief described in subsection (2), the person must promptly report this in writing to the registrar of the identified registrant's regulatory body.

(5) If a person intended to act as described in subsection (4) (a), (b) or (c) but the identified registrant resigned, relinquished privileges or dissolved the partnership or association before the person acted, the person must report this in writing to the registrar of the identified registrant's regulatory body.

(6) On receiving a report under subsection (2), (4) or (5), the registrar must act under section 65 [complaints] as though the registrar had received a complaint under that section.

(7) Subject to the registrar's approval, the identified registrant, if ordered under this Act to cease or restrict the regulated practice as a registrant of the regulatory body, may employ another registrant of that regulatory body to carry on the regulated practice.

## **Division 2 – Competence Declarations and Conflict of Interest Declarations**

### **Requirements for declarations may be prescribed**

- 59** The Lieutenant Governor in Council may make regulations prescribing requirements for the purposes of administering declarations under this Division, including any forms that may be required.

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**Registrants must file competence declarations  
and conflict of interest declarations**

- 60** (1) When a registrant is engaged to provide services that are within the registrant's regulated practice, the registrant must, within a prescribed time period and in the prescribed form and manner, file the following:
- (a) a competence declaration;
  - (b) a conflict of interest declaration, which includes a conflict of interest or a perceived conflict of interest in respect of the service to be provided.
- (2) The council of a regulatory body may, subject to regulations that may be made by the Lieutenant Governor in Council, make bylaws to specify the requirements for competence in respect of the regulated practice of registrants or a category of registrants.

**Exceptions**

- 61** The Lieutenant Governor in Council may, by regulation, provide an exception to a requirement under this Division, in accordance with the prescribed criteria or circumstances.

**Conflict of interest declarations –  
disclosure, guidelines and directives**

- 62** (1) The Lieutenant Governor in Council may make regulations that a regulatory body disclose conflict of interest declarations to the superintendent within a prescribed time period and in the prescribed form and manner.
- (2) The superintendent may establish guidelines or issue directives for how a council of a regulatory body is to administer conflict of interest declarations, in accordance with regulations that may be made by the Lieutenant Governor in Council.

**Division 3 – Audits, Practice Reviews and Discipline****Audits and practice reviews**

- 63** (1) The council of a regulatory body may, subject to section 23 (4) [*council of regulatory body*], establish an audit and practice review committee to
- (a) advise the council on matters falling within the scope of this Division, and
  - (b) carry out other functions consistent with this Division.
- (2) The council may authorize the audit and practice review committee to
- (a) exercise a power, authority or jurisdiction of the council under this section, other than a bylaw-making authority, and
  - (b) appoint assessors for the purposes of an audit or practice review.
- (3) The council may authorize an audit to be conducted in accordance with the bylaws or an audit program as described in subsection (7).

- (4) The council may authorize a review of the practice of a registrant of the regulatory body to be carried out by an assessor, another officer or employee of the regulatory body or a contractor retained by the regulatory body for this purpose, if
  - (a) there is reason to believe that the registrant might have
    - (i) contravened this Act, the regulations or the bylaws,
    - (ii) failed to comply with a standard, limit or condition imposed under this Act,
    - (iii) acted in a manner that constitutes professional misconduct or conduct unbecoming a registrant, or
    - (iv) acted in a manner that constitutes incompetent performance of duties undertaken while engaged in the registrant's regulated practice, or
  - (b) the registrant consents.
- (5) If the council authorizes a practice review under subsection (4), the council may do the following:
  - (a) by written notice, require a registrant of the regulatory body whose practice is being reviewed under this subsection to cooperate with the review, answer questions and provide access to information, files or records in the registrant's possession or control;
  - (b) direct an assessor or other authorized person to prepare a report of the findings of the review, which, if prepared, must also be provided to the registrant whose practice was the subject of the review;
  - (c) impose, in accordance with bylaws that the council may make, limits or conditions on the practice of the regulated practice by the registrant, including
    - (i) restricting the practice that may be engaged in by the registrant,
    - (ii) requiring that the registrant be overseen by another registrant when engaged in the regulated practice, and
    - (iii) requiring that the registrant undertake additional training;
  - (d) refer a report required under paragraph (b) to an assessor, another officer or a committee with directions to
    - (i) consider whether or not the findings of the review might warrant action under section 66 [*investigations authorized by council*], and
    - (ii) advise the council or the investigation committee accordingly.
- (6) The council may make bylaws to do the following:
  - (a) govern the initiation or conduct of a review referred to in subsection (4);
  - (b) specify the nature and extent of the requirements that may be imposed on a registrant under subsection (5) (a);
  - (c) govern the referral of a report under subsection (5) (d).

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- (7) The council may make bylaws establishing an audit program to routinely or randomly assess the conduct or competence of registrants of the regulatory body.
- (8) The confidentiality provisions set out under section 110 [*confidentiality – committee matters*] apply in respect of the audit and practice review committee.

**Investigation committee**

- 64** The council of a regulatory body may, subject to section 23 (4), establish an investigation committee to
- (a) advise the council on matters falling within the scope of this Division, and
  - (b) carry out other functions consistent with this Division.

**Complaints**

- 65** (1) A person may make a complaint to the regulatory body, the council or an officer about a registrant of the regulatory body who may be
- (a) engaged in the registrant's regulated practice in an incompetent manner, or
  - (b) guilty of professional misconduct, conduct unbecoming a registrant or a breach of this Act or the bylaws.
- (2) The council of the regulatory body may make bylaws governing the disposition of a complaint under subsection (1).
- (3) The registrar must advise the person who makes a complaint under subsection (1) of the disposition of the complaint.
- (4) The council, or an officer or a committee authorized to do so by the council, may, on the initiative of the council, the officer or the committee, or on receiving a complaint under subsection (1), authorize a practice review under section 63 or take action under section 66.
- (5) A registrant of the regulatory body who resigns before or after the beginning of a practice review, investigation, hearing or other proceeding under this Act remains subject to the jurisdiction of the regulatory body.

**Investigations authorized by council**

- 66** (1) The council of a regulatory body may do the following:
- (a) authorize an investigation into the conduct or competence of a registrant, to be carried out by a committee of the regulatory body, an officer or employee of the regulatory body, or a contractor retained by the regulatory body for this purpose, if there is reason to believe that the registrant may have been guilty of
    - (i) professional misconduct,
    - (ii) conduct unbecoming a registrant, or
    - (iii) incompetent performance of duties undertaken while engaged in the registrant's regulated practice;



- (b) if there is reason to believe that a registrant whose conduct or competence is being investigated under this subsection possesses any information, record or thing that is relevant to the investigation, issue a written notice requiring the registrant to
    - (i) cooperate with the investigation,
    - (ii) answer questions,
    - (iii) produce files, records or other evidence in the registrant's possession or control, and
    - (iv) provide explanations on request;
  - (c) if there is reason to believe that the conduct or competence of a registrant may warrant action under this subsection, issue a written notice requiring the registrant to appear before the council or the investigation committee to discuss the conduct or competence of the registrant;
  - (d) issue a citation ordering a discipline hearing under section 75 [*discipline hearings*] to inquire into the conduct or competence of a registrant;
  - (e) rescind a citation issued under paragraph (d).
- (2) The council may make bylaws
- (a) authorizing the council to
    - (i) summarily suspend or cancel the registration or membership of a registrant who has been convicted of an indictable offence, or
    - (ii) summarily reject the application of an applicant convicted of an indictable offence,
  - (b) governing the initiation or conduct of an investigation referred to in subsection (1) (a),
  - (c) specifying the nature and extent of the requirements that may be imposed on a registrant in a notice issued under subsection (1) (b),
  - (d) governing the initiation or conduct of an appearance before the council or the investigation committee under subsection (1) (c), and
  - (e) governing the issuance or rescission of a citation.

**Extraordinary action to protect public**

- 67** (1) If the council of a regulatory body, or a discipline committee established under section 75 [*discipline hearings*], considers the action necessary in the public interest during an investigation under section 66 (1) (a) or pending a hearing under section 75, the council may, by order and without giving the registrant an opportunity to be heard,
- (a) impose limits or conditions on the practice of the regulated practice by the registrant, or
  - (b) suspend the registration of the registrant.

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- (2) An order of the council under subsection (1) must
  - (a) be in writing,
  - (b) include reasons for the order, and
  - (c) be delivered to the complainant, if any, and to the registrant.
- (3) A decision under subsection (1) is not effective until the earlier of
  - (a) the time the registrant receives the notice under subsection (2), and
  - (b) 3 days after the notice is mailed to the registrant at the last address for the registrant recorded in the register of the regulatory body.
- (4) If the council determines that action taken under subsection (1) is no longer necessary to protect the public, it must cancel the limits, conditions or suspension and must notify the registrant in writing of the cancellation as soon as possible.
- (5) After an order of the council is made under subsection (1), the registrar of the regulatory body must promptly notify the superintendent about the order.

**Inspectors**

- 68** (1) An investigation committee of a regulatory body may appoint persons as inspectors for the regulatory body.
- (2) The registrar of a regulatory body is an inspector for the regulatory body.
- (3) The registrar may appoint a deputy registrar of the regulatory body as an inspector for the regulatory body.

**Powers and duties of inspectors**

- 69** (1) During regular business hours, an inspector under section 68 may, subject to any limits or conditions imposed on the inspector by the investigation committee, investigate, inquire into, inspect, observe or examine one or more of the following without a court order:
  - (a) the premises, equipment and materials used by a registrant to engage in the regulated practice;
  - (b) the records of the registrant relating to the registrant's regulated practice and may copy those records;
  - (c) the regulated practice, as engaged in, performed by or under the supervision of the registrant.
- (2) The investigation committee may direct an inspector to act under subsection (1) or undertake any aspect of an investigation under section 66.
- (3) If an inspector acts under this section as a consequence of a direction given under subsection (2), the inspector must report the results of those actions in writing to the investigation committee.

**Search and seizure under court order**

- 70** (1) A person authorized by an investigation committee of a regulatory body may apply to the Supreme Court for an order that authorizes a person named in the order
- (a) to enter into the premises or land specified in the order at any reasonable time and conduct an inspection, examination or analysis,
  - (b) to require the production of any record, property, assets or things and to inspect, examine or analyze them, and
  - (c) on giving a receipt, to seize and remove any record, property, assets or things inspected, examined or analyzed under paragraph (a) or (b) for further inspection, examination or analysis.
- (2) Unless the court otherwise directs, an application under subsection (1) may be made without notice to any person and may be heard in private.
- (3) On application under subsection (1), the court may make an order under this section if satisfied on oath that there are reasonable grounds for believing that evidence may be found
- (a) that a person who is not a registrant of the regulatory body has contravened this Act, the regulations or the bylaws, or
  - (b) that a person who is a registrant of the regulatory body has
    - (i) contravened this Act, the regulations or the bylaws,
    - (ii) failed to comply with a standard, limit or condition imposed under this Act,
    - (iii) acted in a manner that constitutes professional misconduct or conduct unbecoming a registrant, or
    - (iv) acted in a manner that constitutes incompetent performance of duties undertaken while engaged in the registrant's regulated practice.
- (4) In an order under this section, the court
- (a) must specify the premises or land to be entered and must generally describe any thing to be searched for and examined, audited or seized,
  - (b) may include any limitations or conditions the court considers proper, including the time of entry, the disposition of things seized and the access by any person to the things seized, and
  - (c) may direct that section 71 does not apply to a thing specified in the order if all limitations and conditions included under paragraph (b) are met.
- (5) Despite a court order made under subsection (4) (c), section 71 applies if the person who owned or controlled the thing at the time of the seizure requests in writing that section 71 be applied to the thing seized.

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- (6) A request under subsection (5) of this section must be delivered to the investigation committee by personal service or registered mail no later than 21 days after the seizure.
- (7) A person who, while conducting or attempting to conduct an entry or search under this section, finds any thing not described in the order that the person has reasonable grounds to believe will provide evidence in respect of a contravention of this Act, the regulations or the bylaws may seize and remove that thing.

**Detention of things seized**

- 71**
- (1) For the purposes of subsection (2), a person who makes a seizure under section 70 must report the seizure as soon as practicable to a judge of the Supreme Court, who must be the judge who issued the order under which the seizure was made unless this is not practicable.
  - (2) On receiving a report under subsection (1), the judge must
    - (a) order the thing that was seized returned to its owner or other person entitled to it unless satisfied that an order under paragraph (b) should be made, or
    - (b) order the thing detained if satisfied that the detention is required for the purposes of this Act.
  - (3) An inspector may make one or more copies of any record detained under subsection (2).
  - (4) A document purporting to be certified by a representative of an investigation committee to be a true copy made under the authority of subsection (3) is evidence of the nature and content of the original document.
  - (5) Subject to an order under section 70 (4) (b), the person from whom any thing is seized under this section or the owner of the thing, if that person is a different person, is entitled to inspect that thing at any reasonable time and, in the case of a record, to obtain one copy of the record at the expense of the regulatory body.
  - (6) A record must not be detained under this section for a period longer than 3 months from the time of its seizure unless, before the expiration of the period, either
    - (a) the person from whom the record was seized consents to the continued detention of the record, or
    - (b) the Supreme Court, on application and after being satisfied that the continued detention is justified, orders the continued detention of the record for a specified period of time.

**Reprimand or remedial action by consent**

- 72**
- (1) In relation to a matter investigated under section 66 (1) (a) [*investigations authorized by council*], the investigation committee or the discipline committee of a regulatory body may request in writing that the registrant do one or more of the following:

- (a) undertake not to repeat the conduct to which the matter relates;
  - (b) undertake educational courses specified by the audit and practice review committee;
  - (c) consent to a reprimand;
  - (d) undertake or consent to any other action specified by the audit and practice review committee.
- (2) If a consent or undertaking given under subsection (1) relates to a complaint made under section 65 [*complaints*], the investigation committee or the discipline committee must, within 30 days of the consent or undertaking being given, deliver to the complainant a written summary of the consent or undertaking.
- (3) If a registrant refuses to give an undertaking or consent requested under subsection (1), or if a registrant fails to comply with an undertaking or consent given in response to a request under subsection (1), the council may direct the registrar to issue a citation for a hearing by the discipline committee regarding the matter.

**Consent orders**

- 73**
- (1) The investigation committee or the discipline committee of a regulatory body may, before the commencement of the discipline hearing, propose, in writing, to the person who is the subject of an investigation under section 66 (1) that a consent order be made for the voluntary resolution of one or more matters that may otherwise be dealt with at the discipline hearing.
  - (2) A consent order is made if
    - (a) the person who is the subject of an investigation under section 66 (1) accepts the proposal of the investigation committee or the discipline committee under subsection (1) of this section, or
    - (b) an agreement is reached under section 74 (2) between the person who is the subject of an investigation under section 66 (1) and the investigation committee or the discipline committee.
  - (3) A consent order made under subsection (2) (a) must contain
    - (a) the terms set out in the proposal made by the investigation committee or discipline committee under subsection (1),
    - (b) one or more admissions by the person who is the subject of the investigation in relation to one or more of the matters to be dealt with at the discipline hearing, and
    - (c) one or more of the actions taken or penalties imposed in section 75 (3) to (7) [*discipline hearings*].
  - (4) A consent order made under subsection (2) has the same effect as an action taken or penalty imposed under section 75.

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- (5) After a consent order is made under subsection (2), no further action may be taken under this section and section 75 with respect to the matters contained in the consent order.
- (6) If the person to whom a proposal under subsection (1) is made rejects the proposal,
  - (a) an investigation under section 66 in respect of the matters contained in the proposal must proceed as though the proposal had not been made, and
  - (b) the discipline committee conducting a hearing under section 75 must not consider the admissions contained in the proposal or the terms of the proposal in determining the matters or in taking an action or imposing a penalty in respect of the matters.

**Alternative complaint resolution**

- 74** (1) At any time, a person who is the subject of an investigation under section 66 (1), the registrar of a regulatory body and the investigation committee or the discipline committee, as applicable, may agree that alternative complaint resolution, as provided in the bylaws, will commence between the person who is the subject of the investigation and the applicable committee in respect of one or more matters to be dealt with at the hearing.
- (2) If the person who is the subject of the investigation, the registrar and the investigation committee or the discipline committee, as applicable, reach an agreement in respect of one or more of the matters to be dealt with at the hearing, a consent order may be made under section 73 (2) (b) on the terms set out in the agreement.
- (3) No further action may be taken under this section and section 75 with respect to a matter referred to in subsection (1) of this section unless the registrar and the investigation committee or the discipline committee, as applicable, determine that an agreement in respect of the matter cannot be reached within a reasonable period of time.
- (4) If the registrar and the investigation committee or the discipline committee, as applicable, determine that an agreement in respect of a matter referred to in subsection (1) cannot be reached within a reasonable period of time,
  - (a) an investigation under section 66 in respect of the matter must proceed, and
  - (b) the discipline committee conducting a hearing under section 75 must not consider the information disclosed during the alternative complaint resolution process in determining the matters or in taking an action or imposing a penalty in respect of the matters.

**Discipline hearings**

- 75** (1) The council of a regulatory body may, subject to section 23 (4) [*council of regulatory body*], establish a discipline committee to
  - (a) advise the council on matters falling within the scope of this Division, and

- (b) carry out other functions consistent with the role of the discipline committee under this Division.
- (2) This section applies to the hearing of a citation.
- (3) A hearing must be conducted in accordance with section 77 [*discipline committee to conduct hearings*].
- (4) The discipline committee must
  - (a) make determinations and take action according to this section,
  - (b) give written reasons for a determination about the conduct or competence of the respondent and an action taken against the respondent, and
  - (c) record in writing an order for costs.
- (5) After a hearing, the discipline committee must do one of the following:
  - (a) dismiss the citation;
  - (b) determine that the respondent has committed one or more of the following:
    - (i) professional misconduct;
    - (ii) conduct unbecoming a registrant;
    - (iii) incompetent performance of duties undertaken while engaged in the registrant's regulated practice.
- (6) If, under subsection (5), an adverse determination is made against a respondent, other than a trainee, the discipline committee must do one or more of the following:
  - (a) reprimand the respondent;
  - (b) impose a penalty on the respondent in an amount that is,
    - (i) in the case of an individual, not more than \$100 000, and
    - (ii) in the case of a firm, not more than \$250 000;
  - (c) impose conditions on the respondent's registration as a registrant of the regulatory body;
  - (d) suspend the respondent's membership in the regulatory body
    - (i) for a specified period of time,
    - (ii) until the respondent complies with a requirement under paragraph (f), or
    - (iii) for a specified minimum period of time and until the respondent complies with a requirement under paragraph (f);
  - (e) cancel the respondent's membership in the regulatory body;
  - (f) require the respondent to
    - (i) complete a remedial program to the satisfaction of the council or the audit and practice review committee, or

- (ii) appear before a committee established by the council and satisfy the committee that the respondent is competent to practise the registrant's regulated practice.
- (7) If, under subsection (5), an adverse determination is made against a trainee, the discipline committee may do one or more of the following:
  - (a) require that the trainee undertake further training;
  - (b) reprimand the trainee;
  - (c) impose a penalty on the trainee in an amount not exceeding \$2 000;
  - (d) cancel the enrolment of the trainee.
- (8) After a hearing, the registrar of the regulatory body must promptly
  - (a) notify the superintendent about the disposition of the hearing,
  - (b) update the online register maintained under section 31 [*registrar and register for regulatory body*], and
  - (c) publish information about the disposition of the hearing on a website maintained by or on behalf of the regulatory body in the form and manner required by the superintendent or in accordance with regulations that may be made by the Lieutenant Governor in Council.
- (9) A penalty imposed under this Act may be recovered as a debt owing to the regulatory body and, when collected, is the property of the regulatory body.
- (10) If the Lieutenant Governor in Council makes regulations in respect of the publication of prescribed information about a hearing under this section, including publication of prescribed information about the hearing on a website maintained by or on behalf of the regulatory body, the regulatory body
  - (a) must publish the prescribed information in the form, manner and time period required by the regulations, and
  - (b) may make bylaws in respect of the publication.

**Conduct in another jurisdiction**

**76** (1) In this section:

**“conduct of concern”** means, as applicable,

- (a) professional misconduct,
- (b) conduct unbecoming a registrant, or
- (c) incompetent performance of duties undertaken while engaged in the regulated practice;

**“different governing body”** means

- (a) a regulatory body other than the applicable regulatory body, or
- (b) a professional association that regulates a profession in British Columbia, another province or a foreign jurisdiction.



- (2) A discipline committee of a regulatory body may make an order under section 75 (5) respecting a registrant without issuing a citation under section 66 (1) (d) [*investigations authorized by council*] or conducting a hearing under section 75 if the discipline committee learns that a different governing body has found, or the registrant has admitted to a different governing body, that the registrant committed an act that, in the opinion of the discipline committee, would constitute conduct of concern under this Act.
- (3) The discipline committee may take action under subsection (2)
  - (a) regardless of whether the act referred to in that subsection was committed before or after the registrant was registered under Division 2 [*Enrolment, Admission and Reinstatement*] of Part 4 [*Registrants*], and
  - (b) only after giving the registrant
    - (i) notice of the proposed action, in accordance with the bylaws,
    - (ii) a copy of the record of the relevant decision or findings made or action taken by the different governing body, and
    - (iii) an opportunity to be heard, which may be limited to a hearing in writing.
- (4) If the discipline committee makes an order under subsection (2), section 75 applies as if a determination had been made by the discipline committee under section 75 (4).
- (5) For the purposes of this section, a certified copy of a record of the decision or findings made or action taken by the different governing body in respect of a registrant is proof, in the absence of evidence to the contrary, of the findings made or the action taken, without proof of the signature of the person purporting to have signed on behalf of that different governing body.

**Discipline committee to conduct hearings**

- 77**
- (1) A discipline committee of a regulatory body may establish panels to conduct hearings under section 75 in accordance with the bylaws.
  - (2) A panel established under subsection (1) must include at least one lay member, who is not a registrant, and may exercise any power or authority a discipline committee may exercise under this Act.
  - (3) The council of the regulatory body may make bylaws
    - (a) for the appointment and composition of panels,
    - (b) for the practice and procedure for hearings, and
    - (c) providing for oral or written hearings.
  - (4) A discipline committee or panel may order an applicant or respondent who is the subject of a hearing under section 75 to do either or both of the following:
    - (a) give evidence on oath or by affirmation;

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- (b) at any time before or during a hearing, produce all files, records or other information in the possession of that person that may be relevant to a matter under consideration.

**Failure to attend**

- 78** (1) This section applies if an applicant or respondent fails to attend or remain in attendance at a discipline hearing under section 75.
- (2) If satisfied that the applicant or respondent has been notified of a hearing referred to in subsection (1), the discipline committee of a regulatory body or the panel, as applicable, may proceed with the hearing in the absence of the applicant or respondent and make any order that the discipline committee or panel could have made in the presence of the applicant or respondent.

**Right to counsel**

- 79** (1) An applicant or respondent may appear with counsel at a discipline hearing under section 75.
- (2) The council, an employee or officer or a committee of a regulatory body may employ or retain legal or other assistance in exercising any power, authority or jurisdiction conferred under this Act, including the conduct of an audit, practice review or discipline investigation or the issuance of a citation, and may be represented by counsel at a discipline hearing under section 75.
- (3) A discipline committee or panel may employ or retain legal or other assistance in conducting a hearing.

**Witnesses**

- 80** (1) For the purposes of a discipline hearing under section 75 of this Act, the following provisions of the *Administrative Tribunals Act* apply to the panel:
- (a) section 34 (3) and (4) [*power to compel witnesses and order disclosure*];
  - (b) section 48 [*maintenance of order at hearings*];
  - (c) section 49 [*contempt proceeding for uncooperative witness or other person*].
- (2) A regulatory body or a respondent may apply to the Supreme Court, without notice to anyone, for an order that a subpoena in the form set out in the Supreme Court Civil Rules be issued to compel the attendance of a person as a witness at a discipline hearing under section 75 of this Act.
- (3) The Supreme Court Civil Rules in respect of the following apply to a person who is the subject of an order under subsection (2) of this section:
- (a) the use of a subpoena to compel a person to attend at the trial of an action;
  - (b) failure to obey a subpoena or an order of the court.

**Costs**

- 81** (1) A discipline committee or panel, in the context of a discipline hearing under section 75, may require the respondent to pay the costs of one or both of the following:
- (a) an investigation;
  - (b) the hearing under section 75.
- (2) Costs assessed under subsection (1)
- (a) must not exceed the actual costs incurred by the regulatory body during the course of the investigation and hearing, and
  - (b) may include the salary costs for employees or officers engaged in the investigation and hearing.
- (3) The council may make bylaws governing the assessment of costs under subsection (1), including the following:
- (a) the factors to be considered in assessing costs;
  - (b) the maximum amount of costs that may be assessed within the limits set out in subsection (2);
  - (c) the time allowed for payment of costs;
  - (d) the extension of time for payment of costs.
- (4) The amount of costs assessed against a respondent under subsection (1) may be recovered as a debt owing to a regulatory body and, when collected, that amount is the property of the regulatory body.

**Division 4 – Other Matters****Information to be publicly available**

- 82** (1) The council of each regulatory body must, in accordance with this section and any regulations made under subsection (4), make bylaws about information that is to be made publicly available by the regulatory body in respect of the following:
- (a) discipline hearings;
  - (b) consent orders;
  - (c) any other matter prescribed by regulation.
- (2) The information described in subsection (1) is to be made publicly available on a website maintained by or on behalf of the regulatory body and published in the form, manner and time period required by the bylaws.
- (3) Information that is to be made public must include the following:
- (a) if a registrant's conduct is at issue, the name of the registrant;
  - (b) the fact that a citation is issued;

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- (c) any other information prescribed by regulation of the Lieutenant Governor in Council.
- (4) The Lieutenant Governor in Council may make regulations in respect of
  - (a) any exceptions in respect of the application of this section, and
  - (b) any other matter relating to information that is to be made publicly available under this section.

**If registration of firm as registrant  
suspended or cancelled**

- 83** (1) A decision to suspend or cancel, as applicable, the registration of a registrant of a regulatory body that is a firm under the following sections may, by order of the Lieutenant Governor in Council, be rescinded, varied or substituted:
- (a) section 67 [*extraordinary action to protect public*];
  - (b) section 75 [*discipline hearings*].
- (2) The Lieutenant Governor in Council may, by order, impose limits or conditions on the regulated practice by a registrant that is a firm if the decision to suspend or cancel the firm's registration is rescinded, varied or substituted under subsection (1).
- (3) An order by the Lieutenant Governor in Council under this section
- (a) is not limited to the same considerations taken into account in the decision referred to in subsection (1) to suspend or cancel the registration, and
  - (b) does not affect any other provisions under this Act that apply in respect of the registrant.

**PART 7 – APPLICABLE REGULATORY BODIES****Division 1 – Regulatory Bodies Continued Under This Act****Regulatory bodies continued**

- 84** (1) The British Columbia Institute of Agrologists continued under the *Agrologists Act*, S.B.C. 2003, c. 13, is continued as a regulatory body under this Act and
- (a) its bylaws continue as bylaws made under this Act, except to the extent that they are inconsistent with this Act,
  - (b) its council is continued as a council under this Act,
  - (c) each individual who is a councillor of the council continued under paragraph (b) is continued as a councillor under this Act,
  - (d) its registrar is continued as a registrar under this Act, and
  - (e) its registered members of the institute continue as registrants under this Act.

- (2) The Applied Science Technologists and Technicians of British Columbia continued under the *Applied Science Technologists and Technicians Act*, R.S.B.C. 1996, c. 15, is continued as a regulatory body under this Act and
  - (a) its bylaws continue as bylaws made under this Act, except to the extent that they are inconsistent with this Act,
  - (b) its council is continued as a council under this Act,
  - (c) each individual who is a council member of the council continued under paragraph (b) is continued as a councillor under this Act,
  - (d) its registrar is continued as a registrar under this Act, and
  - (e) its registered members continue as registrants under this Act.
- (3) The College of Applied Biology established under the *College of Applied Biology Act*, S.B.C. 2002, c. 68, is continued as a regulatory body under this Act and
  - (a) its bylaws continue as bylaws made under this Act, except to the extent that they are inconsistent with this Act,
  - (b) its council is continued as a council under this Act,
  - (c) each individual who is a councillor of the council continued under paragraph (b) is continued as a councillor under this Act,
  - (d) its registrar is continued as a registrar under this Act, and
  - (e) its registered members of the college continue as registrants under this Act.
- (4) The Association of Professional Engineers and Geoscientists of the Province of British Columbia continued under the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116, is continued as a regulatory body under this Act and
  - (a) its bylaws continue as bylaws made under this Act, except to the extent that they are inconsistent with this Act,
  - (b) its council is continued as a council under this Act,
  - (c) each individual who is a councillor of the council continued under paragraph (b) is continued as a councillor under this Act,
  - (d) its registrar is continued as a registrar under this Act, and
  - (e) its registered members continue as registrants under this Act.
- (5) The Association of British Columbia Forest Professionals continued under the *Foresters Act*, S.B.C. 2003, c. 19, is continued as a regulatory body under this Act and
  - (a) its bylaws continue as bylaws made under this Act, except to the extent that they are inconsistent with this Act,
  - (b) its council is continued as a council under this Act,
  - (c) each individual who is a councillor of the council continued under paragraph (b) is continued as a councillor under this Act,
  - (d) its registrar is continued as a registrar under this Act, and
  - (e) its registered members continue as registrants under this Act.

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- (6) Each individual who is a councillor of a council continued under this section may continue as a councillor under this Act until the earliest of the following:
- (a) the expiry of the term of the appointment or term of office that applied on the day of the coming into force of this section;
  - (b) the resignation or disqualification of the councillor;
  - (c) the expiry of the term that applies to the councillor under section 24 [*term limits*] of this Act;
  - (d) the appointment or term of office otherwise ends before its expiration.

## **Division 2 – Designating Regulatory Bodies**

### **Application by professional association for designation**

- 85** (1) A professional association seeking designation of its profession under this Act must apply to the superintendent.
- (2) An application under subsection (1) must be in the form and contain the information required by the superintendent and must be submitted with the fee prescribed by the Lieutenant Governor in Council.
- (3) On receiving an application under subsection (1), the superintendent may
- (a) refuse the application without investigation, or
  - (b) conduct an investigation the superintendent considers necessary to determine whether the profession should be designated under this Act.

### **Investigation regarding possible designation**

- 86** (1) The superintendent may, in the absence of an application under section 85 (1), investigate a profession to determine whether it should be designated under this Act.
- (2) If the superintendent decides to conduct an investigation under subsection (1) or section 85 (3) (b) to determine whether a profession should be designated under this Act, the superintendent must give public notice of the investigation in the Gazette and on a website maintained by or on behalf of the superintendent.
- (3) Without limiting an investigation under this Act, other than an investigation under Division 3 [*Amalgamation of Regulatory Bodies*], the superintendent may do one or more of the following for the purposes of the investigation:
- (a) require the professional association to provide further information;
  - (b) examine the directors and officers of the professional association;
  - (c) seek the advice of other associations, organizations or persons;
  - (d) if the superintendent considers the action to be in the best interests of the professional association or the public, hold hearings the superintendent considers necessary in a manner the superintendent determines;

- (e) evaluate the degree of risk to the health or safety of the public from incompetent, unethical or impaired practice of the profession;
  - (f) evaluate the degree of supervision that may be necessary or desirable for a person practising the profession;
  - (g) assess the degree of supervision that a person practising the profession receives or is likely to receive with respect to that practice;
  - (h) determine what educational programs exist in British Columbia or elsewhere for the proper education and training of persons with respect to the practice of the profession and evaluate the content of those programs;
  - (i) take other actions that the superintendent considers necessary and incidental to the consideration of the application or matter.
- (4) If the superintendent holds a hearing under subsection (3) (d), the superintendent may order a person to
- (a) attend the hearing,
  - (b) give evidence, and
  - (c) produce records in the possession of or under the control of the person.
- (5) On application by the superintendent to the Supreme Court, a person who fails to attend or to produce records as required by an order under subsection (4) is liable to be committed for contempt as if in breach of an order or judgment of the Supreme Court.
- (6) Subject to the regulations, the superintendent may charge to a professional association part of the costs, including the administrative costs, incurred by the superintendent to conduct an investigation regarding the professional association's application under section 85 (1).

**Designations**

- 87** (1) If the superintendent receives an application under section 85 (1) or carries out an investigation under section 86 (1), the superintendent must determine whether it would be in the public interest to designate a profession under this Act, having regard to the information obtained during any investigation and in accordance with the prescribed criteria, if any.
- (2) The superintendent must communicate the result of the investigation to the minister, who may determine whether the designation will be recommended to the Lieutenant Governor in Council and will provide the applicant with reasons for the recommendation to proceed with the application for the designation or for the refusal of the application.

**Regulations in respect of applications  
for designation**

- 88** The Lieutenant Governor in Council may make regulations in respect of the following:

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- (a) fees, or rates or levels of fees, to be submitted with an application under section 85 (1);
- (b) limits on the superintendent's authority to charge costs under section 86 (6);
- (c) criteria to be applied under section 87 (1) in determining whether it would be in the public interest to designate a regulated practice under this Act.

**Designation of regulatory body**

- 89** (1) The Lieutenant Governor in Council may, by regulation, designate a regulatory body for the purposes of this Act.
- (2) In respect of a designated regulatory body, the Lieutenant Governor in Council may, by regulation, prescribe the following matters:
- (a) the name of the regulatory body responsible for carrying out the objects of this Act in respect of a prescribed profession or regulated practice;
  - (b) one or more titles to be used exclusively by registrants in accordance with Part 5 [*Reserved Titles and Reserved Practice*];
  - (c) limits or conditions in respect of the use of titles prescribed under paragraph (b) in accordance with Part 5;
  - (d) services that may be provided only by registrants in accordance with Part 5;
  - (e) services that may be provided under the supervision of a registrant by a person who is not a registrant;
  - (f) services that may be provided by a registrant despite a limitation or prohibition, including a limitation or prohibition under another enactment;
  - (g) restricted activities that may be performed by registrants in the course of providing services referred to in paragraphs (d) to (f) in accordance with section 43 (1) [*restricted and specialized areas of practice*];
  - (h) limits or conditions on the performance of restricted activities referred to in paragraph (g).
- (3) A designation under subsection (1) and regulations under subsection (2) may recognize that 2 or more professions are included in the designation.
- (4) If subsection (3) applies to a regulatory body, this Act, the regulations or the bylaws of the regulatory body may be applied to
- (a) each regulated practice separately, or
  - (b) 2 or more professions jointly.
- (5) Subject to subsection (6), notice of a proposal to make, amend or repeal a regulation under this section must be given to the regulatory body of each profession prescribed by the Lieutenant Governor in Council for the purpose of this subsection.



- (6) A notice under subsection (5) must be given to the regulatory body
  - (a) at least 3 months before the regulation, amendment or repeal comes into force, or
  - (b) if the Lieutenant Governor in Council prescribes a shorter notice period, within that shorter period.

**Regulatory body established**

- 90**
- (1) On designation of a profession under section 89 (1), a regulatory body responsible for carrying out the objects of this Act is established.
  - (2) A regulatory body is a corporation consisting of
    - (a) the council established under section 23 [*council of regulatory body*], and
    - (b) the persons who are registrants of the regulatory body.
  - (3) For the purposes of exercising its powers and performing its duties under this Act, a regulatory body has the powers and capacity of a natural person of full capacity, including the power to acquire and dispose of property.
  - (4) The *Business Corporations Act* does not apply to a regulatory body unless the Lieutenant Governor in Council, by regulation, provides that specified provisions of that Act apply to the regulatory body, in which case the specified provisions apply.
  - (5) On designation of a profession under section 89 (1) of this Act, the Lieutenant Governor in Council may, by regulation,
    - (a) repeal an Act, or provisions of the Act, that governed the professional association, and
    - (b) subject to subsection (6), address transitional matters related to the designation of the regulatory body in accordance with the transitional regulation-making authority described in section 129 (1) and (2) [*transitional regulations*] of this Act.
  - (6) The authority to make or amend a regulation under subsection (5) (b), but not the authority to repeal a regulation under that subsection, ends 3 years after the date on which the designated regulatory body is established.

**Division 3 – Amalgamation of Regulatory Bodies****Definitions and interpretation**

- 91**
- (1) In this Division:
    - “**amalgamated regulatory body**” means the regulatory body that results from an amalgamation of 2 or more regulatory bodies or, if applicable, professional associations, under this Division;

**“amalgamation date”** means, subject to subsection (2), the date on which the amalgamation of 2 or more regulatory bodies or, if applicable, professional associations, under this Division occurs;

**“former body”**, in relation to an amalgamated regulatory body, means a regulatory body or, if applicable, professional association, that is amalgamating, or has amalgamated, under this Division with another regulatory body or, if applicable, professional association, to form the amalgamated regulatory body;

**“officer”** means

- (a) a registrar, deputy registrar or inspector, or
- (b) an assessor appointed in respect of an audit, a practice review or a similar quality assurance program.

- (2) For the purposes of this Division, if a time is set under section 93 (1) (b) [*amalgamation*], a reference to the amalgamation date is to be read as a reference to that time on the amalgamation date.

**Determination of whether to  
amalgamate regulatory bodies**

- 92** (1) On request of the regulatory bodies to be amalgamated or on the initiative of the superintendent, the superintendent may determine whether 2 or more regulatory bodies should be amalgamated under this Division and the amalgamation may proceed with or without an investigation.
- (2) Without limiting an investigation under this Division, the superintendent may do one or more of the following for the purposes of an investigation:
- (a) require a regulatory body to provide information;
  - (b) examine registrants of the council and the registrar of a regulatory body;
  - (c) seek the advice of an organization or person;
  - (d) do other things that the superintendent considers necessary and incidental to the consideration of the matter.
- (3) If the superintendent conducts an examination under subsection (2) (b), the superintendent may order a person to
- (a) attend the examination,
  - (b) give evidence, and
  - (c) produce records in the possession of or under the control of the person.
- (4) In determining whether 2 or more regulatory bodies should be amalgamated under this Division, the superintendent must
- (a) have regard to any information obtained through a request or an investigation made under subsection (1), and
  - (b) make the determination in accordance with the prescribed criteria, if any.

- (5) If the superintendent determines that 2 or more regulatory bodies should be amalgamated under this Division, the superintendent must recommend amalgamation to the Lieutenant Governor in Council.
- (6) If the superintendent determines that 2 or more regulatory bodies should not be amalgamated under this Division, and if the superintendent received a request to amalgamate or acted under subsection (2) (a) or (b), the superintendent must refuse the request and provide reasons for the refusal to the regulatory body that made the request or was subject to the action.
- (7) The Lieutenant Governor in Council may make regulations in respect of the criteria to be applied under subsection (4) (b).

**Amalgamation**

- 93**
- (1) Subject to section 92 (1), the Lieutenant Governor in Council may, by regulation,
    - (a) specify that 2 or more regulatory bodies are amalgamated into one regulatory body, and
    - (b) set the date and, if the Lieutenant Governor in Council considers it necessary or advisable, the time of the amalgamation.
  - (2) On amalgamation, the regulatory bodies specified under subsection (1) (a) of this section continue under this Act as one corporation consisting of
    - (a) the council established under section 23 [*council of regulatory body*], and
    - (b) the persons who are registrants of the amalgamated regulatory body.
  - (3) Subject to subsection (4), notice of a proposal to make, amend or repeal a regulation under this section must be given to the regulatory body of each profession prescribed by the Lieutenant Governor in Council for the purpose of this subsection.
  - (4) A notice under subsection (3) must be given to the regulatory body
    - (a) at least 3 months before the regulation, amendment or repeal comes into force, or
    - (b) if the Lieutenant Governor in Council specifies a shorter notice period, within that shorter period.

**Property and obligations on amalgamation**

- 94**
- (1) When regulatory bodies are amalgamated under this Division into an amalgamated regulatory body,
    - (a) the amalgamated regulatory body may continue to exercise a power or perform a duty that a former body began to exercise or to perform, but did not complete, before the amalgamation date,
    - (b) the property, rights and interests of each former body continue to be the property, rights and interests of the amalgamated regulatory body,

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- (c) the records and confidential information in the possession of or under the control of a former body as of the amalgamation date are deemed to be the records and confidential information in the possession of or under the control of the amalgamated regulatory body,
  - (d) a reference to a former body in any commercial paper, contract, lease, licence, certificate of authorization or other instrument or document is deemed to be a reference to the amalgamated regulatory body,
  - (e) the amalgamated regulatory body continues to be liable for the obligations of each former body,
  - (f) an existing cause of action, claim or liability to prosecution is unaffected,
  - (g) a legal proceeding being prosecuted or pending by or against a former body may be prosecuted, or its prosecution may be continued, by or against the amalgamated regulatory body, and
  - (h) a conviction against, or a ruling, order or judgment in favour of or against, a former body may be enforced by or against the amalgamated regulatory body.
- (2) An amalgamation does not constitute an assignment by operation of law, a transfer or any other disposition of the property, rights and interests of a former body to the amalgamated regulatory body.
- (3) A person does not contravene section 109 (1) [*confidentiality – general*] or 110 [*confidentiality – committee matters*] if the person discloses, to a person exercising powers or performing duties on behalf of an amalgamated regulatory body, matters or things that came to the first person's knowledge while that person was exercising similar powers or performing similar duties on behalf of a former body.

**Governance on amalgamation**

- 95** (1) When regulatory bodies are amalgamated under this Division into an amalgamated regulatory body, all of the following occur on the amalgamation date:
- (a) the councillors for each former body cease to hold office;
  - (b) the terms of the members of the first council for the amalgamated regulatory body begin;
  - (c) the bylaws of each former body may be replaced by the bylaws for the amalgamated regulatory body;
  - (d) the initial bylaws of the amalgamated regulatory body take effect, as made by that regulatory body's first council in accordance with the council's power to make bylaws under this Act for the regulatory body, which may continue, amend or repeal the bylaws of the former bodies;

- (e) subject to section 96 (2) to (4) and a bylaw made under section 96 (5),
    - (i) the officers for each former body cease to hold office, and
    - (ii) the committees for each former body are disestablished;
  - (f) the registrar appointed under section 31 [*registrar and register for regulatory body*] begins to hold office.
- (2) Sections 37 (1) (c) [*filing of bylaws*] and 38 [*disallowance of bylaw*] do not apply for the purpose of making the initial bylaws described in subsection (1) (d) of this section but do apply for the purpose of amending or repealing those bylaws after they take effect.
- (3) For the purposes of providing an orderly transition from former bodies to an amalgamated regulatory body, the superintendent must appoint,
- (a) under section 23 [*council of regulatory body*], the members of the first council for the amalgamated regulatory body, and
  - (b) the first registrar for the amalgamated regulatory body.
- (4) For the purposes of providing an orderly transition from former bodies to an amalgamated regulatory body,
- (a) the superintendent may, by order, appoint one or more persons to exercise the powers and perform the duties of a council of a former body, and
  - (b) subject to any limit or condition set by the superintendent, a person appointed under paragraph (a)
    - (i) has all of the powers, duties, rights and obligations of the council for the former body, to the extent that those powers, duties, rights and obligations relate to the amalgamation, and
    - (ii) may, before the amalgamation date, exercise a power and perform a duty referred to in subparagraph (i).
- (5) On amalgamation of an amalgamated regulatory body under this Division, the Lieutenant Governor in Council may, by regulation,
- (a) repeal an Act, or provisions of the Act, that governed the former bodies, and
  - (b) subject to subsection (6), address transitional matters related to the amalgamated regulatory body in accordance with the transitional regulation-making authority described in section 129 (1) and (2) [*transitional regulations*].
- (6) The authority to make or amend a regulation under subsection (5) (b), but not the authority to repeal a regulation under that subsection, ends 3 years after the amalgamation date.

**Powers and duties in progress**

- 96** (1) Subject to subsections (2) to (4), when regulatory bodies are amalgamated under this Division into an amalgamated regulatory body, the officers and committees for the amalgamated regulatory body may exercise any power and perform any

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duty under this Act that an officer holding the same title with, or a committee having the same mandate of, a former body

- (a) began to exercise or to perform, but did not complete, before the amalgamation date, or
  - (b) could have exercised with respect to a discipline matter referred to in Division 3 [*Audits, Practice Reviews and Discipline*] of Part 6 [*Protection of the Public Interest With Respect to Professional Governance and Conduct*] that is alleged to have existed or occurred, but was not investigated, before the amalgamation date.
- (2) If a discipline committee for a former body, or a committee of the former body with similar duties and powers, commenced a hearing before the amalgamation date, that committee is deemed to be a discipline committee for the amalgamated regulatory body for the purpose of continuing the hearing on and after the amalgamation date.
- (3) If an investigation committee for a former body, or a committee of the former body with similar duties and powers, commenced an investigation before the amalgamation date, that committee is deemed to be an investigation committee for the amalgamated regulatory body for the purpose of continuing the investigation on and after the amalgamation date.
- (4) If an audit and practice review committee for a former body, or a committee of the former body with similar duties and powers, commenced an assessment before the amalgamation date, that committee is deemed to be an audit and practice review committee for the amalgamated regulatory body for the purpose of continuing the assessment on and after the amalgamation date.
- (5) The council of an amalgamated regulatory body may make a bylaw, subject to any limits or conditions the council considers necessary or advisable, authorizing an officer or a committee for a former body to continue to exercise a power or to perform a duty that the officer or the committee began to exercise or to perform, but did not complete, before the amalgamation date.
- (6) If a bylaw is made under subsection (5), the authorized officer or committee is deemed to be an officer or a committee for the amalgamated regulatory body for the purpose of continuing to exercise a power or to perform a duty on and after the amalgamation date.
- (7) If a bylaw described in subsection (5) takes effect on the amalgamation date,
  - (a) the bylaw is deemed to have been made under a bylaw-making authority of the council under this Act, and
  - (b) sections 37 (1) (c) [*filing of bylaws*] and 38 [*disallowance of bylaws*] do not apply for the purpose of making the bylaw but do apply for the purpose of amending or repealing the bylaw.
- (8) If a bylaw described in subsection (5) is made after the amalgamation date, the bylaw is deemed to have been made under the applicable bylaw-making authority

of the council under this Act if it is made in accordance with the applicable procedures for the bylaw.

- (9) Confidential information may be disclosed by
- (a) an audit and practice review committee for a former body, or by an assessor appointed by that committee or a person acting on that committee's behalf, to the audit and practice review committee or an assessor for the amalgamated regulatory body as follows:
    - (i) for the purpose of carrying out the objectives of the audit or practice review;
    - (ii) to show that the registrant knowingly gave false information to the audit and practice review committee or an assessor for the amalgamated regulatory body, and
  - (b) an investigation committee for a former body, or by an inspector appointed by that committee or a person acting on that committee's behalf, to the investigation committee or an inspector for the amalgamated regulatory body for the purpose of carrying out the investigation.
- (10) An action taken under Part 6 with respect to an individual by an officer or a committee for a former body is deemed to be the action of an officer holding the same title with, or a committee having the same mandate of, the amalgamated regulatory body.

#### **Registrants and others on amalgamation**

- 97** (1) When regulatory bodies are amalgamated under this Division into an amalgamated regulatory body, the persons who were, as of the amalgamation date,
- (a) registrants or former registrants of each former body are deemed to be registrants or former registrants, as applicable, of the amalgamated regulatory body, and
  - (b) certified non-registrants or former certified non-registrants of each former body are deemed to be certified non-registrants or former certified non-registrants, as applicable, of the amalgamated regulatory body.
- (2) A person who applied, before the amalgamation date, to be a registrant or certified non-registrant of a former body but whose application has not, as of the amalgamation date, been granted or refused is deemed to have made the application to the amalgamated regulatory body.
- (3) Subject to the bylaws of the amalgamated regulatory body, if a bylaw made by a former body established a class or classes of registrants or certified non-registrants,
- (a) a person referred to in subsection (1) continues to be a member of the same class or a comparable class established by the bylaws of the amalgamated regulatory body, and

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- (b) an applicant under subsection (2) is deemed to have applied to be a member of the same class or a comparable class established by the bylaws of the amalgamated regulatory body, as that stated in the application.
- (4) Subject to the bylaws of the amalgamated regulatory body, a limit or condition, imposed under this Act on the following registrants or certified non-registrants before the amalgamation date, continues to apply until removed or varied in accordance with this Act:
  - (a) a registrant of a designated regulatory body in respect of the registrant's regulated practice;
  - (b) a certified non-registrant of a designated regulatory body in respect of the certified non-registrant's provision or performance of aspects of the regulated practice.

**Firms on amalgamation**

- 98**
- (1) Subject to subsection (2), when regulatory bodies are amalgamated under this Division into an amalgamated regulatory body, a firm that is validly registered as a registrant by a former body
    - (a) is deemed to be validly registered by the amalgamated regulatory body, and
    - (b) continues to be subject to all limits and conditions, if any, provided by the former body.
  - (2) The Lieutenant Governor in Council may make regulations to provide for prescribed circumstances for the amalgamation, including if the amalgamated regulatory body is not authorized under section 3 [*application to firms as registrants*] to register firms in the amalgamated regulatory body as registrants, but the firm was validly registered as a registrant by a former body.

**PART 8 – ENFORCEMENT OF ACT****Division 1 – Enforcement Powers of Superintendent****Administrative penalties**

- 99**
- (1) Subject to and in accordance with the regulations of the Lieutenant Governor in Council, the superintendent may impose an administrative penalty on a person other than a regulatory body if the superintendent is satisfied on a balance of probabilities that the person has
    - (a) contravened a prescribed provision of this Act or the regulations, or
    - (b) failed to comply with an order under this Act.
  - (2) If the superintendent imposes an administrative penalty on a person in respect of a contravention or failure referred to in subsection (1), a prosecution for an offence under this Act in respect of the same contravention or failure may not be brought against the person.



- (3) If a firm contravenes this Act or regulations made under this Act, an employee, officer, director or agent of the firm who authorized, permitted or acquiesced in the contravention or failure is also liable under this section even though the firm is liable for or pays an administrative penalty.
- (4) An administrative penalty imposed under this Division must be paid within the prescribed time.

**Effect of charging an offence**

- 100** A person who has been charged with an offence under this Act may not be subject to an administrative penalty in respect of the circumstances that gave rise to the charge.

**Recovery of penalties and other debts due**

- 101**
- (1) An administrative penalty may be recovered in accordance with subsection (2) as a debt due to the government from the person on whom the administrative penalty was imposed.
  - (2) If a person fails to pay an administrative penalty as required under this Act, the superintendent may file a certificate in a court that has jurisdiction and, on filing, the certificate has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the court with which it is filed.
  - (3) A certificate under subsection (2) may be in the prescribed form, must be signed by the superintendent and must contain
    - (a) the name of the person who is liable for the administrative penalty,
    - (b) particulars of the administrative penalty, and
    - (c) a statement of the amount of the administrative penalty under subsection (1).

**Limitation period**

- 102**
- (1) The time limit for giving a notice imposing an administrative penalty is 3 years after the date on which the act or omission alleged to constitute the contravention first came to the attention of the superintendent.
  - (2) A certificate purporting to have been issued by the superintendent and certifying the date referred to in subsection (1) is proof of that date.

**Division 2 – Offences and Injunctions****No reprisals**

- 103** A person must not evict, discharge, suspend, expel, intimidate, coerce, impose any pecuniary or other penalty on or otherwise discriminate against a registrant because that registrant
- (a) has reported a matter as described in section 58 [*duty to report*] with respect to a registrant or other persons,

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- (b) complains or is named in a complaint under section 65 [*complaints*], or
- (c) gives evidence or otherwise assists in respect of a prosecution, a complaint or another proceeding under this Act.

**Obstruction of superintendent**

**104** A person must not

- (a) hinder, obstruct or interfere with, or attempt to hinder, obstruct or interfere with,
- (b) supply false information to, or
- (c) refuse or neglect to supply information to

the superintendent exercising the power to conduct an investigation or an audit under this Act, or a person acting under the direction of the superintendent in an investigation or audit.

**Obstruction of inspection or search**

- 105**
- (1) A person must not obstruct an inspector in the lawful exercise of powers or performance of duties under this Act.
  - (2) A person must not obstruct a person acting under section 70 [*search and seizure under court order*] or 71 [*detention of things seized*] or under an order made under those sections.

**Offences**

- 106**
- (1) A person who contravenes any of the following commits an offence:
    - (a) section 52 [*prohibition and limitation – use of reserved titles*];
    - (b) section 54 [*prohibitions regarding reserved practice*];
    - (c) section 58 [*duty to report*];
    - (d) section 60 [*registrants must file competence declarations and conflict of interest declarations*];
    - (e) section 67 [*extraordinary action to protect public*], in respect of an order made under that section;
    - (f) section 103 [*no reprisals*];
    - (g) section 104 [*obstruction of superintendent*];
    - (h) section 105 [*obstruction of inspection or search*].
  - (2) A person who commits an offence under subsection (1) is liable on conviction,
    - (a) in the case of an individual, to a fine of not more than \$200 000 or to a term of imprisonment of not more than 2 years, or both, and
    - (b) in the case of a firm, to a fine of not more than \$500 000.
  - (3) Section 5 [*general offence*] of the *Offence Act* does not apply to this Act, the regulations or any bylaws made under this Act.

- (4) In any prosecution under this Act, it is sufficient to prove that the accused has committed a single act of unauthorized practice or has committed on one occasion any of the acts prohibited by this Act.
- (5) If an offence under this Act is committed by a firm, each director, manager, secretary or other officer of that firm who assented to the commission of the offence is a party to that offence.
- (6) Subject to subsection (7), an information alleging an offence against this Act may be laid
  - (a) by the superintendent on oath or by affirmation, or
  - (b) in the name of a council of a regulatory body on oath or by affirmation of the president or a person authorized by the council.
- (7) The time limit for laying an information, under subsection (6), to commence a prosecution for an offence is
  - (a) 2 years after the date on which the act or omission that is alleged to constitute the offence occurred, or
  - (b) if the superintendent or, in respect of a council of a regulatory body, the president or person authorized by the council issues a certificate described in subsection (8), 2 years after the date on which the superintendent or the council learned of the act or omission referred to in paragraph (a).
- (8) A certificate purporting to have been issued by the superintendent or, in respect of a council of a regulatory body, the president or person authorized by the council certifying the date referred to in subsection (7) (b) is proof of that date.

**Injunction to restrain contravention**

- 107**
- (1) The superintendent, the council of a regulatory body or any other person may apply to the Supreme Court for an interim or permanent injunction to restrain a person from contravening a provision of this Act, the regulations or the bylaws.
  - (2) The court may grant an injunction sought under subsection (1) if satisfied there is reason to believe that there has been or will be a contravention of this Act, the regulations or the bylaws.
  - (3) A contravention may be restrained under subsection (1) whether or not a penalty or other remedy has been provided under this Act.
  - (4) The court may grant an interim injunction until the outcome of an action commenced under subsection (1).

**Contempt**

- 108** On application of the superintendent, the council of a regulatory body or a person interested in the proceeding, the court in which a proceeding is brought may find the person in breach of section 52 [*prohibition and limitation – use of reserved titles*] or 54 [*prohibitions regarding reserved practice*] to be in contempt and punish that person accordingly.

**PART 9 – GENERAL****Confidentiality – general**

- 109** (1) A person must preserve confidentiality with respect to all matters or things that come to the person's knowledge while exercising a power or performing a duty under this Act unless the disclosure is
- (a) necessary to exercise the power or to perform the duty, or
  - (b) authorized as being in the public interest by, as applicable,
    - (i) the superintendent, or
    - (ii) the council of the regulatory body in relation to which the power or duty is exercised or performed.
- (2) Insofar as the laws of British Columbia apply, a person must not give, or be compelled to give, evidence in a court or in proceedings of a judicial nature concerning knowledge gained in the exercise of a power or in the performance of a duty under this Act unless
- (a) the proceedings are under this Act, or
  - (b) disclosure of the knowledge is authorized under subsection (1) (b) or under the bylaws or regulations made under this Act.
- (3) Insofar as the laws of British Columbia apply, the records relating to the exercise of a power or the performance of a duty under this Act are not compellable in a court or in proceedings of a judicial nature unless
- (a) the proceedings are under this Act, or
  - (b) disclosure of the knowledge is authorized under subsection (1) (b) or under the bylaws or regulations made under this Act.

**Confidentiality – committee matters**

- 110** (1) For the purpose of this section, “**audit and practice review committee**” includes an assessor appointed by the committee and a person acting on that committee's behalf.
- (2) Subject to subsections (3) to (6), unless it is for the purpose of carrying out a duty under this Act, an audit and practice review committee of a regulatory body must not disclose or provide the following to any other person, including another committee of the regulatory body:

- (a) records or information provided to the audit and practice review committee;
  - (b) a self assessment prepared by a registrant for a practice review.
- (3) Despite subsection (2), an audit and practice review committee may disclose information described in that subsection
  - (a) to show that a person knowingly gave false information to the audit and practice review committee, or
  - (b) to an appropriate authority for the purpose of reporting a risk of significant harm to the environment or to the health or safety of the public or a group of people.
- (4) If an audit and practice review committee has reasonable grounds to believe that a registrant's conduct constitutes
  - (a) professional misconduct,
  - (b) conduct unbecoming a registrant, or
  - (c) incompetent performance of duties undertaken while engaged in the regulated practice,that committee must, if it considers the action necessary to protect the public, notify the investigation committee, which must treat the matter as if it were a complaint under section 65 [complaints].
- (5) Records, information or a self assessment obtained through a breach of subsection (2) may not be used against a registrant except for the purposes of subsection (3).
- (6) Subject to subsection (3), records, information or a self assessment prepared for the purposes of an audit or practice review in respect of an audit and practice review committee may not be received as evidence
  - (a) in a proceeding under this Act, or
  - (b) in a civil proceeding.
- (7) Subsection (2) applies despite the *Freedom of Information and Protection of Privacy Act*, other than section 44 (2) or (3) [powers of commissioner in conducting investigations, audits or inquiries] of that Act.

**Compulsion protection**

- 111**
- (1) The superintendent, or a person acting on behalf of or under the direction of the superintendent, must not be required to testify or produce evidence in any proceeding about the reasons for which a conclusion was reached or a decision was made in the performance of duties under this Act.
  - (2) Despite subsection (1), the superintendent may be required by the Supreme Court to produce the record of a proceeding that is the subject of an application for judicial review under the *Judicial Review Procedure Act*.

- (3) The production of government records of a public body may not be compelled under this Act unless
  - (a) the head of the public body consents,
  - (b) the production is a disclosure that is otherwise in accordance with the *Freedom of Information and Protection of Privacy Act*,
  - (c) the court orders, or
  - (d) the regulations of the Lieutenant Governor in Council otherwise allow.
- (4) In subsection (3), “**public body**” means public body as defined in the *Freedom of Information and Protection of Privacy Act*.

**Personal liability protection – general**

- 112**
- (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against the superintendent, a councillor, a regulatory body or a person acting on behalf of or under the direction of the superintendent, a council or a regulatory body because of anything done or omitted
    - (a) in the performance or intended performance of any duty under this Act, or
    - (b) in the exercise or intended exercise of any power under this Act.
  - (2) Subsection (1) does not apply to a person referred to in that subsection in relation to anything done or omitted by that person in bad faith.
  - (3) Subsection (1) does not absolve the office of the superintendent of professional governance or the regulatory body, as the case may be, from vicarious liability arising out of anything done or omitted by the person referred to in that subsection for which the office or the regulatory body would be vicariously liable if this section were not in force.
  - (4) The council of a regulatory body may purchase and maintain insurance
    - (a) protecting the regulatory body and current and former councillors, employees, officers and panel members against liability arising out of the operations or activities of the regulatory body, and
    - (b) providing for indemnity with respect to any claims arising out of acts done or omitted in good faith by those persons while acting or purporting to act on behalf of the regulatory body.

**Personal liability protection – claims about reprisal**

- 113**
- (1) No legal proceeding for damages lies or may be commenced or maintained against a person for making a claim under this Act about a reprisal as described in section 103 [*no reprisals*].
  - (2) Subsection (1) does not apply to a person referred to in that subsection in relation to a claim made by that person in bad faith.

**Certificate as evidence**

- 114** A certificate signed by a registrar or councillor of a regulatory body is proof, in the absence of evidence to the contrary, of the matters stated in the certificate that relate to the records of the regulatory body.

**Service of notice or documents**

- 115** (1) A notice or any document under this Act may be delivered to a person by personal service of a copy of the notice or document or by sending the copy by any of the following means:
- (a) ordinary mail;
  - (b) electronic transmission, including telephone transmission of a facsimile;
  - (c) if specified in the superintendent's rules, another method that allows proof of receipt.
- (2) If the copy is sent by ordinary mail, it must be sent to the most recent address available of the person to be served and must be considered to be received on the fifth day after the day it is mailed, unless that day is a holiday, in which case the copy must be considered to be received on the next day that is not a holiday.
- (3) If the copy is sent by electronic transmission, it must be considered to be received on the day after it was sent, unless that day is a holiday, in which case the copy must be considered to be received on the next day that is not a holiday.
- (4) If the copy is sent by a method referred to in subsection (1) (c), the superintendent's rules govern the day on which the copy must be considered to be received.
- (5) If, through absence, accident, illness or other cause beyond the person's control, a person to be served who acts in good faith does not receive the copy until a later date than the date provided under subsection (2), (3) or (4), that subsection does not apply.

**When failure to serve does not invalidate proceeding**

- 116** If a notice or document is not served in accordance with section 115, the proceeding is not invalidated if
- (a) the contents of the notice or document were known by the person to be served within the time allowed for service,
  - (b) the person to be served consents, or
  - (c) the failure to serve does not result in prejudice to the person, or any resulting prejudice can be satisfactorily addressed by an adjournment or other means.

## PART 10 – REGULATIONS

### Application of regulations

- 117** If there is a conflict or inconsistency between a regulation made under this Part and a bylaw-making authority, the regulation applies.

### General power to make regulations

- 118** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 [*powers to make regulations*] of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) defining any word or expression used but not defined in this Act;
  - (b) prescribing
    - (i) a legal entity or combination of legal entities that may be exempted for the purposes of the definition of “firm” in section 1 (1) [*definitions and interpretation*],
    - (ii) a ministry or agency of the government for the purposes of the definition of “government registrant” in section 1 (1), and
    - (iii) a relevant enactment for the purposes of the definition of “relevant enactment” in section 1 (1);
  - (c) prescribing matters for the purposes of section 2 (1) (f) [*specific definitions and information*];
  - (d) amending Schedule 1 to this Act for the purposes of section 2 (2);
  - (e) authorizing a regulatory body to register firms in the regulatory body as registrants for the purposes of section 3 (a) [*application to firms as registrants*];
  - (f) in respect of the following matters under Part 2 [*Superintendent of Professional Governance*]:
    - (i) prescribing duties that must be performed by the Professional Governance Advisory Committee for the purposes of section 6 (3) (c) [*professional governance advisory committee*];
    - (ii) providing for any matter in respect of which the superintendent may make rules for the purposes of section 8 (3) [*rules of practice and procedure*];
    - (iii) amending or repealing a rule made by the superintendent for the purposes of section 8 (3);
    - (iv) respecting policies and procedures to be followed by the superintendent in conducting the superintendent’s affairs, exercising powers and discretion, carrying out functions and duties and discharging responsibilities;



- (v) prescribing matters in respect of the administration of rosters for the purposes of section 17 (3) [*administration of rosters*];
- (vi) prescribing information or documents or classes of information or documents the superintendent must make public for the purposes of section 18 (2) [*public interest disclosure*] of this Act;
- (vii) providing for publication in accordance with an order under section 18 (2);
- (g) in respect of the following matters under Part 3 [*Regulatory Bodies*]:
  - (i) prescribing responsibilities of a regulatory body for the purposes of section 22 (2) (l) [*general duty and responsibilities of regulatory bodies*];
  - (ii) prescribing rules, conditions or limits for the advocacy role taken by a regulatory body for the purposes of section 22 (3);
  - (iii) for the purposes of section 23 [*council of regulatory body*],
    - (A) prescribing requirements for the election of the president of a regulatory body, and
    - (B) providing for exceptions to the prohibition in respect of councillors of a regulatory body being members of committees or panels of the regulatory body;
  - (iv) prescribing the process and selection principles for the purposes of section 25 [*selection principles and criteria*];
  - (v) prescribing the requirements for election of councillors for the purposes of section 26 [*election of registrant councillors*];
  - (vi) prescribing the manner by which a person appointed as a councillor must take and sign an oath of office and exceptions to this requirement for the purposes of section 28 [*oath of office*];
  - (vii) for the purposes of section 31 [*registrar and register for regulatory body*],
    - (A) prescribing additional information for a register of a regulatory body,
    - (B) prescribing a period of time for the inclusion of former registrants in a list of registrants, and
    - (C) providing for exceptions;
  - (viii) prescribing different matters, classes of persons, circumstances or categories for bylaws for the purposes of section 36 (c) [*provisions may be different in bylaws*];
  - (ix) prescribing criteria for bylaws for the purposes of section 37 (1) (b) [*filing of bylaws*];
  - (x) prescribing a number of days for the purposes of section 37 (2);

- (xi) prescribing exceptions in respect of bylaws made for different matters, classes of persons, circumstances or categories for the purposes of section 37 (3);
- (xii) prescribing requirements for an annual report to the superintendent for the purposes of section 41 [*annual report to superintendent*];
- (h) in respect of the following matters under Part 4 [*Registrants*]:
  - (i) providing for the bylaw-making authority of the council in respect of rights and privileges of registrants for the purposes of section 42 (2) (c) [*categories of registrants and bylaws for categories of registrants*];
  - (ii) respecting bylaws for the following:
    - (A) restricted areas of practice for the purposes of section 43 (1) [*restricted and specialized areas of practice*];
    - (B) specialized areas of practice for the purposes of section 43 (2);
  - (iii) providing for bylaw-making authority for the purposes of section 47 (3) (a) [*admission and reinstatement of registrants*];
  - (iv) establishing requirements in respect of bylaws and the use of seals for the purposes of section 49 (4) [*certificate of registration and seal*];
- (i) in respect of the following matters under Part 5 [*Reserved Titles and Reserved Practice*]:
  - (i) providing for the use of a reserved title or the right of practice of a reserved practice for the purposes of section 51 (1) [*exclusivity of reserved titles and right of practice of reserved practice*];
  - (ii) prescribing a reserved title for the purposes of section 51 (1) (a);
  - (iii) prescribing a reserved practice for the purposes of section 51 (1) (b);
  - (iv) amending Schedules 2 and 3 to this Act for the purposes of section 51 (2);
- (j) in respect of the following matters under Part 6 [*Protection of the Public Interest With Respect to Professional Governance and Conduct*]:
  - (i) providing for the code of ethics and ethical principles for the purposes of section 57 (3) [*standards of conduct and competence*];
  - (ii) prescribing matters or conduct for the purposes of section 58 (2) (b) [*duty to report*];
  - (iii) for the purposes of Division 2 [*Competence Declarations and Conflict of Interest Declarations*] of Part 6,
    - (A) prescribing requirements and forms for the purposes of section 59 [*requirements for declarations may be prescribed*],
    - (B) respecting the time period for submitting declarations and the form and manner of declarations for the purposes of

- section 60 (1) *[registrants must file competence declarations and conflict of interest declarations]*,
- (C) prescribing requirements for competence for the purposes of section 60 (2),
  - (D) providing for exceptions to requirements for the purposes of section 61 *[exceptions]*, and
  - (E) providing for conflict of interest declarations for the purposes of section 62 (2) *[conflict of interest declarations – disclosure, guidelines and directives]*;
- (iv) prescribing the form and manner for the publication of information about the disposition of a hearing for the purposes of section 75 (8) (c) *[discipline hearings]*;
  - (v) prescribing requirements in respect of the publication of prescribed information on a website maintained by or on behalf of the regulatory body for the purposes of section 75 (10);
  - (vi) providing for exceptions and other matters relating to information that is to be made publicly available for the purposes of section 82 (4) *[information to be publicly available]*;
- (k) in respect of the following matters under Part 7 *[Applicable Regulatory Bodies]*:
- (i) in respect of the designation of regulatory bodies,
    - (A) prescribing forms and fees for the purposes of section 85 (2) *[application by professional association for designation]*,
    - (B) prescribing criteria for the designation of professionals under this Act for the purposes of section 87 (1) *[designations]*,
    - (C) providing for applications for designation for the purposes of section 88 *[regulations in respect of applications for designation]*,
    - (D) prescribing matters and designating a regulatory body for the purposes of section 89 *[designation of regulatory body]*,
    - (E) prescribing professions for the purposes of section 89 (5),
    - (F) prescribing a notice period for the purposes of section 89 (6),
    - (G) providing that specified provisions of the *Business Corporations Act* apply to a regulatory body for the purposes of section 90 (4) *[regulatory body established]*,
    - (H) repealing Acts, or provisions in Acts, for the purposes of section 90 (5) (a), and
    - (I) providing for transitional matters, for the purposes of section 90 (5) (b);

- (ii) in respect of the amalgamation of regulatory bodies,
  - (A) prescribing criteria for amalgamation for the purposes of section 92 (4) (b) and (7) [*determination of whether to amalgamate regulatory bodies*],
  - (B) providing specifications, professions and time periods for the purposes of section 93 (1) [*amalgamation*],
  - (C) repealing Acts, or provisions in Acts, for the purposes of section 95 (5) (a) [*governance on amalgamation*],
  - (D) providing for transitional matters, for the purposes of section 95 (5) (b), and
  - (E) prescribing circumstances for amalgamation for the purposes of section 98 (2) [*firms on amalgamation*];
- (l) respecting any other matter for which regulations are contemplated by this Act.
- (3) Without limiting subsection (1) or (2), the Lieutenant Governor in Council may make regulations in respect of a regulatory body or for a council or committee in respect of the following:
  - (a) council or committee powers, functions and bylaws;
  - (b) continuing education programs or requirements;
  - (c) complaints and discipline.

**Regulations may delegate and may provide for discretion or be different**

- 119** 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, with or without directions on how the delegated power is to be exercised;
  - (b) confer a discretion on a person;
  - (c) make different regulations for different persons, regulatory bodies, places, things, decisions, transactions or activities.

**Regulations for administrative penalties**

- 120** (1) The Lieutenant Governor in Council may make regulations in respect of the imposition of administrative penalties by the superintendent for the purposes of section 99 [*administrative penalties*], including
- (a) matters to be considered before imposing administrative penalties, the criteria for determining appropriate administrative penalties, setting different limits on different administrative penalties and setting out those provisions of this Act, the regulations or any bylaws made under this Act that, if contravened, make a person liable to an administrative penalty,

- (b) providing for increased administrative penalties for repeated contraventions and specifying the time within which a contravention is to be considered a repeat contravention of an earlier contravention, and
- (c) establishing procedures for the superintendent's imposition of an administrative penalty, including
  - (i) prescribing the form and content of an administrative penalty notice,
  - (ii) prescribing contraventions in relation to administrative penalty notices sent and determinations made,
  - (iii) establishing procedures for providing a person on whom a notice of an administrative penalty has been served with an opportunity to make representations that need not entail an oral hearing,
  - (iv) prescribing a schedule of monetary penalties that may be imposed and the matters that must be considered by the superintendent in establishing a penalty in a particular case,
  - (v) authorizing administrative penalties to be imposed on a daily basis for continuing contraventions or failures,
  - (vi) prescribing time limits for paying administrative penalties,
  - (vii) prescribing a limitation period for imposing an administrative penalty and evidentiary matters in relation to that period,
  - (viii) prescribing manners of paying an administrative penalty,
  - (ix) prescribing the consequences of failing to pay an administrative penalty which may include, but are not limited to, imposing additional penalties, and
  - (x) providing for the publication of the superintendent's determination to impose an administrative penalty.
- (2) The Lieutenant Governor in Council may make regulations prescribing the form of a certificate under section 101 [*recovery of penalties and other debts due*].

**Regulations for offences**

- 121** The Lieutenant Governor in Council may make regulations establishing an offence for the contravention of a regulation and prescribing a penalty for that offence up to the maximum penalties set out in section 106 [*offences*].

**Ministerial regulation-making power**

- 122** (1) The minister may make regulations referred to in section 41 [*powers to make regulations*] of the *Interpretation Act*.
- (2) Without limiting subsection (1), the minister may make the following regulations that may be made by the Lieutenant Governor in Council:
- (a) under section 118 (2) (f) (i) to (iv) [*general power to make regulations*], providing for matters under Part 2 [*Superintendent of Professional Governance*] of this Act;

- (b) under section 118 (2) (g) (vi), prescribing the manner by which a person appointed as a councillor must take and sign an oath of office and exceptions to this requirement for the purposes of section 28 [*oath of office*];
  - (c) under section 118 (2) (g) (vii), prescribing additional information for a register of a regulatory body;
  - (d) under section 118 (2) (g) (xii), prescribing information requirements for an annual report to the superintendent for the purposes of section 41 [*annual report to superintendent*];
  - (e) under section 118 (2) (j) (iii) (D), providing for exceptions to requirements under Division 2 [*Competence Declarations and Conflict of Interest Declarations*] of Part 6;
  - (f) under section 118 (2) (j) (iv), prescribing the form and manner for the publication of information about the disposition of a hearing for the purposes of section 75 (8) (c) [*discipline hearings*];
  - (g) under section 118 (2) (j) (v), prescribing requirements in respect of the publication of prescribed information on a website maintained by or on behalf of the regulatory body for the purposes of section 75 (10) [*discipline hearings*];
  - (h) under section 118 (3), establishing regulations in respect of a regulatory body for a council or a committee.
- (3) In making a regulation under this Act, the minister may do one or more of the following:
- (a) delegate a matter to a person, with or without directions on how the delegated power is to be exercised;
  - (b) confer a discretion on a person;
  - (c) make different regulations for different persons, regulatory bodies, places, things, decisions, transactions or activities.

## **PART 11 – TRANSITIONAL AND RELATED PROVISIONS, REPEALS AND RELATED AND CONSEQUENTIAL AMENDMENTS**

### **Division 1 – Transitional and Related Provisions**

#### **Definitions**

**123** (1) In this Part:

“**affected Act**” means the applicable of the following:

- (a) *Agrologists Act*, S.B.C. 2003, c. 13;
- (b) *Applied Science Technologists and Technicians Act*, R.S.B.C. 1996, c. 15;
- (c) *College of Applied Biology Act*, S.B.C. 2002, c. 68;

(d) *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116;

(e) *Foresters Act*, S.B.C. 2003, c. 19;

**“affected body”** means a professional association in respect of an affected Act;

**“affected council”** means a council under an affected Act;

**“reference date”** means the date of the application of this Act in respect of an affected body as a regulatory body.

- (2) For the purposes of this Act, a reference to **“bylaws”** in relation to an affected body includes the bylaws, rules or resolutions made under the affected Act by an affected council before the affected body is continued under this Act, unless the context otherwise requires.

#### **Interim elections to council**

**124** Despite any provisions in an affected Act or bylaws made under an affected Act, from the date of the coming into force of this section, each councillor or council member under the affected Act may only be elected to a council under the affected Act as follows:

- (a) the councillor or council member, as applicable, must be nominated by a committee that, under the affected Act, has the purpose of nominating or selecting members for election;
- (b) the committee must nominate qualified members in accordance with the process and selection principles referred to in section 25 [*principles and criteria for councillor selection*] of this Act and bylaws of the council that are not inconsistent with this section.

#### **Inconsistent bylaws**

**125** Despite section 84 [*regulatory bodies continued*], if a regulatory body has bylaws made under an affected Act that are not continued due to inconsistency with this Act, the inconsistent bylaws may continue to be applicable for one year after the reference date and the council of the regulatory body must, as applicable, do the following:

- (a) consider any guidelines that may be established by the superintendent to provide guidance for ensuring that the regulatory body makes bylaws that are consistent with this Act;
- (b) comply with any directives of the superintendent made to address transitional matters arising from the inconsistent bylaws that are inconsistent with this Act;
- (c) act in accordance with regulations that may be made by the Lieutenant Governor in Council to provide for the following:
  - (i) transitional matters arising from the application of this Act to the inconsistent bylaws;
  - (ii) matters governed by the inconsistent bylaws under the affected Act and, if so, the regulations apply to the matters.

**Continued councils and councillors**

**126** (1) In this section:

“**continued lay councillor**” means a councillor of a regulatory body who

- (a) is not a member of the regulatory body, and
- (b) was appointed under the affected Act and continues as a councillor under section 84 [*regulatory bodies continued*];

“**continued registrant councillor**” means a councillor of a regulatory body who

- (a) is a member of the regulatory body, and
- (b) was elected or appointed under the affected Act and continues as a councillor under section 84.

(2) If a council that is continued under section 84 has more than 7 continued registrant councillors on the date that section comes into force, until the number of continued registrant councillors is reduced to 7, the council has the following composition:

- (a) the actual number of continued registrant councillors;
- (b) up to 4 lay councillors, including
  - (i) the actual number of continued lay councillors, and
  - (ii) lay councillors appointed under section 27 [*appointment of lay councillors*], if any.

(3) Despite section 26 [*election of registrant councillors*], a council that is continued under section 84 may not, until the actual number of continued registrant councillors is 7 or less,

- (a) elect registrant councillors, or
- (b) temporarily appoint a registrant to replace a continued registrant councillor.

(4) On the occurrence of any conditions described under section 26 (4), an individual registrant councillor’s term as a continued councillor is deemed to be an ending of the term under section 84 (6).

(5) For certainty, an individual who is a continued registrant councillor may be elected in accordance with section 26,

- (a) after the expiry of the term that applied on the date section 84 comes into force, and
- (b) when the election of registrant councillors is permitted under subsection (3).

**Transition – powers and duties in progress**

**127** (1) The officers and committees for a regulatory body may exercise any power and perform any duty under this Act that an officer holding the same title with, or a committee having the same mandate of, an affected body



- (a) began to exercise or to perform, but did not complete, before the reference date, or
  - (b) could have exercised with respect to a discipline matter referred to in Division 3 [*Audits, Practice Reviews and Discipline*] of Part 6 [*Protection of the Public Interest With Respect to Professional Governance and Conduct*] that is alleged to have existed or occurred, but was not investigated, before the reference date.
- (2) If a discipline committee for an affected body, or a committee of the former body with similar duties and powers, commenced a hearing before the reference date, that committee is deemed to be a discipline committee for the regulatory body for the purpose of continuing the hearing on and after the reference date.
- (3) If an investigation committee for an affected body, or a committee of the affected body with similar duties and powers, commenced an investigation before the reference date, that committee is deemed to be an investigation committee for the regulatory body for the purpose of continuing the investigation on and after the reference date.
- (4) If an audit and practice review committee for an affected body, or a committee of the affected body with similar duties and powers, commenced an audit or a practice review, or an assessment, before the reference date, that committee is deemed to be an audit and practice review committee for the regulatory body for the purpose of continuing the audit or the practice review, or the assessment, on and after the reference date.
- (5) The council of a regulatory body may make a bylaw, in accordance with this Act and subject to any limits or conditions prescribed by the Lieutenant Governor in Council or that the council considers necessary or advisable, authorizing an officer or a committee for an affected body to continue to exercise a power or to perform a duty that the officer or the committee began to exercise or to perform, but did not complete, before the reference date.
- (6) If a bylaw is made under subsection (5), the authorized officer or committee is deemed to be an officer or a committee for the regulatory body for the purpose of continuing to exercise a power or to perform a duty on and after the reference date.

**Transitional directions**

**128** Subject to regulations that may be made by the Lieutenant Governor in Council, for the purposes of providing an orderly transition from one or more particular former bodies to a particular amalgamated regulatory body under Division 3 [*Amalgamation of Regulatory Bodies*] of Part 7 [*Applicable Regulatory Bodies*], the superintendent may, by order, give directions as follows:

- (a) respecting any matter that the superintendent considers is not provided for, or is not sufficiently provided for, in Division 3 of Part 7;

- (b) as the superintendent considers appropriate for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in bringing the amalgamation into effect.

**Transitional regulations**

- 129** (1) The Lieutenant Governor in Council may make regulations in respect of any matters necessary for more effectively bringing into operation the provisions of this Act and for facilitating the transition from the operation of the affected Acts to this Act and for remedying any transitional difficulties encountered in doing so.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations for meeting or removing any difficulty arising out of the transition to this Act from the affected Acts, and for that purpose disapplying or varying any provision of this Act.
- (3) The authority to make or amend a regulation under this section, but not the authority to repeal a regulation under this section, ends 3 years after the date on which this section comes into force.
- (4) In the event of conflict or inconsistency between a regulation of the Lieutenant Governor in Council made under this section and a direction of the superintendent under section 128, the regulation applies.

**Division 2 – Repeals***Agrologists Act*

- 130** *The Agrologists Act, S.B.C. 2003, c. 13, is repealed.*

*Applied Science Technologists and Technicians Act*

- 131** *The Applied Science Technologists and Technicians Act, R.S.B.C. 1996, c. 15, is repealed.*

*College of Applied Biology Act*

- 132** *The College of Applied Biology Act, S.B.C. 2002, c. 68, is repealed.*

*Engineers and Geoscientists Act*

- 133** *The Engineers and Geoscientists Act, R.S.B.C. 1996, c. 116, is repealed.*

*Foresters Act*

**134** *The Foresters Act, S.B.C. 2003, c. 19, is repealed.*

**Division 3 – Related and Consequential Amendments***Architects Act*

**135** *Section 1 of the Architects Act, R.S.B.C. 1996, c. 17, is amended in the definition of “professional engineer” by striking out “Engineers and Geoscientists Act” and substituting “Professional Governance Act”.*

**136** *Section 26 (3) is amended*

*(a) by striking out “as defined in section 1 of the Engineers and Geoscientists Act” and substituting “under the Professional Governance Act”, and*

*(b) by repealing paragraph (a) and substituting the following:*

*(a) the corporation is authorized as a registrant, or is otherwise authorized, under the Professional Governance Act; .*

**137** *Section 60 (a) is amended by striking out “Engineers and Geoscientists Act” and substituting “Professional Governance Act”.*

*Business Practices and Consumer Protection Act*

**138** *Section 142.1 (2) of the Business Practices and Consumer Protection Act, S.B.C. 2004, c. 2, is amended*

*(a) by repealing paragraph (d),*

*(b) by repealing paragraph (j),*

*(c) by repealing paragraph (m),*

*(d) by repealing paragraph (p), and*

*(e) by adding the following paragraph:*

*(w) the Professional Governance Act.*

*Community Charter*

**139** *Section 55 (1) of the Community Charter, S.B.C. 2003, c. 26, is amended*

(a) *in paragraph (d) by striking out “certified under section 10 (1) (k.2) of the Engineers and Geoscientists Act as a specialist” and substituting “who is a specialist under the Professional Governance Act”, and*

(b) *in paragraph (f) by striking out “certified under section 10 (1) (k.2) of the Engineers and Geoscientists Act as a specialist” and substituting “who is a specialist under the Professional Governance Act”.*

*Engineers and Geoscientists Act*

**140** *Section 4.1 (2) (a) of the Engineers and Geoscientists Act, R.S.B.C. 1996, c. 116, is repealed.*

*Forest Act*

**141** *Section 1 (1) of the Forest Act, R.S.B.C. 1996, c. 157, is amended in the definition of “professional forester” by striking out “Foresters Act” and substituting “Professional Governance Act”.*

*Foresters Act*

**142** *Section 4 (2) (b) of the Foresters Act, S.B.C. 2003, c. 19, is amended by striking out “advocate for and”.*

*Freedom of Information and Protection of Privacy Act*

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

Public Body:      Office of the Superintendent of Professional Governance  
Head:                Superintendent .

*Interpretation Act*

**144** *Section 29 of the Interpretation Act, R.S.B.C. 1996, c. 238, is amended in the definition of “professional engineer” by striking out “Engineers and Geoscientists Act” and substituting “Professional Governance Act”.*

*Land Surveyors Act*

**145** *Section 59 (2) of the Land Surveyors Act, R.S.B.C. 1996, c. 248, is amended*

*(a) in paragraphs (d) and (e) by striking out “Engineers and Geoscientists Act” and substituting “Professional Governance Act”, and*

*(b) in paragraph (f) by striking out “Applied Science Technologists and Technicians Act” and substituting “Professional Governance Act”.*

*Ministry of Agriculture and Food Act*

**146** *The Ministry of Agriculture and Food Act, R.S.B.C. 1996, c. 296, is amended by adding the following section:*

**Minister may publish prescribed information  
or documents**

**6.1** Without limiting any other power the minister may have to disclose information, the minister may, in accordance with the regulations, publish online or by other means any prescribed information or documents or any prescribed classes of information or documents relating to the administration of a prescribed enactment for which the minister is responsible, other than personal information that, if disclosed, would constitute an unreasonable invasion of personal privacy as described in section 22 (2) to (4) [disclosure harmful to personal privacy] of the *Freedom of Information and Protection of Privacy Act*.

**147** *The following section is added:*

**Lieutenant Governor in Council regulations  
in respect of publishing information and documents**

**10** The Lieutenant Governor in Council may make regulations as follows:

- (a) prescribing information or documents or classes of information or documents that may be published under section 6.1;
- (b) respecting the publication of information or documents or classes of information or documents under section 6.1, including prescribing the criteria to be applied in determining whether to publish information or documents or classes of information or documents and the manner of publication;
- (c) prescribing enactments for the purposes of section 6.1.

*Ministry of Energy and Mines Act*

**148** *The Ministry of Energy and Mines Act, R.S.B.C. 1996, c. 298, is amended by adding the following section:*

**Minister may publish prescribed information  
or documents**

- 12.1** (1) Without limiting any other power the minister may have to disclose information, the minister may, in accordance with the regulations, publish online or by other means any prescribed information or documents or any prescribed classes of information or documents relating to the administration of a prescribed enactment for which the minister is responsible, other than personal information that, if disclosed, would constitute an unreasonable invasion of personal privacy as described in section 22 (2) to (4) [disclosure harmful to personal privacy] of the *Freedom of Information and Protection of Privacy Act*.
- (2) Subsection (1) does not apply to
- (a) information or documents provided to or produced for an investigator under section 8.2 of this Act, or
  - (b) a record referred to in section 11 (1) of this Act.

**149** *Section 23 is amended by adding the following subsection:*

- (1.1) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing information or documents or classes of information or documents that may be published under section 12.1;
  - (b) respecting the publication of information or documents or classes of information or documents under section 12.1, including prescribing the criteria to be applied in determining whether to publish information or documents or classes of information or documents and the manner of publication;
  - (c) prescribing enactments for the purposes of section 12.1.

*Ministry of Environment Act*

**150** *Section 6.1 of the Ministry of Environment Act, R.S.B.C. 1996, c. 299, is amended by adding the following subsection:*

- (3) Without limiting subsection (2) or any other power the minister may have to disclose information, the minister may, in accordance with the regulations, publish online or by other means any prescribed information or documents or any prescribed classes of information or documents relating to the administration of a prescribed enactment, other than personal information that, if disclosed, would constitute an unreasonable invasion of personal privacy as described in

section 22 (2) to (4) [*disclosure harmful to personal privacy*] of the *Freedom of Information and Protection of Privacy Act*.

**151 The following section is added:**

**Lieutenant Governor in Council regulations  
in respect of publishing information and documents**

**6.2** The Lieutenant Governor in Council may make regulations as follows:

- (a) prescribing information or documents or classes of information or documents that may be published under section 6.1 (3);
- (b) respecting the publication of information or documents or classes of information or documents under section 6.1 (3), including prescribing the criteria to be applied in determining whether to publish information or documents or classes of information or documents and the manner of publication;
- (c) prescribing enactments for the purposes of section 6.1 (3).

***Ministry of Forests and Range Act***

**152 The Ministry of Forests and Range Act, R.S.B.C. 1996, c. 300, is amended by adding the following section:**

**Minister may publish prescribed information  
or documents**

**6.1** Without limiting any other power the minister may have to disclose information, the minister may, in accordance with the regulations, publish online or by other means any prescribed information or documents or any prescribed classes of information or documents relating to the administration of a prescribed enactment for which the minister is responsible, other than personal information that, if disclosed, would constitute an unreasonable invasion of personal privacy as described in section 22 (2) to (4) [*disclosure harmful to personal privacy*] of the *Freedom of Information and Protection of Privacy Act*.

**153 Section 11 is amended**

**(a) by renumbering the section as section 11 (1), and**

**(b) by adding the following subsection:**

- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
  - (a) prescribing information or documents or classes of information or documents that may be published under section 6.1;

- (b) respecting the publication of information or documents or classes of information or documents under section 6.1, including prescribing the criteria to be applied in determining whether to publish information or documents or classes of information or documents and the manner of publication;
- (c) prescribing enactments for the purposes of section 6.1.

***Ministry of Lands, Parks and Housing Act***

**154** *The Ministry of Lands, Parks and Housing Act, R.S.B.C. 1996, c. 307, is amended by adding the following section:*

**Minister may publish prescribed information  
or documents**

- 6.1** Without limiting any other power the minister may have to disclose information, the minister may, in accordance with the regulations, publish online or by other means any prescribed information or documents or any prescribed classes of information or documents relating to the administration of a prescribed enactment for which the minister is responsible, other than personal information that, if disclosed, would constitute an unreasonable invasion of personal privacy as described in section 22 (2) to (4) [*disclosure harmful to personal privacy*] of the *Freedom of Information and Protection of Privacy Act*.

**155** *Section 11 is amended by adding the following subsection:*

- (3) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
  - (a) prescribing information or documents or classes of information or documents that may be published under section 6.1;
  - (b) in respect of the publication of information or documents or classes of information or documents under section 6.1, including prescribing the criteria to be applied in determining whether to publish information or documents or classes of information or documents and the manner of publication;
  - (c) prescribing enactments for the purposes of section 6.1.

***Water Sustainability Act***

**156** *Section 48 (1) of the Water Sustainability Act, S.B.C. 2014, c. 15, is amended in the definition of “professional”*

- (a) *in paragraph (a) by striking out “Engineers and Geoscientists Act” and substituting “Professional Governance Act”, and*



**(b) by repealing paragraph (b) and substituting the following:**

- (b) a certified non-registrant under the *Professional Governance Act* who is authorized under that Act to provide or perform aspects of the regulated practice of engineering or of the regulated practice of geoscience and who is acting within the scope of the authorization; .

**157** *Section 114 (5) is amended by striking out “the Engineers and Geoscientists Act or a holder of limited licence under the Engineers and Geoscientists Act acting within the scope of the limited licence” and substituting “Schedule 1 to the Professional Governance Act or a certified non-registrant under the Professional Governance Act who is authorized under that Act to provide or perform aspects of the regulated practice of engineering or of the regulated practice of geoscience and who is acting within the scope of the authorization”.*

**Commencement**

**158** This Act comes into force by regulation of the Lieutenant Governor in Council.

## **SCHEDULE 1**

### **SPECIFIC DEFINITIONS AND INFORMATION FOR REGULATORY BODIES**

*[section 2]*

**Regulatory bodies governed by Act**

- 1** This Act applies to the following regulatory bodies:
- (a) the British Columbia Institute of Agrologists;
  - (b) the Applied Science Technologists and Technicians of British Columbia;
  - (c) the College of Applied Biology;
  - (d) the Association of Professional Engineers and Geoscientists of the Province of British Columbia;
  - (e) the Association of British Columbia Forest Professionals.

**Definitions in respect of the  
British Columbia Institute of Agrologists**

- 2** For the purposes of this Act and other enactments that refer to this Act, the following definitions apply in respect of the British Columbia Institute of Agrologists:
- “**agrologist**” means an individual who is registered with the regulatory body as an agrologist under this Act;
- “**registrant**” means, as applicable,
- (a) an agrologist,
  - (b) a firm that is registered with the regulatory body under this Act, if firms may be registered in respect of the regulatory body, or

- (c) an individual or firm, as applicable, that is registered with the regulatory body as another category or subcategory of registrant in accordance with the bylaws of the regulatory body;

**“regulated practice”** means the prescribed scope of practice of agrology carried on by registrants;

**“regulatory body”** means the British Columbia Institute of Agrologists.

#### **Definitions in respect of the Applied Science Technologists and Technicians of British Columbia**

- 3 For the purposes of this Act and other enactments that refer to this Act, the following definitions apply in respect of the Applied Science Technologists and Technicians of British Columbia:

**“applied science technologist”** means an individual who is registered with the regulatory body as an applied science technologist under this Act;

**“certified technician”** means an individual who is registered with the regulatory body as a certified technician under this Act;

**“registrant”** means, as applicable,

- (a) an applied science technologist,
- (b) a certified technician,
- (c) a firm that is registered with the regulatory body under this Act, if firms may be registered in respect of the regulatory body, or
- (d) an individual or firm, as applicable, that is registered with the regulatory body as another category or subcategory of registrant in accordance with the bylaws of the regulatory body;

**“regulated practice”** means the prescribed scope of practice carried on by registrants;

**“regulatory body”** means the Applied Science Technologists and Technicians of British Columbia.

#### **Definitions in respect of the College of Applied Biology**

- 4 For the purposes of this Act and other enactments that refer to this Act, the following definitions apply in respect of the College of Applied Biology:

**“applied biology technician”** means an individual who is registered with the regulatory body as an applied biology technician under this Act;

**“professional biologist”** means an individual who is registered with the regulatory body as a professional biologist under this Act;

**“registered biology technologist”** means an individual who is registered with the regulatory body as a registered biology technologist under this Act;

**“registrant”** means, as applicable,

- (a) an applied biology technician,
- (b) a professional biologist,
- (c) a registered biology technologist,
- (d) a firm that is registered with the regulatory body under this Act, if firms may be registered in respect of the regulatory body, or
- (e) an individual or firm, as applicable, that is registered with the regulatory body as another category or subcategory of registrant in accordance with the bylaws of the regulatory body;

**“regulated practice”** means the prescribed scope of practice of applied biology carried on by registrants;

**“regulatory body”** means the College of Applied Biology.

**Definitions in respect of the Association of Professional Engineers and Geoscientists of the Province of British Columbia**

- 5** For the purposes of this Act and other enactments that refer to this Act, the following definitions apply, in respect of the Association of Professional Engineers and Geoscientists of the Province of British Columbia:

**“practice of professional engineering”** means the prescribed scope of practice carried on in respect of engineering;

**“practice of professional geoscience”** means the prescribed scope of practice carried on in respect of geoscience;

**“professional engineer”** means an individual who is registered with the regulatory body as a professional engineer under this Act;

**“professional geoscientist”** means an individual who is registered with the regulatory body as a professional geoscientist under this Act;

**“registrant”** means, as applicable,

- (a) a professional engineer,
- (b) a professional geoscientist,
- (c) a firm that is registered with the regulatory body under this Act, if firms may be registered in respect of that regulatory body, or
- (d) an individual or firm, as applicable, that is registered with the regulatory body as another category or subcategory of registrant in accordance with the bylaws of the regulatory body;

**“regulated practice”** means, as applicable,

- (a) the practice of professional engineering, or
- (b) the practice of professional geoscience;

**“regulatory body”** means the Association of Professional Engineers and Geoscientists of the Province of British Columbia.

**Definitions in respect of the Association of  
British Columbia Forest Professionals**

- 6** For the purposes of this Act and other enactments that refer to this Act, in respect of the Association of British Columbia Forest Professionals:

**“practice of professional forestry”** means the prescribed scope of practice carried on in respect of forestry;

**“professional forester”** means a person who is registered with the regulatory body as a professional forester under this Act;

**“registered forest technologist”** means a person who is registered with the regulatory body as a registered forest technologist under this Act;

**“registrant”** means, as applicable,

- (a) a professional forester,
- (b) a registered forest technologist,
- (c) a firm that is registered with the regulatory body under this Act, if firms may be registered in respect of the regulatory body, or
- (d) an individual or firm, as applicable, that is registered with the regulatory body as another category or subcategory of registrant in accordance with the bylaws of the regulatory body;

**“regulated practice”** means the practice of professional forestry;

**“regulatory body”** means the Association of British Columbia Forest Professionals.

**SCHEDULE 2****REGULATORY BODIES WITH EXCLUSIVITY  
FOR RESERVED TITLES**

*[section 51]*

British Columbia Institute of Agrologists

Applied Science Technologists and Technicians of British Columbia

College of Applied Biology

Association of Professional Engineers and Geoscientists of the Province of British Columbia

Association of British Columbia Forest Professionals

**SCHEDULE 3****REGULATORY BODIES WITH RIGHT TO PRACTICE  
IN RESERVED PRACTICE**

*[section 51]*

British Columbia Institute of Agrologists

Applied Science Technologists and Technicians of British Columbia

College of Applied Biology

Association of Professional Engineers and Geoscientists of the Province of British Columbia

Association of British Columbia Forest Professionals