

## CHAPTER 28

## Miscellaneous Statutes Amendment Act, 1978

[Assented to June 29, 1978.]

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

R.S.B.C. 1960 c. 6

1. Section 29 (1) of the Agrologists Act is repealed and the following substituted:
  - (1) Every member shall pay the fees prescribed by the by-laws.

S.B.C. 1964 c. 7

2. Section 55 of the British Columbia Hydro and Power Authority Act, 1964 is amended by inserting the following after subsection (1):
  - (1.1) Notwithstanding this or any other Act, the matters respecting the establishment and maintenance of a fund for the payment of superannuation allowances or allowances on the death or disability of directors or employees under subsection (1), including
    - (a) contributions to the fund by the Authority and directors and employees,
    - (b) the terms and conditions on which superannuation allowances or other allowances may be payable, and
    - (c) the persons to whom allowances may be paid,shall not be the subject of a collective agreement between the Authority and its employees.

S.B.C. 1977 c. 47

- 2.1 The British Columbia Resources Investment Corporation Act is amended
  - (a) by repealing section 7 (1) (b) (ii) and substituting the following:
    - (ii) any other persons who are associated, or who would be deemed under this Part to be associated, with that person, if both he and the other persons were members,
  - (b) by repealing section 7 (5) (b) (ii) and substituting the following:
    - (ii) any other persons who are associated, or who would be deemed under this Part to be associated, with the trust, corporation, or person, if both the trust, corporation, or person and the other person were members,
  - (c) in section 9 by adding the following subsection:
    - (5) For the purposes of this Act, a person is associated with another person if, by agreement or arrangement, both are required to act in concert with respect to their interests in the company. ,

- (d) in section 10 (b) by adding "of Canada" after "residents", and
- (e) in section 11 (5) by striking out "subsection (3)" and substituting "subsection (2)".

R.S.B.C. 1960 c. 52

2.2 The Children of Unmarried Parents Act is amended by

- (a) repealing sections 13 (2), 14, 21, 22 and 23, and
- (b) substituting the following as section 13 (2):
  - (2) The provisions of the Family Relations Act for the enforcement of maintenance orders apply to the enforcement of maintenance provisions in an affiliation order.

S.B.C. 1977 c. 67

3. The Colleges and Provincial Institutes Act is amended

- (a) by adding the following as section 52.1:

Financial administration

52.1 The provisions of section 11 (2) (b), (3) and (4) of the Science Council of British Columbia Act respecting the council under that Act apply to a council under this Act. , and

- (b) by repealing section 53 and substituting the following:

Other employees

53. (1) In addition to persons employed under section 65, a council may appoint or employ such officers and other employees as it considers necessary to carry on the business and operations of the council and may define their duties and, subject to the regulations, determine their remuneration and other terms and conditions of employment and provide a system of organization to carry out the purposes of the council.

(2) The provisions of sections 6 (4) and (5), 7, 8 and 9 of the Science Council of British Columbia Act respecting the Government, the secretariat under that Act, the officers and employees of the secretariat and a trade-union apply to the Government, a council, the officers and employees of the council and a trade-union representing employees of the council, respectively.

S.B.C. 1969 c. 4

4. The Community Care Facilities Licensing Act is amended

- (a) in section 1 by adding after the definition of "resident" the following:

"union board"  
means a Union Board as defined in the Health Act;
- (b) in section 6 (f) by adding ", union board," after "municipality", and
- (c) in section 16 (j) by adding "and maximum" after "minimum".

R.S.B.C. 1960 c. 99

## 5. The Dentistry Act is amended

- (a) by adding the following after section 22:

Registration of  
academic members

## 22.1 (1) A person who

- (a) is appointed to an assistant, associate, or full professorship on a fulltime basis in the faculty of dentistry at the University of British Columbia,
- (b) is teaching at that faculty at the time he submits an application for registration to the Council, and
- (c) meets the requirements for registration established by the rules, regulations and by-laws of the Council

shall be entitled to be registered as a member of the College and to receive a certificate of registration.

## (2) The Council may make rules, regulations and by-laws respecting

- (a) the requirements for registration of a person referred to in subsection (1),
- (b) the limitations on the practice of dentistry of a person referred to in subsection (1), and
- (c) the conditions that the person referred to in subsection (1) shall comply with after registration. ,

- (b) by adding the following after section 36:

Right of appeal limited

## 36.1 Notwithstanding sections 51 and 58, where the council orders

- (a) the suspension from practice, or
- (b) the erasure of the name from the register

of a person registered under section 22.1, the order is final and conclusive, and is not open to question or review in court except under the Judicial Review Procedure Act. ,

- (c) in section 54 (1) by striking out "subject to the provisions of this Act," and substituting "subject to his compliance with this Act, and the rules, regulations and by-laws made by the Council," and
- (d) by repealing the first subsection of section 66 and substituting the following:

## 66. (1) A member who

- (a) holds an unexpired annual certificate, and
- (b) complies with this Act and the rules, regulations and by-laws made by the Council

is entitled to practise dentistry or dental surgery.

(1.1) Every member practising dentistry or dental surgery in the Province shall at his place of practice display his name on a conspicuously placed sign.

R.S.B.C. 1960 c. 139

6. Section 26 (4) of the Farmers' and Women's Institutes Act is repealed and the following substituted:

(4) The board of directors of the British Columbia Provincial Women's Institute shall

- (a) consist of not less than 6 and not more than 10 members,
- (b) be elected at the Provincial convention or, when a position becomes vacant, shall be appointed by the remaining directors of the board, and
- (c) on election hold office for one term, as defined in the by-laws of the Provincial Women's Institute, and on appointment hold office until the election of a new board of directors.

S.B.C. 1973 (2nd Sess.) c. 116

7. The Farm Products Industry Improvement Act is amended

(a) in section 2

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

- (g) undertake research on a food or agricultural product, and
- (h) carry out a market development program, , and

(ii) by renumbering section 2 as section 2 (1) and adding the following subsection:

(2) Where the minister considers that financial, engineering, or technical advice is necessary

- (a) to examine a proposal from an agricultural enterprise, or
- (b) to review or monitor the operation of an agricultural enterprise that has received or is receiving financial assistance under this Act,

he may pay for these services from the Farm Products Industry Improvement Fund established under the Special Funds Appropriation Act, 1974. , and

(b) by repealing section 6 and substituting the following:

Loan condition

6. Where security for a loan under this Act is in the form of a fixed or floating charge on property, it shall be a condition of the loan that the loan becomes immediately due and payable if all or part of the property charged by the security is disposed of without the prior consent in writing of the minister.

R.S.B.C. 1960 c. 161

7.1 The Gas Act is amended in sections 2 and 3 (b) by striking out "690 kPa" wherever it appears and substituting "700 kPa".

R.S.B.C. 1960 c. 170

8. Section 35 (3) of the Health Act is repealed and the following substituted:

(3) Subject to any other enactment, a Health Officer may, in writing, delegate to any person a power granted to him or a duty imposed on him under this or another enactment.

S.B.C. 1977 c. 71

9. Section 1 of the Independent Schools Support Act is amended
- (a) by repealing the definition of "authority" and substituting the following:
- "authority"  
means
- (i) a society incorporated under the Societies Act, or
  - (ii) a corporation incorporated under a private Act, or
  - (iii) a person designated in the regulations to be an authority for the purpose of operating a school in the Province on a non-profit basis; , and
- (b) by repealing the definition of "qualifying pupil" and substituting the following:
- "qualifying pupil"  
means a person
- (i) enrolled in an independent school to receive tuition through it for at least 135 days related to the school-year, as prescribed by the regulations, for which a grant application is made under this Act, and
  - (ii) of school age as determined under the Public Schools Act during that school-year or, where enrolled in kindergarten, not more than one year under school age as determined under the Public Schools Act during that school-year,
- who has a parent or guardian resident in the Province, and
- (iii) has a parent who is a Canadian citizen or has been lawfully admitted to Canada under the Immigration Act (Canada) for permanent residence, or
  - (iv) had a parent who, at the time of the death of that parent, satisfied the requirements of paragraph (iii),
- and includes a qualifying pupil as defined in the regulations; .

S.B.C. 1973 c. 44

10. Section 3 of the Insurance Corporation of British Columbia Act is amended by inserting the following after subsection (4):
- (4.1) Notwithstanding this or any other Act, the matters respecting the establishment of, support of, or participation in a plan referred to in subsection (4) (a) shall not be the subject of a collective agreement between the corporation and its employees.

S.B.C. 1973 (2nd Sess.)  
c. 122

11. Section 69 of the Labour Code of British Columbia is amended by adding the following subsection:
- (5) In this section "minister" includes a person authorized in writing by him.

S.B.C. 1970 c. 17

12. Section 31 of the Land Act is amended by renumbering it as section 31 (1) and by adding the following:

(2) Where an application is made under section 28 or 37, or notice is given of an intention to make application, the minister may estimate the cost

(a) to assess the impact of making the disposition, or

(b) to monitor compliance with terms and conditions to which the disposition would be subject if made,

and require the applicant or person giving notice to pay all or a part of this anticipated cost to the Government before the notice is acted on, the application is considered, or the disposition made, as the case may be.

S.B.C. 1967 c. 24

13. The Medical Services Act is amended

(a) in section 7 (2) by striking out "by the Comptroller-General" and substituting "by the auditor general",

(b) by repealing section 8 (1) (f),

(c) by repealing section 9 and substituting the following:

Premium assistance  
payments to the Commission

9. The Minister of Finance shall pay to the Commission out of the Consolidated Revenue Fund the difference between

(a) the full premium fixed by the Commission in respect of an eligible person, and

(b) the prescribed amount payable by that eligible person, determined in relation to the prescribed criteria, and

(d) by repealing section 12 and substituting the following:

Regulations

12. The Lieutenant-Governor in Council may make regulations.

S.B.C. 1912 c. 36

14. Section 33 of the Pacific Great Eastern Incorporation Act is amended by renumbering the section as section 33 (1) and by adding the following after the section as renumbered:

(2) Notwithstanding subsection (1) or any other Act, where the directors establish a fund for the payment of superannuation allowances to its employees or allowances on the disability or death of employees, the matters respecting the establishment and maintenance of the fund or payment of superannuation allowances or allowances on the disability or death of employees, including contributions to the fund by the Company and its employees, the terms and conditions on which superannuation allowances or other allowances may be payable and the persons to whom allowances may be paid, shall not be the subject of a collective agreement between the Company and its employees.

S.B.C. 1965 c. 3115. The Park Act is amended

- (a) in section 4 by renumbering it as section 4 (1) and adding the following subsections:
  - (2) The Parks Branch has, subject to an order under section 6.1, jurisdiction over and shall manage and administer lands or a trail, path, or waterway comprised in an order under section 6.1.
  - (3) Money required for the purposes of subsection (2) shall, until March 31, 1979,
    - (a) in the absence of an appropriation, or
    - (b) where money appropriated is insufficient, be paid out of the Consolidated Revenue Fund. , and
- (b) by inserting the following after section 6:

Additional powers6.1 (1) *Where*

- (a) an order has been made in respect of Crown land under the Environment and Land Use Act, or
- (b) Crown land has been designated as green belt land under the Greenbelt Act, or
- (c) Crown land has been designated as a Provincial heritage site under the Heritage Conservation Act, or
- (d) land is leased to the Crown or to an agent of the Crown for public outdoor recreation, or
- (e) land is owned by a person who has entered into an agreement with the Crown or with an agent of the Crown respecting the use of the land for outdoor recreation, or
- (f) a trail, path, or waterway owned by the Crown is available for use by the public as a trail or path, or as a waterway for canoes or small boats,

the Lieutenant-Governor in Council may, by order made under this and any other applicable Act, authorize the Parks Branch to manage and administer the land, or the trail, path, or waterway, or the interest of the Crown in it.

(2) An order under subsection (1) that is also made under another Act shall be consistent with that Act but, subject to that requirement, this Act applies to the land or to the trail, path, or waterway to the extent specified in the order.

R.S.B.C. 1960 c. 284

16. The Pipe-lines Act is amended in those of its sections listed in Column 1 by striking from those sections the words identified opposite them in Column 2 and inserting in place of the words struck out, the words shown opposite them in Column 3:

## SCHEDULE

Column 1	Column 2	Column 3
Section	Deletion	Insertion
2 (1)	in the definition of pipe-line "five hundred pounds per square inch"	3 500 kPa
2 (1)	"one hundred pounds per square inch, gauge"	700 kPa, (gauge)
12 (2)	"eight miles to the inch"	1:500 000
13 (1) (a)	"one thousand feet"	300 m
13 (2)	"one thousand feet to the inch"	1:10 000
16 (3)	"three hundred feet"	90 m
21 (1)	"sixty feet"	18 m
22 (3)	"six feet", wherever it appears	1.8 m
23 (2)	"twenty-five miles"	40 km
29 (1)	"forty yards"	36 m
29 (2)	"three hundred feet"	90 m
30	"thirty-three feet"	10 m

R.S.B.C. 1960 c. 31917. The Public Schools Act is amended

(a) in section 128 by adding the following subsection:

(5) Notwithstanding subsections (3) and (4), a Board may, after considering the recommendation of the District Superintendent of Schools, by written agreement with a teacher, appoint the teacher to a position referred to in subsection (3) for a term specified in the agreement. ,

(b) by repealing section 140 and substituting the following:

Arbitration

140. (1) Where a Board and an association are unable to make an agreement by November 15,

(a) a conciliator appointed to assist them shall report forthwith to the Minister,

(b) the dispute is referred to arbitration under this Division, and

(c) on receipt of the report under paragraph (a), the Minister shall forthwith notify the Board and the association that their dispute is referred to arbitration.

(2) The arbitration award for each dispute under this Division within a zone established under section 137 (1) shall be made by a salary arbitration board appointed by the Minister for the zone and composed of

(a) a member nominated unanimously by the Boards that are parties to the disputes,

(b) a member nominated unanimously by the associations that are parties to the disputes, and

(c) a chairman nominated by both members nominated under paragraphs (a) and (b).

(3) Where the Minister has not received a nomination to a salary arbitration board under subsection (2)

(a) by November 22, respecting a member, or

(b) by December 7, respecting the chairman, the Minister of Labour shall appoint

(c) a single arbitrator, or

(d) a board consisting of 2 members and a chairman to serve as the salary arbitration board for the zone.

(4) Where a person is appointed as a conciliator under section 138 or 139 he shall not in the same year

(a) be appointed as a member or chairman of a salary arbitration board or as a single arbitrator, or

(b) act as an advocate before a salary arbitration board.

(5) No person shall hold more than one appointment at one time under this section.

(6) No person shall be nominated or appointed under this section unless he states in writing to his nominators that he is willing to serve. ,

(c) by repealing section 141,

(d) in section 142

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

(1) A salary arbitration board shall, before January 1,

(a) make its arbitration award for each dispute referred to it under section 140 (1), and

(b) forward to the Minister a written copy of each of its arbitration awards. , and

(ii) in subsection (2) by striking out "by December 31" and substituting "before January 1", and

(e) by repealing section 142A and substituting the following:

Costs, expenses and fees  
of arbitration

142.1 (1) The fees and expenses to be paid to a member of a salary arbitration board may be set by agreement between the Boards or between the associations, as the case may be, that nominate the member under section 140, and the fees and expenses to be paid to the chairman of that salary arbitration board may be set by agreement between these Boards and associations.

(2) Subject to subsection (3), where the Minister of Labour appoints a person under section 140 or where the Boards, associations, or both together, as the case may be, do not agree under subsection (1) on the fees and expenses to be paid to a member or the chairman of a salary arbitration board, the fees and expenses prescribed under the Arbitration Act for an arbitrator apply.

(3) Notwithstanding subsection (2), where the Minister of Labour considers that special circumstances so require, the Minister of Labour may set the fees and expenses to be paid to a person appointed under section 140.

(4) Unless the associations and Boards with disputes referred to the same arbitration board otherwise agree, each association or Board shall pay

(a) its own expenses and costs,

(b) the fee and expenses of a member of the salary arbitration board nominated by it, and

(c) an equal share of the fees and expenses of

(i) the chairman of the salary arbitration board or of the single arbitrator, and

(ii) where a salary arbitration board is appointed under section 140 (3) (d), the 2 members.

S.B.C. 1976 c. 4518. The Public Service Act is amended

- (a) by repealing section 67 and substituting the following:

Duties of board

## 67. (1) The duties of the board are

- (a) to act as the sole board of arbitration in respect of differences between the parties to a collective agreement between the Government and its employees respecting the interpretation, application, operation, or any alleged violation of the collective agreement, including a dispute as to whether or not a matter is subject to arbitration, and
  - (b) to make general rules and regulations respecting the orderly consideration of the differences referred to in paragraph (a), and the procedures to be followed in making submissions to the board.
- (2) Rules and regulations made under subsection (1) are regulations under the Regulations Act.,
- (b) in section 68
    - (i) in subsection (6) (a) and (b) by striking out "grievance or", and
    - (ii) in subsection (7) by striking out ", grievance,"
  - (c) in section 69 by striking out "section 67 (1) (a) or (c)" and substituting "section 67 (1)", and
  - (d) in section 70 by striking out "section 67 (1) (c)" and substituting "section 67 (1)".

S.B.C. 1973 (2nd Sess.)c. 14419. The definition of "employee" in section 1 (1) of the Public Service Labour Relations Act is amended by adding the following after subparagraph (xii):

- (xiii) a person employed as a member of the staff of the auditor general; and
- (xiv) a person who is principally engaged in carrying out the various duties that protocol requires the Government to perform.

S.B.C. 1973 (2nd Sess.)c. 14419.1 Section 12 of the Public Service Labour Relations Act is repealed and the following substituted:Exclusions from collective agreement

12. (1) A collective agreement concluded under section 9 or 10 may exclude from its application certain employees or classes of employees.

(2) Employees or classes of employees to be excluded from the collective agreement may be determined by negotiation between the parties, but where the parties are unable to agree, either party may refer the matter to the board for a final and binding decision.

(3) In making its decision under subsection (2) the board shall exclude those employees or classes of employees who are

- (a) employed to exercise the functions, and do exercise the functions, of a manager or superintendent in the direction or control of employees, or
- (b) employed in a confidential planning or advisory position in the development of management policy for the Government, or
- (c) employed in a confidential capacity in matters relating to labour relations or personnel.

R.S.B.C. 1960 c. 57

20. Section 13 (3) of the Public Service Superannuation Act is amended by inserting the following after paragraph (e):

- (f) in mortgages insured by the Central Mortgage and Housing Corporation, .

S.B.C. 1965 c. 43

21. The Regional Parks Act is amended

(a) in section 5

(i) in paragraph (f) by striking out "twenty-one years." and substituting "20 years," and

(ii) by adding the following paragraph:

(g) where land is held that

(i) was at the time of acquisition shown on a regional park plan approved by the Minister to be surplus to park needs, or

(ii) is on application by the Regional Park District designated by the Lieutenant-Governor in Council as surplus to park needs,

by by-law,

(iii) sell it, or

(iv) exchange it for other land to be used for regional park purposes

and where land is sold the regional park district shall place the proceeds in a reserve fund to acquire land for regional park purposes. ,

(b) in section 13 by adding the following subsection after subsection (3):

(4) The expenditure of proceeds of a sale under section 5 (g) shall not be taken into account in determining a grant under subsection (1). , and

(c) by adding the following section after section 18:

Expenditures

19. A regional park district shall not, while it holds money in reserve under section 5 (g), expend money received under section 10 or 11.

S.B.C. 1961 c. 62

22. Section 25 (b) of the Teachers' Pensions Act is amended by adding the following subparagraph:  
(iii) in mortgages insured by the Central Mortgage and Housing Corporation; .

S.B.C. 1974 c. 100

23. The Universities Act is amended  
(a) by repealing section 67 and substituting the following:

Executive director  
and staff

67. (1) The Lieutenant-Governor in Council shall appoint an executive director, define his duties and determine his remuneration and other terms and conditions of employment.

(2) The Universities Council or, if authorized by it, the executive director, may appoint or employ such officers and other employees as the Universities Council considers necessary to carry on the business and operations of the Universities Council and may define their duties and, subject to the regulations, determine their remuneration and other terms and conditions of employment and provide a system of organization to carry out the purposes of the Universities Council.

(3) The provisions of sections 6 (4) and (5), 7, 8 and 9 of the Science Council of British Columbia Act respecting the Government, the secretariat under that Act, the officers and employees of the secretariat and a trade-union apply to the Government, the Universities Council, the officers and employees of the Universities Council and a trade-union representing employees of the Universities Council, respectively. ,

- (b) by repealing section 76 and substituting the following:

Financial administration

76. The provisions of sections 11 (2), (3) and (4), 14, 15 and 16 of the Science Council of British Columbia Act respecting the council under that Act apply to the Universities Council. , and

- (c) in section 82 by adding the following as subsection (4):

(4) Notwithstanding subsection (2), where the Open Learning Institute is designated under the Colleges and Provincial Institutes Act as a Provincial institute, it may grant baccalaureate degrees in arts or science in its own name.

S.B.C. 1968 c. 59

24. Section 74 of the Workers' Compensation Act is amended by inserting the following after subsection (3):

(3.1) Notwithstanding this or any other Act, the matters respecting the establishment and maintenance of the Superannuation Fund under subsection (3) or payment of superannuation allowances to employees or allowances on the disability or death of employees, including contributions to the Fund by the Board and its employees and the amounts of superannuation or other allowances and the conditions on which and the persons to whom they may be paid, shall not be the subject of a collective agreement between the Board and its employees.

Commencement

25. This Act comes into force on a day to be fixed by Proclamation.