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Legislative Assembly of British Columbia

BILL 7

**ECONOMIC STABILIZATION
(TARIFF RESPONSE) ACT**

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Attorney General and Deputy Premier

Explanatory Note

Part 1 of this Bill provides for the removal of barriers to the sale and use of goods and the supply of services in British Columbia in relation to goods and services from another province or territory of Canada.

Part 2 of this Bill provides for directives in relation to the procurement of goods or services by the government and government procurement entities. It also provides protection from and indemnification for legal proceedings brought against government procurement entities and associated individuals for complying with the directives.

Part 3 of this Bill provides for tolls, fees and charges in respect of the use of a provincial undertaking.

Part 4 of this Bill provides authority for regulations to modify enactments, authorizations and material adopted by reference. It also requires reports to be tabled in the Legislative Assembly respecting the exercise of powers under this Part.

Part 5 of this Bill provides that the general offence provision of the *Offence Act* does not apply, provides for general powers respecting regulations and provides for the repeal of specified provisions of this Bill.

BILL 7 – 2025

**ECONOMIC STABILIZATION
(TARIFF RESPONSE) ACT**

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

PART 1 – INTERPROVINCIAL TRADE BARRIERS

Definition for this Part

- 1** In this Part, “**regulatory measure**” includes a directive, requirement, guideline, program, policy, administrative practice and any other procedure.

Goods and services from another province

- 2** (1) Subject to any laws of British Columbia respecting who may sell, purchase or use a good, a good that may be produced, manufactured, grown or obtained in, used for a commercial purpose in, or distributed from another province of Canada may be sold or used in British Columbia.
- (2) Subsection (1) applies despite any enactment or regulatory measure that applies to the good, including, without limitation, any requirement in an enactment or regulatory measure that relates to the composition, performance, production, quality, marketing, labelling, testing, certification or inspection of the good.
- (3) Subject to any laws of British Columbia respecting who may be supplied a service, a service that may be supplied in another province of Canada may be supplied in British Columbia.
- (4) Subsection (3) applies despite any enactment or regulatory measure that applies to the supply of a service, including, without limitation, any requirement in an enactment or regulatory measure that relates to marketing or testing of the service.
- (5) This section or a regulation made under this Part prevails if there is a conflict or inconsistency between
 - (a) an enactment or regulatory measure, and
 - (b) this section or a regulation made under this Part.

Amending regulatory provisions

- 3** (1) In this section:
 - “**agreement**” means an agreement or arrangement relating to trade entered into under section 5 (a) (i) of the *Ministry of International Business and Immigration Act* on or after March 3, 2025;

“authorizing enactment” means an enactment under which a regulatory authority may make a regulatory provision;

“regulatory authority” means a person or other body, whether or not a governmental entity and including any other prescribed person or body, that has, by an enactment, been granted authority to enact a regulatory provision related to any of the following:

- (a) the establishment of standards or certification requirements relating to goods or services;
- (b) the assessment of goods or services against established standards or certification requirements;
- (c) the official recognition that a good or service meets established standards or certification requirements;

“regulatory provision” means a bylaw, rule, resolution, practice, policy, standard, procedure, measure or other record that

- (a) is made under an authorizing enactment, and
- (b) affects or may affect the trade in goods or supply of services into British Columbia.

- (2) A regulatory authority’s ability under an authorizing enactment to make a regulatory provision includes the power to
 - (a) amend the regulatory provision to make it comply with this Part, the regulations made under this Part or an agreement, and
 - (b) repeal the regulatory provision if it does not comply with this Part, the regulations made under this Part or an agreement.
- (3) The minister charged with the administration of the Act under which a regulatory provision is made
 - (a) may request the regulatory authority to amend the regulatory provision to make it comply with this Part, the regulations made under this Part or an agreement and, in doing so, may provide directions as to how the regulatory provision should read or what it should or should not contain, or
 - (b) may request the regulatory authority to repeal the regulatory provision.
- (4) If the regulatory authority does not comply with a request made under subsection (3) within 60 days after the date of the request, the requesting minister may, by order, do one or more of the following:
 - (a) make a regulatory provision that complies with this Part, the regulations made under this Part or an agreement;
 - (b) amend a regulatory provision to make it comply with this Part, the regulations made under this Part or an agreement;
 - (c) repeal a regulatory provision that does not comply with this Part, the regulations made under this Part or an agreement.

- (5) A regulatory provision made or amended under subsection (2) (a) or (4) (a) or (b) prevails if there is a conflict or inconsistency between
 - (a) the regulatory provision made or amended under subsection (2) (a) or (4) (a) or (b), and
 - (b) a bylaw, rule, resolution, practice, policy, standard, procedure, measure or other record made under the applicable authorizing enactment.
- (6) This section prevails if there is a conflict or inconsistency between
 - (a) this section, and
 - (b) any other enactment or any other record of, or applicable to, a regulatory authority.

Application of this Part

- 4 This Part does not apply to an extraprovincial occupation to which the *Labour Mobility Act* applies.

Power to make regulations

- 5 (1) The Lieutenant Governor in Council may make regulations as follows:
 - (a) exempting a good from the application of section 2 (1);
 - (b) exempting another province of Canada from the application of section 2 (1);
 - (c) providing that an enactment or regulatory measure applies to a good, or to goods from another province of Canada, despite section 2 (2);
 - (d) exempting a service from the application of section 2 (3);
 - (e) exempting another province of Canada from the application of section 2 (3);
 - (f) providing that an enactment or regulatory measure applies to a service, or to services from another province of Canada, despite section 2 (4);
 - (g) prescribing regulatory authorities for the purpose of the definition of “regulatory authority” in section 3.
- (2) In making a regulation under this section, the Lieutenant Governor in Council may do one or more of the following:
 - (a) establish terms and conditions;
 - (b) establish or define classes of goods, services or provinces of Canada;
 - (c) make different regulations in relation to different goods, services or provinces of Canada, or different classes of goods, services or provinces of Canada.

PART 2 – PROCUREMENT DIRECTIVES

Definitions for this Part

6 In this Part:

“government procurement entity” means

- (a) a government organization, as defined in the *Budget Transparency and Accountability Act*, other than a corporation or organization that is excluded from this definition by regulation under section 11 of this Act, and
- (b) a corporation or organization that is included in this definition by regulation under section 11;

“procurement”, in relation to the procurement of goods or services, includes sourcing, selecting, receiving and contracting for goods or services and other steps taken to acquire goods or services;

“protected person” means the following:

- (a) a government procurement entity;
- (b) a person who is a member, director, officer or employee of a government procurement entity.

Procurement directives

- 7**
- (1) The Lieutenant Governor in Council may issue directives in relation to the procurement of goods or services by the government or government procurement entities.
 - (2) This section applies despite sections 4 and 4.1 of the *Financial Administration Act*.
 - (3) If there is a conflict or inconsistency between an enactment and a directive issued under subsection (1), the directive prevails.
 - (4) A government procurement entity must comply with a directive of the Lieutenant Governor in Council issued to the government procurement entity.

Protection against legal proceedings

- 8**
- (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against a protected person because of anything done or omitted in complying with, or intending to comply with, a directive issued under this Part.
 - (2) Subsection (1) does not apply to a protected person in relation to anything done or omitted in bad faith.

Indemnification for legal proceedings

- 9 (1) Subject to subsection (2), the government must indemnify a protected person for any costs or expenses incurred by the protected person in any legal proceedings taken against the protected person for anything done or omitted in complying with, or intending to comply with, a directive issued under this Part.
- (2) Subsection (1) does not apply to a protected person in relation to anything done or omitted in bad faith.

General powers respecting directives

- 10 (1) In issuing a directive under this Part, the Lieutenant Governor in Council may do one or more of the following:
- (a) delegate a matter to a person;
 - (b) confer a discretion on a person;
 - (c) establish terms and conditions;
 - (d) provide for exemptions;
 - (e) establish or define classes of government procurement entities, procurements, goods, services, circumstances, matters or other things;
 - (f) make different directives in relation to different ministries, government procurement entities, procurements, goods, services, circumstances, matters or other things, or different classes of government procurement entities, procurements, goods, services, circumstances, matters or other things.
- (2) A directive issued on or before June 30, 2025 under this Part may be made retroactive to February 1, 2025 or a later date and, if made retroactive, is deemed to have been issued on the specified date.

Power to make regulations

- 11 The Lieutenant Governor in Council may make regulations as follows:
- (a) excluding corporations or organizations or classes of corporations or organizations from the definition of “government procurement entity” in section 6;
 - (b) including corporations or organizations or classes of corporations or organizations in the definition of “government procurement entity” in section 6.

Consequential Amendment

Hydro and Power Authority Act

12 *Section 32 (7) of the Hydro and Power Authority Act, R.S.B.C. 1996, c. 212, is amended by adding the following paragraph:*

(e.2) Part 2 of the *Economic Stabilization (Tariff Response) Act*; .

PART 3 – TOLLS, FEES AND CHARGES

Definition for this Part

13 In this Part, “**provincial undertaking**” means the following:

- (a) a provincial public undertaking as defined in the *Transportation Act*;
- (b) a ferry to which the *Coastal Ferry Act* applies;
- (c) ferry terminal properties as defined in section 30 of the *Coastal Ferry Act*.

Tolls, fees and charges

- 14** (1) The Lieutenant Governor in Council may, by regulation, establish a system of tolls, fees or charges to be paid to the government in respect of the use of a provincial undertaking.
- (2) If a system of tolls, fees or charges has been established under this section in respect of the use of a provincial undertaking, the toll, fee or charge payable by a person who is liable under the system, and any interest payable in relation to the toll, fee or charge, is a debt due to the government.

Certificate proceedings

- 15** If a person fails to pay an amount in accordance with the system of tolls, fees or charges established under this Part,
- (a) the amount that must be paid may be recovered as a debt due to the government,
 - (b) the minister may file a certificate in a court of competent jurisdiction specifying the amount owed and the name of the person who owes it, and
 - (c) 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.

Rights, powers and advantages of minister

- 16** The minister charged with the administration of the *Transportation Act* may exercise the rights, powers and advantages under section 2 (1) (e) of that Act in relation to a system of tolls, fees or charges established under this Part.

Collection and disclosure of personal information

- 17** (1) The minister charged with the administration of the *Transportation Act* may, directly or indirectly, collect personal information for the purposes of this Part.
- (2) The minister charged with the administration of the *Transportation Act* may disclose personal information for the purposes of this Part.

Power to make regulations

- 18** (1) The Lieutenant Governor in Council may make regulations as follows:
- (a) respecting the system of tolls, fees or charges referred to in section 14;
 - (b) respecting the payment, collection and enforcement of tolls, fees and charges;
 - (c) respecting exemptions from the payment of tolls, fees or charges;
 - (d) prescribing interest rates and the manner of calculating interest payable for the purposes of this Part.
- (2) Without limiting subsection (3), in making a regulation establishing a system of tolls, fees or charges, the Lieutenant Governor in Council may do one or more of the following:
- (a) designate provincial undertakings or portions of a provincial undertaking for a toll, fee or charge;
 - (b) establish terms and conditions for the system;
 - (c) establish different amounts for tolls, fees or charges based on one or more of the following:
 - (i) dates, days or times of use of the provincial undertaking or portion of a provincial undertaking;
 - (ii) extent of use of the provincial undertaking or portion of a provincial undertaking;
 - (iii) class of user of the provincial undertaking or portion of a provincial undertaking;
 - (iv) ownership or registration of a vehicle;
 - (v) characteristics or class of a vehicle;
 - (d) establish rules respecting the administration of the system of tolls, fees or charges.

- (3) In making a regulation under this Part, the Lieutenant Governor in Council may do one or more of the following:
 - (a) establish or define classes of users, operators, owners, vehicles or provincial undertakings;
 - (b) make different regulations in relation to different users, operators, owners, vehicles or provincial undertakings, or different classes of users, operators, owners, vehicles or provincial undertakings.

PART 4 – LIEUTENANT GOVERNOR IN COUNCIL’S RESPONSE POWERS

Purposes for which powers may be exercised

- 19 The Lieutenant Governor in Council may make a regulation under this Part for one or more of the following purposes:
 - (a) addressing challenges, or anticipated challenges, to British Columbia arising from the actions of a foreign jurisdiction;
 - (b) supporting interprovincial cooperation in reducing trade barriers within Canada;
 - (c) supporting the economy of British Columbia and Canada.

Modifying enactments and authorizations

- 20 (1) Subject to subsection (2), the Lieutenant Governor in Council may, by regulation, do one or more of the following:
 - (a) make an exemption from one or more requirements under an enactment;
 - (b) modify a requirement set under an enactment;
 - (c) establish limits on the application of an enactment;
 - (d) establish powers or duties that apply in place of or in addition to an enactment;
 - (e) establish terms and conditions in relation to anything done under paragraph (a), (b), (c) or (d);
 - (f) authorize issuers of licences, permits or other authorizations issued under enactments to modify, add or remove limits or conditions, or the term, of the licences, permits or other authorizations.
- (2) A regulation may not be made under subsection (1) in relation to the following:
 - (a) a requirement to obtain a licence, permit or other authorization for, or the assessment or consideration of the environmental effects of, a project relating to a natural resource;
 - (b) provisions of an enactment respecting engagement with Indigenous peoples, as defined in the *Declaration on the Rights of Indigenous Peoples Act*.

Modifying material adopted by reference

- 21** (1) In this section, “**material adopted by reference**” means a code, standard or other instrument that is adopted or incorporated by reference by an enactment.
- (2) The Lieutenant Governor in Council may, by regulation, do one or more of the following:
- (a) make an exemption from one or more requirements under material adopted by reference;
 - (b) modify a requirement set under material adopted by reference;
 - (c) establish limits on the application of material adopted by reference;
 - (d) establish powers or duties that apply in place of or in addition to material adopted by reference;
 - (e) establish terms and conditions in relation to anything done under paragraph (a), (b), (c) or (d).

Retroactive application of response powers

- 22** (1) Subject to subsection (2), a regulation made on or before June 30, 2025 under this Part may be made retroactive to January 20, 2025 or a later date and, if made retroactive, is deemed to have come into force on the specified date.
- (2) The Lieutenant Governor in Council may not make a regulation under section 23 that is retroactive.

Enforcement of modified enactments, authorizations and material adopted by reference

- 23** The Lieutenant Governor in Council may, by regulation, specify that a failure to comply with a provision of a regulation made under this Part is to be treated as though it were a failure to comply with the enactment to which that provision relates.

Resolving conflicts between laws

- 24** This Part or a regulation made under this Part prevails if there is a conflict between
- (a) a provision of this Part or of a regulation made under this Part, and
 - (b) another Part of this Act, another enactment or any material adopted by reference as defined in section 21.

Report on exercise of power to make regulations

- 25** (1) If the Lieutenant Governor in Council makes a regulation under section 20 or 21, the minister charged with the administration of an enactment to which the regulation relates must, in accordance with subsection (2) of this section,
- (a) table a report in 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.
- (2) The report must be tabled or filed
 - (a) on or before the third Monday in October in each year in respect of a regulation made before that report is tabled or filed and after
 - (i) the date any previous report was tabled or filed under this section, or
 - (ii) the date this section came into force if subparagraph (i) does not apply, and
 - (b) on or before the fourth Monday in February in each year in respect of a regulation made before that report is tabled or filed and after
 - (i) the date any previous report was tabled or filed under this section, or
 - (ii) the date this section came into force if subparagraph (i) does not apply.

Final report

- 26 (1) The Attorney General must prepare a report with respect to the exercise of powers under this Part and
 - (a) table the report in 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.
- (2) The report must be tabled or filed under subsection (1) within 90 days after the date of the repeal of sections 20 and 21.

PART 5 – GENERAL PROVISIONS

Application of *Offence Act*

- 27 Section 5 [*general offence*] of the *Offence Act* does not apply to this Act, the regulations or the directives.

General powers respecting regulations

- 28 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) The authority to make regulations under another provision of this Act does not limit subsection (1).
- (3) The Lieutenant Governor in Council may make regulations respecting the collection or disclosure of information, including personal information, for the purposes of this Act.

- (4) In making a regulation under this Act, the Lieutenant Governor in Council may do one or more of the following:
- (a) delegate a matter to a person;
 - (b) confer a discretion on a person;
 - (c) establish or define classes of persons, places, circumstances, matters or other things;
 - (d) make different regulations in relation to
 - (i) different persons, places, circumstances, matters or other things, or
 - (ii) different classes of persons, places, circumstances, matters or other things.
- (5) The authority to establish or define classes or make different regulations under another provision of this Act does not limit subsection (4) (c) or (d).

Repeal

- 29** (1) Subject to subsection (2), the following are repealed on May 28, 2027:
- (a) Part 1;
 - (b) sections 6, 7, 10 and 11;
 - (c) Part 3;
 - (d) sections 19 to 24.
- (2) The Lieutenant Governor in Council may, by regulation, repeal a provision of this Act referred to in subsection (1) (a) to (d) on a date earlier than May 28, 2027.
- (3) Unless earlier repealed, a regulation made under this Act is repealed on May 28, 2027.

Commencement

- 30** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

| Item | Column 1 Provisions of Act | Column 2 Commencement |
|------|--|---|
| 1 | Anything not elsewhere covered by this table | The date of Royal Assent |
| 2 | Sections 1 to 5 | By regulation of the Lieutenant Governor in Council |