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**MISCELLANEOUS STATUTES  
AMENDMENT ACT (No. 2), 2006**

**CHAPTER 24**

*Assented to May 18, 2006*

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

*Balanced Budget and Ministerial Accountability Act*

**1** *Section 1 (1) of the Balanced Budget and Ministerial Accountability Act, S.B.C. 2001, c. 28, is repealed and the following substituted:*

(1) In this Act:

**“government reorganization”** means the assignment of responsibilities to members of the Executive Council made by Order in Council under any of the following provisions of the *Constitution Act*:

- (a) section 9 (2) [*designation of minister with portfolio and ministers without portfolio*];
- (b) section 10 [*transfer of powers and duties between ministers*];
- (c) section 13 [*organization of ministries*];

**“member of the Executive Council”** includes a person who was a member of the Executive Council at any time in the applicable fiscal year;

**“operating expenses”** means operating expenses accounted for in the consolidated revenue fund.

**2** *Section 2 is amended by striking out “the 2004/2005 fiscal year or for any subsequent fiscal year” and substituting “a fiscal year”.*

**3** *Section 4 is amended*

(a) *by striking out “in the case” and substituting “if,” and*

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

- (a) in the main estimates for that fiscal year, a surplus was estimated and there is a surplus of at least 50% of the amount estimated, or
- (b) in any case other than described in paragraph (a), there is not a deficit.

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**4 Section 5 is amended**

- (a) *in subsection (1) by striking out* “responsible for operating expenses other than of the Ministry of Provincial Revenue,” *and substituting* “a minister with portfolio responsible for operating expenses, other than operating expenses referred to in subsection (2),”
- (b) *in subsection (1) by striking out* “in the main estimates.” *and substituting* “in the main estimates, subject to any revision under section 6 (1.1).”
- (c) *in subsection (1.1) by striking out* “the 2004/2005 fiscal year and each subsequent fiscal year” *and substituting* “each fiscal year”
- (d) *in subsection (2) by striking out* “responsible for operating expenses of the Ministry of Provincial Revenue,” *and substituting* “the minister with portfolio responsible for operating expenses of the Ministry of Small Business and Revenue,” *and*
- (e) *by repealing subsection (4) and substituting the following:*
  - (4) As an additional condition, if during any period in a fiscal year
    - (a) a member of the Executive Council held more than one portfolio, or
    - (b) a member of the Executive Council had responsibilities under subsection (3) transferred to the member by regulation under section 9 (2) (b),no part of the salary reduction under section 3 in relation to that period becomes due and payable to the member unless all conditions under subsections (1) to (3) applicable to that member during the period are satisfied for the fiscal year.

**5 Section 6 is amended**

- (a) *by adding the following subsection:*
  - (1.1) If
    - (a) there is a government reorganization after the main estimates for a fiscal year have been presented, and
    - (b) the reorganization affects a member of the Executive Council to whom section 5 (1) applies,within 90 days after that reorganization the minister must make public a statement of the information referred to in subsection (1) (a) in relation to that fiscal year, revised to reflect any transfers under section 14 [*transferred powers, duties and functions*] of the *Constitution Act* of spending authority in relation to operating expenses to which section 5 (1) of this Act applies. ,
- (b) *by repealing subsection (2) (d) and substituting the following:*
  - (d) the related information required for the purposes of section 5. , *and*
- (c) *by repealing subsection (3) (b) and substituting the following:*
  - (b) the related information required for the purposes of section 5.

**6 Section 9 (2) is repealed and the following substituted:**

- (2) A regulation referred to in section 5 (3) may
  - (a) prescribe differently for different members of the Executive Council or classes of members, and
  - (b) if there has been a government reorganization, transfer previously assigned responsibilities to any other member of the Executive Council or establish responsibilities for a new ministerial position.

***Freedom of Information and Protection of Privacy Act***

**7 Section 10 of the *Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is repealed and the following substituted:***

**Extending the time limit for responding**

- 10** (1) The head of a public body may extend the time for responding to a request for up to 30 days if one or more of the following apply:
- (a) the applicant does not give enough detail to enable the public body to identify a requested record;
  - (b) a large number of records are requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the public body;
  - (c) more time is needed to consult with a third party or other public body before the head can decide whether or not to give the applicant access to a requested record.
- (2) In addition to the authority under subsection (1), with the permission of the commissioner, the head of a public body may extend the time for responding to a request as follows:
- (a) if one or more of the circumstances described in subsection (1) (a) to (c) apply, for a period of longer than the 30 days permitted under that subsection;
  - (b) if the commissioner otherwise considers that it is fair and reasonable to do so, as the commissioner considers appropriate.
- (3) If the time for responding to a request is extended under this section, the head of the public body must tell the applicant
- (a) the reason for the extension,
  - (b) when a response can be expected, and
  - (c) in the case of an extension under subsection (1), that the applicant may complain about the extension under section 42 (2) (b) or 60 (1) (a).

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**8 Section 17 (1) is amended by adding the following paragraph:**

- (f) information the disclosure of which could reasonably be expected to harm the negotiating position of a public body or the government of British Columbia.

**9 Section 33.1 (1) (d) is amended by striking out “agreement” and substituting “written agreement”.****10 Section 33.1 (1) is amended****(a) by repealing paragraph (e) and substituting the following:**

- (e) to an individual who is a minister, an officer of the public body or an employee of the public body other than a service provider, if
  - (i) the information is necessary for the performance of the duties of the minister, officer or employee, and
  - (ii) in relation to disclosure outside Canada, the outside disclosure is necessary because the individual is temporarily travelling outside Canada;
- (e.1) to an individual who is a service provider of the public body, or an employee or associate of such a service provider, if
  - (i) the information is necessary for the performance of the duties of the individual in relation to the public body, and
  - (ii) in relation to disclosure outside Canada,
    - (A) the individual normally receives such disclosure only inside Canada for the purpose of performing those duties, and
    - (B) the outside disclosure is necessary because the individual is temporarily travelling outside Canada; , **and**

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

- (p) the disclosure
    - (i) is necessary for
      - (A) installing, implementing, maintaining, repairing, trouble shooting or upgrading an electronic system or equipment that includes an electronic system, or
      - (B) data recovery that is being undertaken following failure of an electronic system
- that is used in Canada by the public body or by a service provider for the purposes of providing services to a public body, and

- (ii) in the case of disclosure outside Canada,
  - (A) is limited to temporary access and storage for the minimum time necessary for that purpose, and
  - (B) in relation to data recovery under subparagraph (i) (B), is limited to access and storage only after the system failure has occurred.

11 *Section 42 (2) (b) is amended by striking out “section 10,” and substituting “section 10 (1).”*

12 *Section 52 (1) and (2) is amended by striking out “Lobbyist Registration Act” and substituting “Lobbyists Registration Act”.*

13 *Section 58 (3) (b) is amended by striking out “section 10;” and substituting “section 10 (1);”.*

14 *Section 59.1 is amended by striking out “Lobbyist Registration Act.” and substituting “Lobbyists Registration Act.”*

15 *The following section is added:*

**Public information regarding health information banks**

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

“**health care body**” has the same meaning as in section 10.1 (1) of the *Health Act*;

“**health information bank**” has the same meaning as in section 10.1 (1) of the *Health Act*;

“**health information sharing agreement**” means an agreement under section 10.6 of the *Health Act*;

“**official responsible**” in relation to a health care body means

- (a) the minister, for a health care body that is a ministry,
- (b) the head of the regional health board, for a health care body that
  - (i) is a regional health board designated under section 4 (1) of the *Health Authorities Act*, or
  - (ii) reports to or is funded by the regional health board, and
- (c) the chief executive officer of the Provincial Health Services Authority, for a health care body that is
  - (i) the Provincial Health Services Authority, or
  - (ii) a society that reports to the Provincial Health Services Authority.

(2) The personal information directory under section 69 must include information about health information banks of health care bodies and about the use of the information in those health information banks.

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- (3) For the purposes of subsection (2), the personal information directory must include the following information in accordance with the requirements of the minister responsible for this Act:
- (a) the provisions of the order under section 10.2 (designation or establishment of health information banks) of the *Health Act* in relation to each health information bank that is in the custody or control of each health care body;
  - (b) a summary of the health information sharing agreements into which each health care body has entered;
  - (c) any other information the minister responsible for this Act considers appropriate.
- (4) The official responsible must
- (a) provide to the minister responsible for this Act the information required for the purposes of subsection (2), and
  - (b) correct as soon as possible any errors or omissions in the portion of the personal information directory that relates to the health care body, and provide the corrected information to the minister responsible for this Act.
- (5) A ministry that is a health care body must conduct a privacy impact assessment that is in relation to
- (a) a health information bank in its custody or control, or
  - (b) a health information sharing agreement to which it is a party
- in accordance with the directions of the minister responsible for this Act.

***16 Section 76.1 is repealed and the following substituted:***

**Ministerial regulation making power**

- 76.1** (1) The minister responsible for this Act may, by regulation, amend Schedule 2 to do one or more of the following:
- (a) add to it any agency, board, commission, corporation, office or other body
    - (i) of which any member is appointed by the Lieutenant Governor in Council or a minister,
    - (ii) of which a controlling interest in the share capital is owned by the government of British Columbia or any of its agencies, or
    - (iii) that performs functions under an enactment;
  - (b) designate or change the designation of the head of a public body;
  - (c) delete from it an agency, board, commission, corporation, office or other body that
    - (i) no longer exists, or
    - (ii) no longer meets the criteria established by paragraph (a).

- (2) The minister responsible for this Act may, by regulation, amend Schedule 3 to do one or more of the following:
- (a) add to it the name of the governing body of a profession or occupation if
    - (i) any member of that body is appointed by the Lieutenant Governor in Council, a minister or an Act, or
    - (ii) the profession or occupation is governed under an Act;
  - (b) delete from it a governing body that
    - (i) no longer exists, or
    - (ii) no longer meets the criteria established by paragraph (a).

**17 Schedule 1 is amended by adding the following definition:**

“access” means, for the purposes of Part 3, disclosure of personal information by the provision of access to personal information; .

**18 Schedule 2 is amended by striking out “Lobbyist Registration Act” and substituting “Lobbyists Registration Act”.**

***Land Act***

**19 Section 55 (1) (b) of the Land Act, R.S.B.C. 1996, c. 245, is repealed and the following substituted:**

- (b) the minister endorses a declaration on the plan under section 58.

**20 The following Part is added:**

**PART 7.2 – DEPOSIT OF ELECTRONIC PLANS IN REGISTRY**

**Division 1 – Electronic Plans**

**Definitions**

**93.9** In this Part:

“**certificate**” means a computer-based record created by a certification authority and issued to a subscriber for the purposes of permitting a subscriber to sign electronic plans;

“**certification authority**” means a certification authority recognized by the Surveyor General under section 93.95;

“**certification practice statement**” means the statement approved by the Surveyor General under section 93.95;

**“electronic plan”** means

- (a) a plan that is made in relation to Crown land and that is in electronic format, and
- (b) any other document that is in the electronic form designated by the Surveyor General;

**“electronic signature”** means a signature in electronic format that is

- (a) created by a subscriber using a private cryptographic key under the control of the subscriber that corresponds to a public cryptographic key contained in a certificate, and
- (b) incorporated into electronic plans;

**“subscriber”** means an individual who is authorized by a certificate to sign electronic plans.

#### **Application of this Part**

**93.901** This Part applies only to those plans and other documents the electronic form of which is designated by the Surveyor General for the purposes of this Part.

#### **Effect of electronic plan**

**93.91** Except as provided in this Part, an electronic plan that meets the requirements of this Part has the same effect for all purposes as a plan or other document in writing that meets the requirements of this Act or any other enactment.

#### **Submission of electronic plans**

**93.911** A person may submit an electronic plan to the Surveyor General in accordance with this Part

- (a) for filing or deposit in the registry, or
- (b) for approval, acceptance, confirmation or certification by the Surveyor General.

#### **Form and manner of completion**

**93.92** (1) Electronic plans submitted to the Surveyor General under section 93.94 must

- (a) be in the form designated by the Surveyor General,
- (b) contain the information required by the Surveyor General, and
- (c) be completed in the manner established by the Surveyor General.

(2) Unless the Surveyor General otherwise permits, all information in an electronic plan must be depicted in black on a white background.

#### **Signing requirements – British Columbia land surveyor**

**93.93** (1) In this section, **“subscriber”** means a British Columbia land surveyor who is authorized by a certificate to sign electronic plans.

- (2) An electronic plan must be signed in accordance with this section before it is submitted to the Surveyor General under section 93.94.
- (3) An electronic plan is signed for the purposes of this section when a subscriber incorporates his or her electronic signature into the electronic plan in accordance with the requirements established by the Surveyor General.
- (4) The incorporation of the electronic signature of a subscriber into an electronic plan is a certification by the subscriber
  - (a) that the requirements established by the Surveyor General are met, and
  - (b) that the information contained in each notation, endorsement, statement or certification made by the subscriber and set out in the plan is correct.
- (5) Despite any enactment or rule of law to the contrary, an electronic plan that has been signed by a British Columbia land surveyor as a subscriber in accordance with this section is conclusively deemed to be in writing and signed by the British Columbia land surveyor.

#### **Submitting electronic plans**

**93.94** An electronic plan is submitted to the Surveyor General when the plan is transmitted electronically to the Surveyor General in the manner established by the Surveyor General using the technology established by the Surveyor General.

#### **Signing requirements – Surveyor General**

- 93.941** (1) If an electronic plan is submitted to the Surveyor General under section 93.94 and, in accordance with this Act or another enactment, the Surveyor General approves, accepts or confirms the electronic plan or certifies the electronic plan as an official plan, the Surveyor General must
- (a) sign a copy of the electronic plan, or
  - (b) if the Surveyor General is a subscriber, sign the electronic plan in accordance with this section.
- (2) The Surveyor General may sign an electronic plan under subsection (1) (a) or (b) if
- (a) the electronic plan is submitted to the Surveyor General under section 93.94, and
  - (b) this Act or another enactment does not require the Surveyor General to approve, accept or confirm a plan or certify a plan as an official plan.
- (3) An electronic plan is signed for the purposes of subsection (1) (b) when the Surveyor General incorporates his or her electronic signature into the electronic plan in accordance with the requirements established by the Surveyor General.

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- (4) The incorporation of the electronic signature of the Surveyor General into an electronic plan is a certification by the Surveyor General
  - (a) that the requirements established under subsection (3) are met, and
  - (b) that the information contained in each notation, endorsement, statement or certification made by the Surveyor General and set out in the plan is correct.
- (5) Despite any enactment or rule of law to the contrary, an electronic plan that has been signed by the Surveyor General as a subscriber in accordance with this section is conclusively deemed to be in writing and signed by the Surveyor General.

### **Division 2 – Certification of Subscribers**

#### **Certification authority**

**93.95** For the purposes of this Act, the Surveyor General may recognize a person as a certification authority if

- (a) the person has adopted and published a certification practice statement that has been approved by the Surveyor General, and
- (b) the Surveyor General is satisfied that
  - (i) the person is capable of administering the certification practice statement, and
  - (ii) subscribers named in certificates issued by the person are required to observe and comply with the certification practice statement.

#### **Certification practice statement**

**93.96** A certification practice statement must contain

- (a) the policies, practices and procedures to be used by a certification authority in
  - (i) issuing, administering, suspending and revoking a certificate,
  - (ii) providing access to the information contained in a certificate, and
  - (iii) establishing and maintaining the security and validity of electronic signatures of subscribers, and
- (b) other provisions that the Surveyor General considers necessary, including provisions relating to the form and content of certificates and provisions to ensure
  - (i) that an electronic signature is unique to a specific subscriber,
  - (ii) that a subscriber named in a certificate is eligible to be a subscriber under the requirements established by the Surveyor General, and
  - (iii) the security of the electronic filing system contemplated by this Part.

**Warranties of certification authorities**

- 93.97** (1) The issuance of a certificate by a certification authority constitutes a warranty by the certification authority of the following matters:
- (a) the information contained in the certificate is, to the knowledge of the certification authority, true;
  - (b) the certificate was issued in accordance with the certification practice statement;
  - (c) the subscriber to whom the certificate was issued has agreed to observe and comply with the requirements of the certification practice statement;
  - (d) the subscriber named or identified in the certificate is eligible to be a subscriber under the requirements established by the Surveyor General;
  - (e) the certification authority will act promptly to suspend or revoke a certificate in accordance with the requirements of the certification practice statement.
- (2) The Surveyor General and the minister are entitled to rely on the warranties referred to in subsection (1).

**Immunity**

- 93.98** In the absence of an unlawful or negligent act or omission by a certification authority in relation to its powers or duties under this Act, no action for damages lies or may be brought against a certification authority in respect of any loss or damage arising out of an unlawful or negligent act or omission of a subscriber under this Act.

**Delegation of powers to Director of Land Titles**

- 93.99** The Surveyor General may delegate his or her powers under this Division to the Director of Land Titles.

**Offences**

- 93.991** (1) Section 5 of the *Offence Act* does not apply to this Part.
- (2) A person commits an offence if the person
- (a) incorporates his or her signature into an electronic plan without first complying with the provisions of this Part, or
  - (b) incorporates the electronic signature of another person into an electronic plan.

***Land Survey Act***

**21** *Section 14.1 (c) of the Land Survey Act, R.S.B.C. 1996, c. 247, is repealed and the following substituted:*

- (c) require electronic submission of survey plans, field notes and other survey data;

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- (c.1) specify standards for electronic submission of survey plans, field notes and other survey data; .

*Land Surveyors Act*

- 22 *Section 75 (1) of the Land Surveyors Act, R.S.B.C. 1996, c. 248, is amended by striking out “surveys:” and substituting “surveys and plans, including plans in electronic format:”.*

*Land Title Act*

- 23 *Section 1 of the Land Title Act, R.S.B.C. 1996, c. 250, is amended*

- (a) *by repealing the definition of “director” and substituting the following:*

“**director**” means the Director of Land Titles appointed under section 9 and a registrar instructed under section 10 to perform the duties and exercise the powers of the director; , *and*

- (b) *by repealing paragraph (b) of the definition of “true copy” and substituting the following:*

(b) in relation to an electronic instrument, electronic plan application or electronic plan, as those terms are defined in section 168.1, a legible paper copy of the electronic instrument, electronic plan application or electronic plan containing every material provision and particular contained in the original.

- 24 *Section 10 (2) is amended*

- (a) *by adding “and exercise the powers” after “perform the duties”, and*

- (b) *by adding “or exercising those powers” after “performing those duties”.*

- 25 *Section 68 (1) (e) is amended by striking out “prepared on tracing linen or on film with a matte finish”.*

- 26 *Section 71 is amended by adding the following subsection:*

(5.1) Subsection (5) does not apply to a plan in electronic format.

- 27 *Section 96 (1) is amended by striking out “outlined in red on the plan,” and substituting “outlined in accordance with the rules made under section 385 (5) or, if the plan is in electronic format, outlined in the manner established by the director,”.*

- 28 *Section 100 is amended*

- (a) *in subsection (4) (a) by striking out “a written application” and substituting “an application”, and*

- (b) *in subsection (5) by striking out “written”.*

**29 Section 168.1 is amended****(a) by repealing the definition of “certificate” and substituting the following:**

**“certificate”** means a computer-based record created by a certification authority and issued to a subscriber for the purposes of permitting the subscriber to sign one or more of the following:

- (a) electronic applications;
- (b) electronic instruments;
- (c) electronic plan applications;
- (d) electronic plans;
- (e) electronic returns under the *Property Transfer Tax Act*; ,

**(b) in the definitions of “certification authority” and “certification practice statement” by striking out “section 168.71” and substituting “section 168.79”,****(c) by repealing the definitions of “electronic application” and “electronic instrument” and substituting the following:**

**“electronic application”** means an application in electronic format other than an electronic plan application;

**“electronic instrument”** means

- (a) an instrument in electronic format, and
- (b) the electronic form of any other document that is required or permitted to be filed, lodged, registered or deposited in the land title office under this or another enactment,

but does not include

- (c) an electronic plan,
- (d) an electronic plan application,
- (e) an electronic declaration referred to in Division 2.1, and
- (f) a supporting document, as defined in section 168.741; ,

**(d) by adding the following definitions:**

**“deposit”**, in relation to the deposit of a plan or an electronic plan, includes file and register;

**“electronic plan”** means a plan in electronic format;

**“electronic plan application”** means an electronic application that relates to an electronic plan; ,

**(e) in the definition of “electronic signature” by repealing paragraph (b) (i) and substituting the following:**

- (i) electronic applications and electronic instruments,
- (i.1) electronic plan applications and electronic plans, and ,

*(f) by repealing the definition of “subscriber” and substituting the following:*

“**subscriber**” means an individual who is authorized by a certificate to sign one or more of the following:

- (a) electronic applications;
- (b) electronic instruments;
- (c) electronic plan applications;
- (d) electronic plans;
- (e) electronic returns under the *Property Transfer Tax Act*; , **and**

*(g) in the definition of “transferor” by striking out “lodged” and substituting “lodged, registered”.*

**30** *Section 168.12 is repealed.*

**31** *Division 2 of Part 10.1 is amended by adding the following section:*

**Provisions inapplicable to electronic instruments and applications**

**168.12** (1) Sections 148 [*form and manner of applying*] and 157 [*forms*] do not apply in relation to electronic applications.

(2) Sections 35 [*admissibility of instruments*] and 166 (2) [*return of instrument if application refused or withdrawn*] do not apply in relation to electronic instruments.

(3) Section 38 (4) and (5) [*admissibility of certified copy of original instrument or document*] does not apply in relation to electronic applications or electronic instruments.

**32** *Section 168.2 is amended by striking out “Part” in both places and substituting “Division”.*

**33** *Section 168.21 is amended*

*(a) by renumbering the section as section 168.21 (1), and*

*(b) by adding the following subsection:*

(2) If another enactment prescribes the form and legal effect of a document referred to in the definition of “electronic instrument”, that document in the electronic form designated under subsection (1) has the same legal effect as under the other enactment despite any differences between the electronic form and the form prescribed under the other enactment.

**34 Section 168.3 is amended****(a) by adding the following subsection:**

(3.2) Subsection (3) does not apply in relation to an electronic instrument that purports to release a charge in whole or in part if the subscriber incorporates his or her electronic signature into the instrument in accordance with the requirements established by the director. ,

**(b) in subsection (4) by striking out “by the subscriber,” and substituting “by the subscriber that the requirements established under subsection (2) are met and,” and**

**(c) in subsection (4) by striking out “and” at the end of paragraph (a) and by repealing paragraph (b) and substituting the following:**

(b) if subsection (3.1) applies to the electronic instrument, that a true copy of the electronic instrument, or a copy of that true copy, is in the possession of the subscriber, or

(c) if subsection (3.2) applies to the electronic instrument, that the requirements established under that subsection are met.

**35 Section 168.41 is amended**

**(a) in subsection (1) by striking out “lodged” and substituting “lodged, registered”,**

**(b) by repealing subsection (3) (b) and substituting the following:**

(b) a statement that the subscriber

(i) has possession of each supporting document referred to in paragraph (a), or

(ii) in relation to a class of supporting documents designated by the director, has possession of a true copy of the supporting document referred to in paragraph (a), and , **and**

**(c) in subsection (6) by striking out “lodge” and substituting “lodge, register”.**

**36 Section 168.42 (1) is amended by striking out “error or misdescription” in both places and substituting “error, omission or misdescription”.**

**37 Section 168.5 is amended by striking out “Part” and substituting “Division”.**

**38 Section 168.51 is amended**

**(a) by striking out “require that an applicant,” and substituting “require that an applicant do one or more of the following:”;**

**(b) in paragraph (a) (iii) by striking out “section 168.3 (3.1), and” and substituting “section 168.3 (3.1);”, and**

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*(c) by adding the following paragraph:*

- (c) produce evidence, satisfactory to the registrar, to verify that the requirements established under section 168.3 (3.2) are met.

**39 Section 168.71 is repealed.**

**40 Part 10.1 is amended by adding the following Division:**

**Division 2.1 – Electronic Plan Applications and Electronic Plans**

**Provisions applicable to electronic plan applications and electronic plans**

- 168.712** (1) Provisions in this Act and any other enactment that apply in relation to plans apply to electronic plans except as provided in this Division.
- (2) Sections 148 [*form and manner of applying*] and 157 [*forms*] do not apply in relation to electronic plan applications.
- (3) Section 245 (e) [*copies accompanying strata plan tendered for deposit*] of the *Strata Property Act* and the following sections of this Act do not apply in relation to electronic plans:
- (a) section 35 [*admissibility of instruments*];
  - (b) section 67 (s) [*copies accompanying plan tendered for deposit*];
  - (c) section 144 (2) (b) [*copies accompanying air space plan tendered for deposit*];
  - (d) section 147 (2) [*dispensing with need for application*] and (3) [*instrument as sufficient form of application*];
  - (e) section 166 (2) [*return of instrument if application refused or withdrawn*].
- (4) Section 38 (4) and (5) [*admissibility of certified copy of original instrument or document*] does not apply in relation to electronic plan applications or electronic plans.

**Effect of electronic plan applications and electronic plans**

- 168.72** Except as provided in this Division, an electronic plan application or electronic plan that meets the requirements of this Division and is received by the registrar under section 153 has the same effect for all purposes as an application or plan in writing that meets the requirements of this Act or any other enactment and is received by the registrar under section 153.

**Form and manner of completion**

- 168.721** (1) Electronic plan applications and electronic plans submitted under section 168.74 must be in the form designated by the director, contain the information required by the director and be completed in the manner established by the director.
- (2) If another enactment prescribes the form and legal effect of a document referred to in the definition of “electronic plan”, that document in the electronic form designated under subsection (1) has the same legal effect as under the other enactment despite any differences between the electronic form and the form prescribed under the other enactment.
- (3) Unless the director otherwise permits, all information in an electronic plan must be depicted in black on a white background.

**Assignment of serial deposit numbers to electronic plans**

- 168.722** (1) If the director requires an electronic plan to contain a serial deposit number, a British Columbia land surveyor must incorporate a serial deposit number into the electronic plan before signing the plan under section 168.73.
- (2) The incorporation of a serial deposit number into an electronic plan under subsection (1) satisfies the requirement in any Act that a serial deposit number be assigned to a plan.
- (3) For the purposes of this section, a registrar may allocate serial deposit numbers to a British Columbia land surveyor.

**Signing requirements for electronic plans – British Columbia land surveyor**

- 168.73** (1) In this section, “**subscriber**” means a British Columbia Land Surveyor who is authorized by a certificate to sign electronic plans.
- (2) An electronic plan must be signed in accordance with this section before an electronic plan application in relation to the electronic plan is signed under section 168.731 and before the electronic plan application is submitted under section 168.74.
- (3) An electronic plan is signed for the purposes of this section when a subscriber incorporates his or her electronic signature into the electronic plan in accordance with the requirements established by the director.
- (4) The incorporation of the electronic signature of a subscriber into an electronic plan is a certification by the subscriber
- (a) that the requirements established by the director are met, and
  - (b) that the information contained in each notation, endorsement, statement or certification made by the subscriber and set out in the electronic plan is correct.

- (5) Despite any enactment or rule of law to the contrary, an electronic plan that has been signed by a subscriber in accordance with this section is conclusively deemed to be in writing and signed by the British Columbia land surveyor.
- (6) An electronic plan signed in accordance with this section may only be submitted for deposit under section 168.74.

**Signing requirements for electronic plan applications – persons other than subscribers**

- 168.731** (1) An electronic plan application that is to accompany an electronic plan must be signed in accordance with this section before it is signed under section 168.732 if
- (a) the electronic plan has been signed under section 168.73, and
  - (b) this Act or another enactment requires a person, other than the subscriber who signed the plan under section 168.73, to sign or endorse the plan.
- (2) An electronic plan application is signed for the purposes of this section when the person signs a true copy of the electronic plan application in accordance with the requirements established by the director.
  - (3) A person who signs an electronic plan application in accordance with this section satisfies any requirement in this Act or another enactment that the person sign or endorse the plan that is to be accompanied by the application.
  - (4) If the electronic plan application relates to a plan for which this Act requires a signature on the plan to be witnessed,
    - (a) the signature of a person signing a true copy of the electronic plan application must be witnessed in accordance with the requirements in this Act that apply to the plan, and
    - (b) the information respecting the witness required by this Act to be stated on the plan must be stated on the true copy of the electronic plan application.
  - (5) A person who witnesses, in accordance with this section, the signing of an electronic plan application satisfies any requirement in this Act that the person witness the signing or endorsement of the plan that is to be accompanied by the application.
  - (6) A subscriber may transmit electronically an electronic plan application and electronic plan to a person who may sign a true copy of the electronic plan application under this section.

**Signing requirements for electronic plan applications – subscribers**

- 168.732** (1) An electronic plan application must be signed in accordance with this section before it is submitted under section 168.74.
- (2) An electronic plan application is signed for the purposes of this section when a subscriber incorporates his or her electronic signature into the electronic plan application in accordance with the requirements established by the director.

- (3) A subscriber must not incorporate his or her electronic signature into an electronic plan application unless
  - (a) a true copy of the electronic plan application
    - (i) has been signed by the persons specified on the application, and
    - (ii) if this Act requires the signature to be witnessed, the required information respecting the witness is stated on the application,
  - (b) any annotations, approvals, certificates, endorsements or statements required by this Act or any other enactment are set out on the electronic plan application above the signature of the required person, and
  - (c) the true copy referred to in paragraph (a), or a copy of that true copy, is in the possession of the subscriber.
- (4) The incorporation of the electronic signature of a subscriber into an electronic plan application is a certification by the subscriber that the requirements in subsection (3) are met.
- (5) Despite any enactment or rule of law to the contrary, an electronic plan application that has been signed by a subscriber in accordance with this section is conclusively deemed to be in writing and signed by the persons who signed a true copy of the electronic plan application.

**Submitting electronic plan applications  
and electronic plans**

- 168.74** (1) An electronic plan application or electronic plan is submitted when the application or plan is transmitted electronically to the land title office in the manner established by the director using the technology established by the director.
- (2) An electronic plan submitted for deposit must be accompanied by an electronic plan application.
  - (3) Any of the following persons may submit an electronic plan application or electronic plan under this section:
    - (a) an applicant;
    - (b) the solicitor or agent of an applicant;
    - (c) any other person authorized by a person referred to in paragraph (b) to submit the application on his or her behalf.
  - (4) The submission of an electronic plan application under this section implies a statement by the applicant submitting the electronic plan application that the applicant or, as the case may be, the person submitting the electronic plan application on behalf of the applicant
    - (a) is applying to deposit an electronic plan in the land title office, and
    - (b) is entitled to submit the electronic plan for deposit.
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**Supporting documents**

- 168.741** (1) In this section, “**supporting document**” means a document required or permitted by this Act or any other enactment to be filed, registered or deposited in the land title office in conjunction with an application to deposit a plan, but does not include a document designated by the director.
- (2) If a supporting document is a requirement of an electronic plan application, the submitter must include with the electronic plan application an electronic declaration in the form established by the director.
- (3) If a supporting document is permitted to be filed, registered or deposited in conjunction with an electronic plan application, the submitter may include with the electronic plan application an electronic declaration in the form established by the director.
- (4) An electronic declaration must contain
- (a) a description of each supporting document adequate to identify the document,
  - (b) a statement that the subscriber
    - (i) has possession of each supporting document referred to in paragraph (a), or
    - (ii) in relation to a class of supporting documents designated by the director, has possession of a true copy of the supporting document referred to in paragraph (a), and
  - (c) a summary, satisfactory to the registrar, of the material facts set out in each supporting document.
- (5) The electronic signature of a subscriber must be incorporated into the electronic declaration in accordance with the requirements established by the director.
- (6) The electronic signature referred to in subsection (5) is a certification by the subscriber that the summary of material facts set out in the declaration accurately reflects the material facts set out in each supporting document.
- (7) The certification under subsection (6) satisfies any requirement under this Act or any other enactment to file, register or deposit the supporting document in the land title office.

**Corrective declarations**

- 168.742** (1) If a person referred to in section 168.74 (3) (a) or (b) discovers an error, omission or misdescription in an electronic plan application or electronic plan he or she, or a person on his or her behalf, is submitting or has submitted under section 168.74, the person may submit or have submitted on his or her behalf an electronic declaration in the form established by the director bringing the error, omission or misdescription to the registrar’s attention.

- (2) The electronic signature of a subscriber must be incorporated into an electronic declaration under subsection (1) in accordance with the requirements established by the director.
- (3) The incorporation under subsection (2) of the electronic signature of the subscriber is a certification by the subscriber that
  - (a) based on the subscriber's personal knowledge, the electronic declaration sets out the material facts accurately, or
  - (b) based on the subscriber's reasonable belief, the electronic declaration sets out the material facts accurately.
- (4) If an electronic declaration is submitted under subsection (1), the registrar may, in the manner designated by the director, exercise the registrar's powers under section 106 or 383 in relation to an electronic plan.
- (5) The registrar must replace, in the manner established by the director, the original electronic plan in the records of the land title office with an electronic plan that depicts any changes made as a result of the exercise of the registrar's powers in accordance with subsection (4).

#### **Amendments to electronic plans**

- 168.743** (1) The registrar may, in the manner designated by the director, exercise the registrar's powers under this Act or another enactment to amend, alter, correct or cancel an electronic plan.
- (2) The registrar must replace, in the manner established by the director, the original electronic plan in the records of the land title office with an electronic plan that depicts any changes made as a result of the exercise of the registrar's powers in accordance with subsection (1).

#### **Production of evidence**

- 168.75** The registrar may, before the deposit of an electronic plan, require that an applicant
- (a) produce for inspection
    - (i) an executed true copy of the electronic plan application referred to in section 168.731, and
    - (ii) a supporting document referred to in section 168.741 or a true copy of a supporting document, and
  - (b) produce evidence, satisfactory to the registrar, to verify that a person signed a true copy of an electronic plan application in compliance with this Act.

#### **Evidentiary matters**

- 168.76** (1) An electronic plan application that has been received by the registrar under section 153, along with any corrective declaration that has been received by the registrar in relation to that electronic plan application, is conclusively deemed to be the original of the application.

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- (2) Subject to subsection (3), an electronic plan that has been received by the registrar is conclusively deemed to be the original of the plan.
- (3) An electronic plan that is placed in the records of the land title office under section 168.742 (5) or 168.743 (2) is conclusively deemed to be the original of the plan.
- (4) A copy of an electronic plan application or electronic plan that is
  - (a) obtained from the records of the land title office, and
  - (b) certified by the registrar to be a true copy of the original plan application or planis conclusive evidence of the original and is admissible in a court to the same extent as the original.
- (5) A certification of the registrar under subsection (4) is conclusive evidence that
  - (a) the technology and procedure used by the registrar to receive, store, retrieve and copy the electronic plan application or electronic plan is capable of recording and reproducing all significant details of the electronic plan application or electronic plan without any additions, deletions or changes, and
  - (b) the electronic plan application or electronic plan was received, stored, retrieved and copied by the registrar in the usual and ordinary course of business.
- (6) If there is a difference between a copy of an electronic plan application or electronic plan certified under subsection (4) and a copy of the electronic plan application or electronic plan obtained from a source other than the records of the land title office, the former prevails over the latter, whether or not the latter contains an original signature of any person.

**Admissibility of true copy of electronic plan application or electronic plan**

**168.761** Except to the extent necessary to prove the authenticity of a signature or other writing, mark or impression, a true copy of an electronic plan application or electronic plan that contains an original signature or other writing, mark or impression is not admissible in a court for any purpose.

**Disposal of electronic plan applications and electronic plans**

**168.77** If an electronic plan application relating to the deposit of an electronic plan is void as a result of the registrar's refusal to accept the electronic plan for deposit or a withdrawal of the application by the applicant or the solicitor or agent of the applicant, the registrar may delete that application and plan and any supporting documents, as defined in section 168.741, from the records.

**41 Division 3 of Part 10.1 is amended by adding the following section:**

**Certification authority**

**168.79** For the purposes of this Act and the *Property Transfer Tax Act*, the director may recognize a person as a certification authority if

- (a) the person has adopted and published a certification practice statement that has been approved by the director, and
- (b) the director is satisfied that
  - (i) the person is capable of administering the certification practice statement, and
  - (ii) subscribers named in certificates issued by the person are required to observe and comply with the certification practice statement.

**42 Section 168.9 is amended**

- (a) *in paragraph (a) by striking out* “electronic instrument or electronic application” *and substituting* “electronic application, electronic instrument, electronic plan application or electronic plan”, *and*
- (b) *in paragraph (b) by striking out* “electronic application or electronic instrument” *and substituting* “electronic application, electronic instrument, electronic plan application or electronic plan”.

**43 Section 168.91 (2) (a) to (l) and (n) to (r) and (3) is repealed.**

**44 Section 308 (1) is amended**

- (a) *by striking out* “electronic application as defined in section 168.1,” *and substituting* “electronic application or electronic plan application, as those terms are defined in section 168.1,” *and*
- (b) *in paragraph (a) by striking out* “electronic application,” *and substituting* “electronic application or electronic plan application,”.

**45 Section 385 is amended**

- (a) *in subsection (2) by adding the following paragraph:*
  - (s) prescribing the manner of effecting service by electronic means for the purposes of section 317.1 and the method of proving that service. , *and*
- (b) *by repealing subsection (5) and substituting the following:*
  - (5) The Association of British Columbia Land Surveyors may make rules under section 75 of the *Land Surveyors Act* respecting the conduct of surveys referred to in this Act and the form and content of plans to be filed, registered or deposited under this Act.

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- 46** *Section 386 (3.1) is amended by striking out “electronic application or electronic instrument,” and substituting “electronic application, electronic instrument or electronic plan application.”*

***Oil and Gas Commission Act***

- 47** *Section 12 (2) of the Oil and Gas Commission Act, S.B.C. 1998, c. 39, is repealed and the following substituted:*

- (2) The *Public Service Act* and the *Public Service Labour Relations Act* do not apply to the commission or to its officers or employees.
- (3) Despite subsection (2), the Public Service Pension Plan, continued under the *Public Sector Pension Plans Act*, continues to apply to the commission and to its officers and employees.

***Personal Information Protection Act***

- 48** *Section 12 (1) of the Personal Information Protection Act, S.B.C. 2003, c. 63, is amended by striking out “or” at the end of paragraph (i) and by adding the following paragraphs:*

- (k) the personal information is collected for the purposes of the organization providing legal services to a third party and the collection is necessary for the purposes of providing those services, or
- (l) the personal information is collected for the purposes of the organization providing services to a third party if
  - (i) the third party is an individual acting in a personal or domestic capacity,
  - (ii) the third party is providing the information to the organization, and
  - (iii) the information is necessary for the purposes of providing those services.

- 49** *Section 15 (1) is amended by adding the following paragraph:*

- (h.1) the personal information was collected by the organization under section 12 (1) (k) or (l) and is used to fulfill the purposes for which it was collected, .

- 50** *Section 18 amended by adding the following subsection:*

- (4) An organization may disclose personal information to another organization, or to a public body, without consent of the individual to whom the information relates, if
  - (a) the personal information was collected by an organization under section 12 (1) (k) or (l),

- (b) the disclosure between the organizations, or between the organization and the public body, is for the purposes for which the information was collected,
- (c) the disclosure is necessary for those purposes, and
- (d) for each disclosure under this subsection, the third party referred to in section 12 (1) (k) or (l), as applicable, consents to the disclosure.

**51 Section 23 (3) is amended by adding the following paragraph:**

- (f) the information is in a document that is subject to a solicitor's lien.

**52 Section 58 (3) (b) is amended by striking out "members of category" and substituting "members of a category".**

### ***Utilities Commission Act***

**53 Section 121 of the Utilities Commission Act, R.S.B.C. 1996, c. 473, is amended**

- (a) **by renumbering the section as section 121 (1),**
- (b) **in subsection (1) (a) by adding "an authorization granted to" after "commission or", and**
- (c) **by adding the following subsections:**
  - (2) In this section, "**authorization**" means
    - (a) a certificate of public convenience and necessity issued under section 46,
    - (b) an exemption from the application of section 45 granted, with the advance approval of the Lieutenant Governor in Council, by the commission under section 88, and
    - (c) an exemption from section 45 granted under section 22, only if the public utility meets the conditions prescribed by the Lieutenant Governor in Council.
  - (3) For the purposes of subsection (2) (c), the Lieutenant Governor in Council may prescribe different conditions for different public utilities or categories of public utilities.

### **Transitional Provisions**

**Ministerial accountability targets for the 2005-2006 fiscal year –  
*Balanced Budget and Ministerial Accountability Act***

- 54** (1) The amendments to the *Balanced Budget and Ministerial Accountability Act* made by this Act apply first for the purposes of the 2005-2006 fiscal year.

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- (2) For the purpose of applying the *Balanced Budget and Ministerial Accountability Act* to individuals who were members of the Executive Council during a period of the 2005-2006 fiscal year before the government reorganization that followed the May 2005 general election,
- (a) the minister must make public, by May 31, 2006, the information contemplated by section 6 (1.1) of that Act, as if the responsibilities to which section 5 of that Act applied had been transferred to those individuals after the main estimates for that fiscal year were presented,
  - (b) for the purposes of paragraph (a), amounts that are, under an enactment, to be included in the estimated amount for that fiscal year under section 6 (1) of the *Balanced Budget and Ministerial Accountability Act* are deemed to be amounts included in the main estimates for the fiscal year,
  - (c) a member of the Executive Council to whom section 5 (3) of that Act applied is deemed to have achieved their expected results if the conditions applicable under that provision were satisfied for the fiscal year, whether by that member or by someone else, and
  - (d) for a ministerial position to which section 5 (3) of that Act applied and that continued after the reorganization, the applicable expected results are those made public with the main estimates for the 2005-2006 fiscal year presented under section 6 (2) of the *Budget Transparency and Accountability Act*.

**Commencement**

- 55** 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 <b>Provisions of Act</b>	Column 2 <b>Commencement</b>
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 9	January 1, 2007
3	Section 19	January 20, 2005
4	Sections 20 to 47	By regulation of the Lieutenant Governor in Council