

PROVINCE OF BRITISH COLUMBIA

**ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL**

Emergency Program Act

Ministerial Order No. M167

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020;

AND WHEREAS other orders under section 10 (1) of the *Emergency Program Act* and other enactments made since the declaration of a state of emergency have provided authority for electronic attendance at meetings of specified bodies;

AND WHEREAS certain meetings that are provided for under British Columbia law are not provided for under the other orders, but must be able to be conducted in accordance with public health advisories to reduce the threat of COVID-19 to the health and safety of individuals who participate in the meetings;

AND WHEREAS the threat of COVID-19 to the health and safety of people has resulted in the requirement that meetings that are required by statute be enabled to proceed with limitations on participation in person and with authority for electronic attendance;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Electronic Attendance at Statutory Meetings (COVID-19) Order is made.

May 20, 2020

Date


Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; OIC 241/2020

ELECTRONIC ATTENDANCE AT STATUTORY MEETINGS (COVID-19) ORDER

Definitions

1 In this order:

“**applicable enactment**” means an Act, or a regulation, article, memorandum, bylaw, rule or other enactment made under the Act, that authorizes or provides for a statutory meeting;

“**statutory meeting**” means a meeting, including a meeting that is referred to as annual, general or special, that is authorized or otherwise provided for in an Act, or a regulation, article, memorandum, bylaw or rule made under the Act, but does not include a meeting referred to in section 2 of this order.

Interpretation

2 For the purposes of this order, a statutory meeting does not include the following:

(a) a meeting in respect of which provisions have been made for attendance by telephone or other electronic means under an enactment made during the period described in section 3 (1) of this order or another order made under section 10 (1) [*powers of minister in declared state of emergency*] of the *Emergency Program Act*, including the following:

(i) the Electronic Attendance at Corporate Meetings (COVID-19) Order, M116/2020;

(ii) the Electronic Attendance at Strata Property Meetings (COVID-19) Order, M114/2020;

(iii) the Electronic Attendance at Credit Union Meetings (COVID-19) Order, M138/2020;

(iv) the Local Government Meetings and Bylaw Process (COVID-19) Order No. 2, M139/2020;

(b) a meeting of the Legislative Assembly, its committees, members or officers;

(c) a meeting or other proceeding of the Court of Appeal, Supreme Court or Provincial Court.

Application

3 (1) This order applies during the period that starts on the date this order is made and ends on the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) [*declaration of state of emergency*] of the *Emergency Program Act* expires or is cancelled.

(2) For certainty, if provisions are made in an enactment or another order in respect of meetings as described in section 2 (a) of this order, those provisions prevail.

Electronic attendance at statutory meeting

4 (1) A person who is entitled to participate in, including vote at, a statutory meeting may do so by telephone or other communications medium if all of the persons participating in the statutory meeting, whether by telephone, by other

communications medium or in person, are able to communicate with each other and, if applicable, vote at the statutory meeting.

- (2) Subsection (1) does not obligate a person responsible for holding a statutory meeting to take any action to facilitate the use of any communications medium at the statutory meeting.
- (3) A statutory meeting may be held solely by telephone or other communications medium if
 - (a) in the case of a statutory meeting with respect to which notice must be given under an enactment, notice of the statutory meeting provides instructions for attending at or participating in the statutory meeting by the communications medium, including, if applicable, instructions for how to vote at the statutory meeting,
 - (b) all of the persons participating in the statutory meeting are able to communicate with each other and, if applicable, vote at the statutory meeting, and
 - (c) the person responsible for holding the statutory meeting facilitates the use of the communications medium at the statutory meeting.
- (4) If a statutory meeting is held as contemplated by subsection (3),
 - (a) the statutory meeting is not required to have a physical location,
 - (b) any notice of the statutory meeting is not required to specify a location for the statutory meeting, and
 - (c) the statutory meeting is deemed to be held in British Columbia.
- (5) A person who participates in, or attends or votes at, a statutory meeting in a manner contemplated by subsection (1) or (3) is deemed, for the purposes of the applicable enactment, to be present in person at the statutory meeting.
- (6) This section applies despite anything in an applicable enactment that applies to the statutory meeting.

**Rules and procedures for
electronic attendance**

- 5 (1) A person responsible for holding a statutory meeting may establish rules and procedures to enable participation in the statutory meeting of persons who are entitled to participate in the statutory meeting, including to vote at the statutory meeting, as contemplated in section 4 of this order.
- (2) If a statutory meeting is held as contemplated in section 4 of this order, a procedural requirement in an applicable enactment that applies to a statutory meeting, including a vote by a show of hands or other means of physical participation, may be satisfied by other means appropriate to the circumstances.
- (3) This section applies despite anything in an applicable enactment that applies to the statutory meeting.