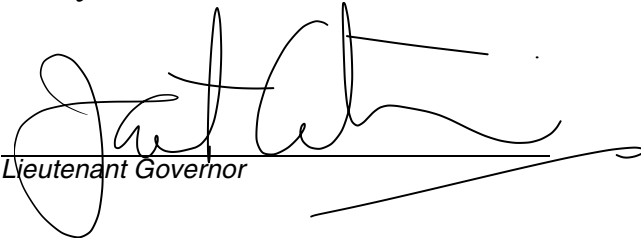


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 034

, Approved and Ordered January 26, 2021



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that,

- (a) effective February 5, 2021,
 - (i) the *Professional Governance Act*, S.B.C. 2018, c. 47, is brought into force as set out in the attached Appendix 1,
 - (ii) the Professional Governance General Regulation, B.C. Reg. 107/2019, is amended as set out in the attached Appendix 2, and
 - (iii) the regulations listed in the attached Appendix 3 are amended as set out in that Appendix, and
 - (iv) the Professional Governance (Election Stagger) Transitional Regulation as set out in the attached Appendix 4 is made, and
- (b) effective February 5, 2022, section 32 (7) (c) of the *Professional Governance Act*, S.B.C. 2018, c. 47, is brought into force.



Attorney General and Minister Responsible for Housing



Presiding Member of the Executive Council

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

Authority under which Order is made:

Act and section: *Professional Governance Act*, S.B.C. 2018, c. 47, ss. 31, 82, 118, 119, 129 and 158; *Strata Property Act*, S.B.C. 1998, c. 43, s. 292; *Coal Act*, S.B.C. 2004, c. 15, s. 26; *Cremation, Interment and Funeral Services Act*, S.B.C. 2004, c. 35, s. 68; *Water Sustainability Act*, S.B.C. 2014, c. 15, ss. 124, 127 and 129; *Employment Standards Act*, R.S.B.C. 1996, c. 113, s. 127; *Forest and Range Practices Act*, S.B.C. 2002, c. 69, s. 151; *Geothermal Resources Act*, R.S.B.C. 1996, c. 171, s. 24; *Greenhouse Gas Industrial Reporting and Control Act*, S.B.C. 2014, c. 29, s. 46; *Homeowner Protection Act*, S.B.C. 1998, c. 31, s. 32; *Mineral Tenure Act*, R.S.B.C. 1996, c. 292, s. 65; *Environmental Management Act*, S.B.C. 2003, c. 53, ss. 76, 138 and 139; *Public Health Act*, S.B.C. 2008, c. 28, ss. 115 and 126; *Riparian Areas Protection Act*, S.B.C. 1997, c. 21, s. 13; *School Act*, R.S.B.C. 1996, c. 412, s. 131.1; *Security Services Act*, S.B.C. 2007, c. 30, s. 52; *Wildfire Act*, S.B.C. 2004, c. 31, ss. 69 and 72

Other: OICs 250/2019, 418/78, 553/2004, 660/2004, 114/2016, 1155/95, 17/2004, 61/2017, 805/2015, 137/99, 1161/2004, 95/99, 1421/98, 405/2019, 624/2010, 22/2004, 446/2019, 251/2005, 438/2008, 701/2004, 110/2016 and 94/2005

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APPENDIX 1

- 1 The following provisions of the *Professional Governance Act*, S.B.C. 2018, c. 47, are brought into force:
- (a) section 1 (1), as it enacts the definitions of “roster” and “roster member”, and sections 2 and 3;
 - (b) sections 7 (2) (c) (ii), 9, 10 (1) (a), (2) (a) and (b) (i) to (iii), (v) and (vi) and (5), 11, 12, 17, 18 (1) (a) and (b) (ii) and (iii) and (2), 21, 22, 23 (1), (3) and (4), 24, 25 (2), 26 (2) to (5), 27 to 31, 32 (1) to (6) and (7) (a) and (b) and 33 to 41;
 - (c) sections 42 to 50;
 - (d) sections 51 to 55;
 - (e) sections 56 to 58 and 63 to 83;
 - (f) sections 84 to 98;
 - (g) sections 99 to 103, 105 (2), 106 (1) (a) to (c), (e) and (f) and (5) and 108;
 - (h) sections 109 (1) (b) (ii), 110, 113 and 114;
 - (i) sections 117, 118 (2) (a), (b) (i) and (ii), (c) to (e), (f) (v) and (vii), (g) (i) to (iii) and (v) to (xii), (h), (i), (j) (i), (ii) and (iv) to (vi) and (k) and (3), 120, 121 and 122 (2) (b) to (h);
 - (j) sections 125 to 137, 139, 141 and 145 to 155;
 - (k) Schedules 1 to 3.

APPENDIX 2

- 1 *The Professional Governance General Regulation, B.C. Reg. 107/2019, is amended*

(a) *by repealing the heading of Division 1 and substituting the following:*

PART 1 – DEFINITIONS ,

(b) *by repealing the heading of Division 2 and substituting the following:*

PART 3 – ELECTIONS

Division 1 – Merit-Based Selection of Nominees ,

(c) *by repealing the heading of Division 3 and substituting the following:*

PART 4 – OTHER MATTERS , and

(d) *by renumbering the Schedule as Schedule 1.*

- 2 *Part 1 is amended by adding the following sections:*

Definition of “government registrant”

- 1.1** For the purposes of the definition of “government registrant” in section 1 (1) of the Act, the following are prescribed:
- (a) the ministry of the minister responsible for any of the following:
 - (i) Part 8 [*Roads and Rights of Way*] of the *Forest Act*;
 - (ii) Division 2 [*Roads*] of Part 3 of the *Forest and Range Practices Act*;
 - (iii) Part 4 [*Highways*] or 5 [*Use of Highways*] of the *Transportation Act*;
 - (b) the British Columbia Safety Authority;
 - (c) the Oil and Gas Commission;
 - (d) the Workers’ Compensation Board.

Definition of “relevant enactment”

- 1.2** For the purposes of the definition of “relevant enactment” in section 1 (1) of the Act, the enactments listed in Schedule 1 are prescribed.

3 *The following Part is added:*

PART 2 – REGULATORY BODIES

Division 1 – Organization

Nomination committee

- 1.3** Despite section 23 (4) [*council of regulatory body – councillor may not be member of committee or panel*] of the Act, one of the following councillors of a regulatory body may be a member of the nomination committee of the regulatory body:
- (a) the immediate past president;
 - (b) a lay councillor, if the immediate past president is unavailable.

Division 2 – Information

Definitions

- 1.4** In this Division:
- “**continued**” means continued under Division 1 [*Regulatory Bodies Continued*] of Part 7 of the Act;
 - “**historical member**”, in relation to a continued regulatory body, means a person who, before February 5, 2021, ceased to be a registered member of the professional association continued as the regulatory body;
 - “**recent historical member**”, in relation to a continued regulatory body, means a historical member of the regulatory body who ceased on or after February 5, 2014 to be a registered member of the professional association continued as the regulatory body.

Former registrants

- 1.5** The registrar for a regulatory body must include a former registrant of the regulatory body in the list of registrants made available under section 31 (3) of the Act for at least 10 calendar years after the calendar year in which the former registrant ceases to be a member of the regulatory body.

Historical members

- 1.6** (1) This section applies in relation to a continued regulatory body.
- (2) Subject to this section, the following information about every person who is a historical member of a regulatory body is prescribed for the purposes of section 82 (1) (c) [*information to be publicly available*] of the Act:
- (a) the person's name and that the person is a historical member;
 - (b) the category, subcategory or class of members in which the person was registered;
 - (c) a notation of each cancellation or suspension of the person's registration.
- (3) Subject to subsections (4) and (5), the council of a regulatory body may limit the information referred to in subsection (2) to be made publicly available under section 82 (2) by reference to one or both of the following:
- (a) the date the historical member ceased to be a registered member of the continued professional association;
 - (b) the period of time since the historical member ceased to be a registered member of the continued professional association.
- (4) The council of a regulatory body must make the information referred to in subsection (2) publicly available under section 82 (2) of the Act for at least every recent historical member.
- (5) The council of a regulatory body must make the information referred to in subsection (2) about a recent historical member publicly available under section 82 (2) of the Act for at least 10 calendar years after the calendar year in which the recent historical member ceased to be a registered member of the continued professional association.

Protection of personal privacy – information in register

- 1.7** (1) Despite section 31 (3) (f) (i) (B) [*register to include information specified by discipline committee*] of the Act, the registrar must not include information referred to in that section in a register if the registrar considers that the public interest in the information being included in the register is outweighed by the privacy interests of
- (a) a complainant or other person, other than a registrant, or
 - (b) a registrant who may be suffering from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs.
- (2) If the registrar determines under subsection (1) that information is not to be included in a register, the registrar must note in the register that information has been withheld.

Protection of personal privacy – information on website

- 1.8** (1) Despite section 82 (2) [*information to be publicly available*] of the Act, the council of a regulatory body must not make information publicly available under that section if the council considers that the public interest in the information being made publicly available is outweighed by the privacy interests of
- (a) a complainant or other person, other than a registrant, or
 - (b) a registrant or historical member who may be suffering from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs.
- (2) If a council determines under subsection (1) that information is not to be made publicly available, the council must note on the website referred to in section 82 (2) of the Act that information has been withheld.

Division 3 – General

Filing bylaws

- 1.9** (1) A bylaw described in section 50 (1) [*fees and special assessments*] of the Act is not required to be delivered or filed under section 37 (1) [*filing of bylaws*] of the Act.
- (2) For the purposes of section 37 (2) [*filing of bylaws – number of days after which bylaw comes into force*] of the Act, 45 days is prescribed.

4 *Part 3 is amended by adding the following Division:*

Division 2 – General

Oath of office

- 6.1** For the purposes of section 28 (1) [*oath of office*] of the Act, an oath of office must be
- (a) taken and signed in the form set out in Schedule 2, and
 - (b) witnessed by at least one individual, who must also sign the form.

5 *Section 7 is repealed.*

6 *The following Schedule is added:*

SCHEDULE 2

Oath of Office

I do solemnly affirm that, in the exercise of my powers and the performance of my duties as a member of the council of or a committee for the [*name of regulatory body*]:

- I will abide by the *Professional Governance Act* and its regulations, and the bylaws, standards and policies of the [*name of regulatory body*], and act in accordance with the law and the public trust placed in me;

- I will act impartially and with integrity, putting the interests of the public above my own personal interests and the interests of any organization with which I am affiliated;
- I will avoid situations and circumstances in which there is a real or perceived conflict of interest by ensuring that such conflicts of interest are properly disclosed and that necessary measures are taken so a conflict of interest does not bias decisions or recommendations;
- I will conduct myself honestly and ethically, in a manner that maintains and enhances the public’s trust and confidence in the governance of the *[name of profession]* profession(s) and does not bring it (them) into disrepute;
- I will safeguard confidential information, not divulging it unless I am authorized or required to do so by law;
- I will base my decisions on the objective evidence that is available to me;
- I will ensure that other memberships, directorships, voluntary or paid positions or affiliations remain distinct from work undertaken in the course of exercising my powers or performing my duties as a council or committee member.

.....
 Witness

.....
 Council / Committee Member

.....
 Date

APPENDIX 3

Bare Land Strata Regulations

- 1 Section 1 (1) of the Bare Land Strata Regulations, B.C. Reg. 75/78, is amended by repealing the definition of “professional engineer” and substituting the following:**

“professional engineer” means a person who is registered under the *Professional Governance Act* as a professional engineer or professional engineering licensee; .

Coal Act Regulation

- 2 Section 4 (1) (a) of the Coal Act Regulation, B.C. Reg. 251/2004, is amended by striking out “a professional engineer or professional geoscientist” and substituting “a person who is” and by striking out “registered under the *Engineers and Geoscientists Act* as a member of the Association of Professional Engineers and Geoscientists of the Province of British Columbia” and substituting “registered under the *Professional Governance Act* as a professional engineer or professional geoscientist”.**

Cremation, Interment and Funeral Services Regulation

3 **Section 1 (1) of the Cremation, Interment and Funeral Services Regulation, B.C. Reg. 298/2004, is amended**

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

“**professional geoscientist**” means a person who is registered under the *Professional Governance Act* as a professional geoscientist or professional geoscience licensee; , **and**

(b) **by repealing the definition of “professional engineer” and substituting the following:**

“**professional engineer**” means a person who is registered under the *Professional Governance Act* as a professional engineer or professional engineering licensee; .

4 **Section 17 (d) is amended by striking out “geoscientist” wherever it appears and substituting “professional geoscientist”.**

Dam Safety Regulation

5 **Section 1 (1) of the Dam Safety Regulation, B.C. Reg. 40/2016, is amended by repealing the definition of “engineering professional” and substituting the following:**

“**engineering professional**” means a person who is registered under the *Professional Governance Act* as a professional engineer or professional engineering licensee; .

Employment Standards Regulation

6 **Section 31 of the Employment Standards Regulation, B.C. Reg. 396/95, is amended**

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

(f) a professional engineer, professional engineering licensee or engineer in training under the *Professional Governance Act*; , **and**

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

(p) a professional forester under the *Professional Governance Act*; .

Forest Planning and Practices Regulation

7 **Section 22.1 (1) of the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is repealed and the following substituted:**

(1) For the purposes of section 16 (1.01) (a) of the Act, a person has the prescribed qualifications in relation to a subject matter prescribed in subsection (2) (a) to (j) of this section if

(a) the person is registered under the *Professional Governance Act* as

- (i) an agrologist,
 - (ii) a professional biologist,
 - (iii) a professional engineer or professional engineering licensee,
 - (iv) a professional geoscientist or professional geoscience licensee, or
 - (v) a professional forester or registered forest technologist, and
- (b) the subject matter is within the person's scope of practice under that Act.

Geothermal Resources General Regulation

- 8 ***Section 1 of the Geothermal Resources General Regulation, B.C. Reg. 39/2017, is amended by repealing the definition of “qualified person” and substituting the following:***

“qualified person” means a person who is registered under the *Professional Governance Act* as a professional engineer or professional geoscientist; .

Greenhouse Gas Emission Reporting Regulation

- 9 ***Section 21 (1) of the Greenhouse Gas Emission Reporting Regulation, B.C. Reg. 249/2015, is amended***

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

“professional engineer” means a person who is registered under the *Professional Governance Act* as a professional engineer or professional engineering licensee; , ***and***

- (b) ***by repealing the definition of “professional geoscientist” and substituting the following:***

“professional geoscientist” means a person who is registered under the *Professional Governance Act* as a professional geoscientist or professional geoscience licensee.

Homeowner Protection Act Regulation

- 10 ***Section 4.05 (2) (b) of the Homeowner Protection Act Regulation, B.C. Reg. 29/99, is amended by adding the following paragraph:***

(v.1) the *Professional Governance Act*, as it relates to professional engineering or professional geoscience, .

Mineral Tenure Act Regulation

- 11 ***Section 16 (2) (b) of the Mineral Tenure Act Regulation, B.C. Reg. 529/2004, is amended by striking out “a member as defined in the Engineers and Geoscientists Act”***

and substituting “a registrant under the *Professional Governance Act* of the Association of Professional Engineers and Geoscientists of the Province of British Columbia”.

Mining Rights Compensation Regulation

12 Section 4 (1) (a) of the Mining Rights Compensation Regulation, B.C. Reg. 19/99, is repealed and the following substituted:

- (a) is registered with the Association of Professional Engineers and Geoscientists of the Province of British Columbia as a professional engineer, professional engineering licensee, professional geoscientist or professional geoscience licensee or is a member, with a similar scope of practice, of a self regulatory association or body in another jurisdiction, .

Mushroom Compost Facilities Regulation

13 Section 2 (1) (b) of the Schedule to the Mushroom Compost Facilities Regulation, B.C. Reg. 413/98, is amended by striking out “the Agrologists Act” and substituting “the Professional Governance Act”.

Open Burning Smoke Control Regulation

14 Section 24 (a) (i) of the Open Burning Smoke Control Regulation, B.C. Reg. 152/2019, is amended

(a) by striking out “one of the following persons:” and substituting “a person registered under the *Professional Governance Act* as”, and

(b) by repealing clauses (A) to (C) and substituting the following:

- (A) an agrologist,
(B) a professional biologist, or
(C) a professional forester or registered forest technologist, and .

Pool Regulation

15 Section 4 of the Pool Regulation, B.C. Reg. 296/2010, is amended by repealing the definition of “engineer” and substituting the following:

“engineer” means a person who is registered under the *Professional Governance Act* as a professional engineer or professional engineering licensee.

Range Planning and Practices Regulation

16 Sections 4 (d) and 19 (a) of the Range Planning and Practices Regulation, B.C. Reg. 19/2004, are amended by striking out “Agrologists Act” and substituting “Professional Governance Act”.

Riparian Areas Protection Regulation

17 *Section 21 of the Riparian Areas Protection Regulation, B.C. Reg. 178/2019, is amended*

(a) *by repealing subsection (1),*

(b) *by repealing subsection (2) (a) and (b) and substituting the following:*

(a) the individual is registered under the *Professional Governance Act* as any of the following professionals:

(i) an agrologist;

(ii) an applied science technologist or certified technician;

(iii) a registered professional biologist or registered biology technologist;

(iv) a professional engineer or professional engineering licensee;

(v) a professional forester or registered forest technologist;

(vi) a professional geoscientist or professional geoscience licensee,

(b) the individual is in good standing with the regulatory body under that Act for the individual's profession, and , *and*

(c) *in subsection (2) (c) (iii) by striking out “the appropriate professional association” and substituting “the regulatory body referred to in paragraph (b)” and by striking out “that professional association” and substituting “that regulatory body”.*

School Tax Exemptions and Refunds (Approved and Eligible Hydroelectric Power Projects) Regulation

18 *Section 1 of the School Tax Exemptions and Refunds (Approved and Eligible Hydroelectric Power Projects) Regulation, B.C. Reg. 144/2005, is amended by repealing the definition of “professional engineer” and substituting the following:*

“professional engineer” means a person who is registered under the *Professional Governance Act* as a professional engineer or professional engineering licensee.

Security Services Regulation

19 *Section 2 (2) (n) of the Security Services Regulation, B.C. Reg. 207/2008, is amended by striking out “professional engineers, as defined in the Engineers and Geoscientists Act,” and substituting “professional engineers and professional engineering licensees, registered under the Professional Governance Act.”.*

Sewerage System Regulation

20 *Section 1 of the Sewerage System Regulation, B.C. Reg. 326/2004, is amended in the definition of “registration certificate” by striking out “Applied Science Technologists and Technicians Act” and substituting “Professional Governance Act”.*

- 21 *Section 7 (1) (a) (i) is amended by striking out “registration under the Applied Science Technologists and Technicians Act” and “registration under the Professional Governance Act as a registrant of that regulatory body”.*

Water Sustainability Regulation

- 22 *Section 36 (1) of the Water Sustainability Regulation, B.C. Reg. 36/2016, is amended by repealing the definition of “engineering professional” and substituting the following:*

“**engineering professional**” means a person who is registered under the *Professional Governance Act* as a professional engineer or professional engineering licensee; .

Wildfire Regulation

- 23 *Section 1 (1) of the Wildfire Regulation, B.C. Reg. 38/2005, is amended by adding the following definitions:*

“**professional forester**” has the same meaning as in the *Professional Governance Act*;

“**registered forest technologist**” has the same meaning as in the *Professional Governance Act*; .

- 24 *Section 12.1 (2) (b) (ii) and (3) (b) is amended by striking out “under the Foresters Act”.*

APPENDIX 4

PROFESSIONAL GOVERNANCE (ELECTION STAGGER) TRANSITIONAL REGULATION

Definitions

- 1 In this regulation:

“**Act**” means the *Professional Governance Act*;

“**continued registrant councillor**” has the same meaning as in section 126 (1) of the Act;

“**tied councillors**” means two or more registrant councillors who received the same number of votes in an election of a regulatory body.

Tied councillors

- 2 (1) For the purposes of this regulation,
- (a) tied councillors are to be ranked in accordance with subsection (2), and
 - (b) a tied councillor is deemed, as among the tied councillors, to have received more votes than any lower ranked tied councillor and less votes than any higher ranked tied councillor.

- (2) Tied councillors are to be ranked for the purposes of subsection (1) as follows:
 - (a) if the bylaws of the regulatory body set out a method for determining who is elected from among two or more candidates who receive the same number of votes, using that method;
 - (b) in any other case, by random draw.

British Columbia Institute of Agrologists

- 3 (1) Subsection (2) applies if the bylaws of the British Columbia Institute of Agrologists applicable to the 2021 election of that regulatory body identify regions of British Columbia and provide that registrant councillors are to be elected from one or more of those regions in that election.
- (2) Despite section 24 (1) of the Act, the term to hold office is one year for a registrant councillor of the British Columbia Institute of Agrologists who
 - (a) is elected from a region in the 2021 election of that regulatory body,
 - (b) is not the only registrant councillor elected from the region in that election, and
 - (c) received the fewest votes of all registrant councillors elected from the region in that election.

Applied Science Technologists and Technicians of British Columbia

- 4 (1) Despite section 24 (1) of the Act, the term to hold office is one year for a registrant councillor of the Applied Science Technologists and Technicians of British Columbia who
 - (a) is elected in the 2022 election of that regulatory body, and
 - (b) received the fewest votes of all registrant councillors elected in that election.
- (2) Despite section 24 (1) of the Act, the term to hold office is 2 years for a registrant councillor of the Applied Science Technologists and Technicians of British Columbia who
 - (a) is elected in the 2022 election of that regulatory body, and
 - (b) received the second fewest votes of all registrant councillors elected in that election.

College of Applied Biology

- 5 Despite section 24 (1) of the Act, the term to hold office is 2 years for the following registrant councillors of the College of Applied Biology:
 - (a) the registrant councillor who
 - (i) is elected in the 2021 election of that regulatory body, and
 - (ii) received the fewest votes of all registrant councillors elected in that election;
 - (b) the registrant councillor who
 - (i) is elected in the 2022 election of that regulatory body, and

- (ii) received the fewest votes of all registrant councillors elected in that election.

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

- 6 (1) Section 84 (6) (a) of the Act does not apply in relation to a continued registrant councillor of the Association of Professional Engineers and Geoscientists of the Province of British Columbia who
 - (a) is elected in the 2020 election, and
 - (b) received the first or the second most votes of all continued registrant councillors elected in that election.
- (2) For the purposes of section 84 (6) (d), the term to hold office is one year for a continued registrant councillor who
 - (a) is elected in the 2020 election, and
 - (b) did not receive the first, second, third or fourth most votes of all continued registrant councillors elected in that election.