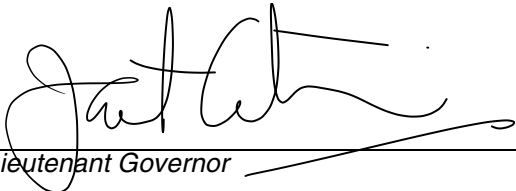


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 250

, Approved and Ordered May 21, 2019

  
Lieutenant Governor

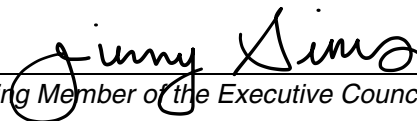
Executive Council Chambers, Victoria

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

- (a) effective June 1, 2019,
  - (i) the following provisions of the *Professional Governance Act*, S.B.C. 2018, c. 47, are brought into force:
    - (A) section 1, except as it enacts the definitions of “roster” and “roster member” in subsection (1);
    - (B) sections 4 to 6 and 7, except as it enacts subsection (2) (c) (ii);
    - (C) sections 8, 10 (1) (b), (2) (b) (vii) and (viii), (3) and (4), 13 to 16, 18 (1) (b) (i) and (3), 19, 20, 23 (2), 25 (1), 26 (1), 104, 105 (1), 106 (1) (g) and (h), (2) to (4) and (6) to (8), 107 and 109, except as it enacts subsection (1) (b) (ii);
    - (D) sections 111, 112, 115, 116, 118 (1), (2) (b) (iii), (f) (i) to (iv) and (vi), (g) (iv) and (l), 119, 122 (1) and (2) (a) and (3), 123, 124 and 143, and
  - (ii) the attached Professional Governance General Regulation is made, and
- (b) effective December 1, 2019, sections 140 and 142 of the *Professional Governance Act*, S.B.C. 2018, c. 47, are brought into force.



Minister of Environment and Climate Change Strategy



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. 118 and 158

Other:

R10303296

# PROFESSIONAL GOVERNANCE GENERAL REGULATION

## *Contents*

### **Division 1 – General**

- 1 Definition

### **Division 2 – Selection of Nominees**

- 2 Application
- 3 Definitions for this Division
- 4 Interpretation – interim elections to council
- 5 Selection principles
- 6 Process for selection of nominees

### **Division 3 – Other Prescribed Matters**

- 7 Relevant enactments
- 8 Public interest disclosure

## SCHEDULE

### **Division 1 – General**

#### **Definition**

- 1 In this regulation, “**Act**” means the *Professional Governance Act*.

### **Division 2 – Selection of Nominees**

#### **Application**

- 2 This Division applies to the selection of nominees for the purposes of
  - (a) section 25 (1) [*selection principles and criteria*] of the Act, and
  - (b) section 124 [*interim elections to council*] of the Act.

#### **Definitions for this Division**

- 3 (1) In this Division, “**nomination committee**” means, as applicable,
  - (a) a committee established by the council of a regulatory body under section 26 (1) [*election of registrant councillors*] of the Act, or
  - (b) a committee that has the purpose of nominating or selecting members for election for an affected council under section 124 of the Act.
- (2) In this Division, the definitions in section 123 [*definitions*] of the Act apply.

#### **Interpretation – interim elections to council**

- 4 For the purposes of section 2 (b) of this regulation and section 124 of the Act, in sections 5 and 6 of this regulation,
  - (a) a reference to a council is to be read as including a council under an affected Act,
  - (b) a reference to a registrant is to be read as including a member of an affected body,

- (c) a reference to a registrant councillor is to be read as including a councillor or council member, as applicable, under an affected Act, and
- (d) a reference to a regulatory body is to be read as including an affected body.

### **Selection principles**

- 5** The following selection principles are prescribed for the purposes of section 25 (1) of the Act:
- (a) merit, which principle is upheld by a nomination committee having regard to the skills and experience of a nominee that are determined to best meet the needs of the regulatory body;
  - (b) integrity, which principle is upheld by the nomination committee having regard to information about the nominee, including information entered on the register relating to the nominee or other information about the nominee's professional conduct and competence, that may support, affect or compromise the nominee's capacity
    - (i) to perform and uphold the duties and functions of a registrant councillor with objectivity and honesty, and
    - (ii) to act ethically without seeking improper personal or corporate gain that would not normally be accepted as compensation by the nominee as a professional.

### **Process for selection of nominees**

- 6**
- (1) The process set out in this section for the selection of nominees to be registrant councillors is prescribed for the purposes of section 25 (1) of the Act.
  - (2) A nomination committee must
    - (a) prepare a list of qualified nominees to stand for election to fill current or expected vacancies on the council, and
    - (b) make a reasonable attempt to include in the list at least one more nominee than the number required to fill the current or expected vacancies on the council.
  - (3) In selecting nominees, the nomination committee must ensure that the procedural steps set out in subsection (4) are carried out in accordance with the following procedural principles:
    - (a) fairness, with selection procedures that
      - (i) are objective, impartial and applied consistently, and
      - (ii) promote equality and are free from discrimination, harassment and victimization;
    - (b) transparency, with advertisements for appointments or elections that
      - (i) are designed to attract a qualified and diverse field of suitable nominees,
      - (ii) include information about positions and the appointment or election processes, and
      - (iii) are published on a publicly accessible website maintained by or on behalf of the regulatory body;

- (c) accountability, with selection procedures that are
    - (i) lawful and consistent with applicable law, and
    - (ii) designed to promote public confidence in the governance of the regulatory body;
  - (d) independence, in accordance with which, the nomination committee and each of the members of the nomination committee are to
    - (i) be free from influence, including any expression of preferences by
      - (A) the council, other than the specification of criteria described in subsection (4) (a),
      - (B) registrants of the regulatory body,
      - (C) the government, or
      - (D) other parties, and
    - (ii) report to the superintendent any attempt to influence the nomination committee or its members.
- (4) The nominating committee must ensure that the following procedural steps are taken in the selection process:
- (a) considering factors or criteria that are specified by the council to be necessary or desirable, including any capabilities, qualifications or skills
    - (i) relating to fulfilling the duties and functions of a registrant councillor, or
    - (ii) that may not be adequately represented among the registrant councillors on the council;
  - (b) advertising the following to the registrants of the regulatory body:
    - (i) the current or expected council vacancies;
    - (ii) the capabilities, qualifications or skills that are necessary or desirable for the nominees for the current or expected council vacancies;
    - (iii) any other factors or criteria that are specified by the council or that the nomination committee considers necessary to support the selection of nominees;
  - (c) communicating the following information in the advertisements of current or expected vacancies on the council:
    - (i) that registrants who wish to be considered as nominees are to apply to be considered as nominees by submitting their name and a letter or resume demonstrating how the registrant has the capabilities, qualifications or skills that are specified in the advertisement as necessary or desirable;
    - (ii) that registrants who wish to be considered as nominees are to include any supporting information that the nomination committee has indicated is necessary to support the selection of nominees, which may include information in relation to the following:
      - (A) the registrant's professional practice;
      - (B) any conflicts of interest of the registrant;
    - (iii) the time period within which the application must be submitted;

- (d) nominating the registrants as nominees in accordance with the selection principles set out in section 5 of this regulation;
- (e) producing a report for the council, signed by the chair of the nomination committee, that specifies the following:
  - (i) how the outcome of the selection of nominees meets the requirements of the Act, any other applicable Act, this regulation or other applicable regulations, and any applicable bylaws of the regulatory body;
  - (ii) how the nominees meet the criteria set out in the advertisement for the current or expected vacancies;
- (f) publishing on a publicly accessible website maintained by or on behalf of the regulatory body the name of any nominee who is selected to stand for election as a registrant councillor and any information that the nomination committee determines is relevant to make public about the registrant.

### **Division 3 – Other Prescribed Matters**

#### **Relevant enactments**

- 7 The enactments listed in the Schedule are prescribed for the purposes of the definition of “relevant enactment” in section 1 (1) [*definitions and interpretation*] of the Act.

#### **Public interest disclosure**

- 8 (1) The following information or documents, or classes of information or documents, as applicable, are prescribed for the purposes of section 18 (1) [*public interest disclosure*] of the Act:
- (a) any documents that are generally relevant to a profession, including in relation to conflicts of interest in the practice of a profession or other governance issues;
  - (b) any written decisions by statutory decision makers that are collected as part of an investigation under section 10 (1) (b) [*investigations and audits by superintendent*] of the Act;
  - (c) in relation to the practice of a profession, any data or reports that are submitted to the superintendent for the purposes of section 10 (1) (b) of the Act by
    - (i) a professional association, including a body or agency from another jurisdiction, or
    - (ii) another body or agency, including a body or agency from another jurisdiction, with responsibility for professional governance or oversight;
  - (d) any other submissions that are provided to the superintendent during the course of an investigation for the purposes of section 10 (1) (b) of the Act.
- (2) Information or documents, or classes of information or documents, that are published under section 18 (1) of the Act are, subject to subsection (3) of that section, to be published by the superintendent on a publicly accessible website maintained

- (a) by or on behalf of the superintendent, or
- (b) by the ministry of the minister.

## **SCHEDULE**

### **RELEVANT ENACTMENTS**

*Agricultural Land Commission Act*

*Assessment Act*

*Building Act*

*Business Practices and Consumer Protection Act*

*Cannabis Distribution Act*

*Clean Energy Act*

*Coal Act*

*College and Institute Act*

*Community Charter*

*Creston Valley Wildlife Act*

*Degree Authorization Act*

*Drainage, Ditch and Dike Act*

*Drinking Water Protection Act*

*Energy Efficiency Act*

*Environmental Assessment Act*

*Environmental Management Act*

*Fishing Collective Bargaining Act*

*FNCIDA Implementation Act*

*Forest Act*

*Forest and Range Practices Act*

*Forest Practices Code of British Columbia Act*

*Geothermal Resources Act*

*Great Bear Rainforest (Forest Management) Act*

*Greenhouse Gas Industrial Reporting and Control Act*

*Homeowner Protection Act*

*Hydro and Power Authority Act*

*Industrial Roads Act*  
*Industry Training Authority Act*  
*Integrated Pest Management Act*  
*Labour Mobility Act*  
*Land Act*  
*Land Title Act*  
*Mineral Tenure Act*  
*Mines Act*  
*Muskwa-Kechika Management Area Act*  
*Oil and Gas Activities Act*  
*Park Act*  
*Petroleum and Natural Gas Act*  
*Plant Protection Act*  
*Private Managed Forest Land Act*  
*Private Training Act*  
*Public Health Act*  
*Railway Act*  
*Railway Safety Act*  
*Range Act*  
*Resort Timber Administration Act*  
*Riparian Areas Protection Act*  
*Strata Property Act*  
*Trade, Investment and Labour Mobility Agreement Implementation Act*  
*University Act*  
*Water Sustainability Act*  
*Workers Compensation Act*