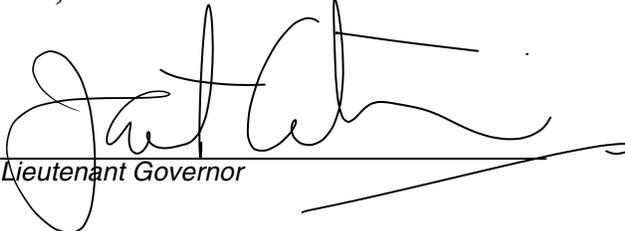


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 317

, Approved and Ordered June 4, 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) the *Insurance Corporation Amendment Act, 2021*, S.B.C. 2021, c. 8, is brought into force, and
- (b) the attached Fairness Officer Regulation is made.



Minister of Public Safety and Solicitor General



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: *Insurance Corporation Amendment Act, 2021*, S.B.C. 2021, c. 8, s. 3;
Insurance Corporation Act, R.S.B.C. 1996, c. 228, ss. 55, 57 and 64

Other:

R10475733

FAIRNESS OFFICER REGULATION

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Definitions

1 In this regulation:

“**Act**” means the *Insurance Corporation Act*;

“**corporation decision**” means

- (a) a business decision by the board, including, but not limited to, the following:
 - (i) investment decisions;
 - (ii) procurement decisions;
 - (iii) decisions respecting rates, within the meaning of section 44 (3) (a) of the Act;
- (b) a governance decision by the board, including, but not limited to, the following:
 - (i) board bylaws;
 - (ii) policies governing board members, board records and other board matters;
 - (iii) appointments by the board.

Budgeting process

- 2** (1) The budgeting process set out in this section is prescribed for the purposes of section 55 (5) [*appointment of fairness officer and staff*] of the Act.
- (2) The fairness officer and board must take the following steps:
- (a) the fairness officer must, before the start of each fiscal year of the corporation,
 - (i) submit an annual budget for the fiscal year, and
 - (ii) submit a budget forecast for the following 2 fiscal years, including a statement of all material assumptions and policy decisions underlying that forecast;
 - (b) the board must review the budget submitted by the fairness officer and approve either the budget or an amended budget;
 - (c) the fairness officer must submit to the board a report on expenditures for a fiscal year on a quarterly basis during the fiscal year.
- (3) If the fairness officer is of the opinion that the budget as approved by the board is inadequate to enable the fairness officer to carry out the fairness officer’s

powers and duties under the Act, the fairness officer may submit a special report to the minister.

Prescribed matters over which fairness officer has no jurisdiction

- 3** The following matters are prescribed for the purposes of section 57 (2) (c) [*prescribed matters over which the fairness officer does not have jurisdiction*] of the Act:
- (a) an action taken by the corporation that the corporation is required to take at the direction of a third party under an enactment or an agreement with the government or an agency of the government;
 - (b) a corporation decision;
 - (c) an agreement between suppliers and insurance agents or between suppliers and insurance brokers and the corporation;
 - (d) an agreement between an employee or contractor of the corporation and the corporation;
 - (e) matters that fall within the jurisdiction of a tribunal as defined in section 1 of the *Judicial Review Procedure Act*.

Report to corporation

- 4** (1) The fairness officer must submit the first report under section 59 [*report to corporation*] of the Act no later than May 15, 2022.
- (2) The fairness officer must submit subsequent reports annually.
- (3) The following information is prescribed for the purposes of section 59 (1) (c) of the Act:
- (a) the number of recommendations made by the fairness officer under section 56 (2) [*powers and duties of fairness officer*] of the Act;
 - (b) a summary of the circumstances that were the basis for each recommendation referred to in paragraph (a).

Prescribed classes of fairness complaints and prescribed circumstances

- 5** (1) The fairness officer has discretion whether or not to conduct an investigation of a fairness complaint in the following prescribed classes of fairness complaints:
- (a) fairness complaints with a subject matter that primarily affects a person other than the complainant and the complainant does not have, as determined by the fairness officer, sufficient personal interest in the matter;
 - (b) fairness complaints that are frivolous, vexatious, not made in good faith or concern a trivial matter.
- (2) The fairness officer has discretion whether or not to conduct an investigation of a fairness complaint in the following prescribed circumstances:
- (a) the complainant has failed to comply with the fairness officer's rules respecting practices and procedures made under section 58 [*rules respecting practices and procedures*] of the Act;

- (b) the complainant has withdrawn the complaint in accordance with the fairness officer's rules respecting practices and procedures made under section 58 of the Act.