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Third Session, Forty-second Parliament  
71 Elizabeth II, 2022  
Legislative Assembly of British Columbia

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**BILL 21**

**PROFESSIONAL GOVERNANCE  
AMENDMENT ACT, 2022**

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Honourable David Eby  
Attorney General and Minister Responsible for Housing

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## Explanatory Notes

CLAUSE 1: *[Professional Governance Act, section 1]* amends definitions due to changes in terminology related to the organization of regulatory bodies.

CLAUSE 2: *[Professional Governance Act, section 1]*

- repeals the definitions of “certified non-registrant”, “designated regulatory body” and “professional association”;
- adds a definition of “professional regulator”;
- amends the definitions of “declaration”, “firm” and “regulatory body”.

**BILL 21 – 2022**

**PROFESSIONAL GOVERNANCE  
AMENDMENT ACT, 2022**

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

- 1 Section 1 (1) of the Professional Governance Act, S.B.C. 2018, c. 47, is amended**
- (a) by adding the following definitions:**
- “**board**” means a board established under section 23 [board of regulatory body] for a regulatory body;
- “**board member**” means a board member referred to in section 23; ,
- (b) by repealing the definitions of “council” and “councillor”,**
- (c) by repealing the definition of “lay councillor” and substituting the following:**
- “**lay board member**” means a board member described in section 23 (2) (b) [board of regulatory body]; , **and**
- (d) by repealing the definition of “registrant councillor” and substituting the following:**
- “**registrant board member**” means a board member described in section 23 (2) (a); .
- 2 Section 1 (1) is amended**
- (a) by repealing the definition of “certified non-registrant”,**
- (b) by repealing the definition of “declaration” and substituting the following:**
- “**declaration**” means, as applicable,
- (a) a competence declaration made by a registrant under Division 2 of Part 6 [Competence Declarations and Conflict of Interest Declarations], or
- (b) a conflict of interest declaration made by a registrant under Division 2 of Part 6; ,
- (c) by repealing the definition of “designated regulatory body”,**

CLAUSE 2: *[Professional Governance Act, section 1 – continued]*

CLAUSE 3: *[Professional Governance Act, section 1]* replaces the repealed terminology of “professional association” with the new terminology of “professional regulator”.

CLAUSE 4: *[Professional Governance Act, section 2]* removes a reference to “certified non-registrants”.

CLAUSE 5: *[Professional Governance Act, section 7]*

- clarifies that the superintendent receives declarations only if they are required, in a regulation, to be submitted to the superintendent;
- replaces the repealed terminology of “professional association” with the new terminology of “professional regulator”;
- removes the reference to the administration of declarations by regulatory bodies.

CLAUSE 6: *[Professional Governance Act, section 9.1]*

- allows the superintendent to conduct inspections for the purposes of determining whether an investigation or audit is necessary in the public interest;
- sets out the powers of the superintendent in conducting an inspection.

**(d) by repealing the definition of “firm” and substituting the following:**

“firm” means either of the following:

- (a) a government registrant;
- (b) a legal entity or a combination of legal entities that is engaged in a regulated practice, whether the practice occurs solely within the firm or in the provision of services to a person or entity outside the firm, unless the legal entity or combination of legal entities is exempted from this Act by regulation of the Lieutenant Governor in Council; ,

**(e) by repealing the definition of “professional association”,**

**(f) by adding the following definition:**

“professional regulator” means a corporation, association or other governing body that is responsible for the governance of a profession under an enactment; , **and**

**(g) in paragraph (b) of the definition of “regulatory body” by striking out “designated” and substituting “established”.**

**3 Section 1 (2) is amended by striking out “professional association” and substituting “professional regulator”.**

**4 Section 2 (1) (e) is repealed.**

**5 Section 7 (2) is amended**

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

- (iii) receiving declarations, if they are required to be submitted to the superintendent in a regulation made under section 59 (d) [requirements for declarations may be prescribed], ,

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

- (ii) providing information and advice to regulatory bodies, registrants, professional regulators and professional organizations, , **and**

**(c) in paragraph (d) (v) by striking out “, including compliance in the administration, by regulatory bodies, of declarations” and substituting “and the regulations”.**

**6 The following section is added:**

**Inspections by superintendent**

- 9.1 (1)** The superintendent may conduct an inspection for the purposes of determining whether an investigation or audit under section 10 is necessary in the public interest.

CLAUSE 6: *[Professional Governance Act, section 9.1 – continued]*

CLAUSE 7: *[Professional Governance Act, section 10]*

- removes the superintendent’s ability to conduct investigations in respect of declarations by registrants;
- removes the reference to a provision repealed by this Bill.

CLAUSE 8: *[Professional Governance Act, section 22.1]* allows the Lieutenant Governor in Council to make regulations requiring regulatory bodies to pay an annual fee and setting fee amounts.

CLAUSE 9: *[Professional Governance Act, section 23]* amends references due to changes in terminology related to the organization of regulatory bodies.

CLAUSE 10: *[Professional Governance Act, section 23]* makes a housekeeping amendment.

CLAUSE 11: *[Professional Governance Act, section 24]* allows a lay councillor whose term of office has expired to continue to hold office until a successor is appointed.

- (2) In conducting an inspection under this section, the superintendent may do any of the following:
- (a) require a person who may have information relevant for the purposes of the inspection to do the following:
    - (i) provide the information to the superintendent;
    - (ii) produce or provide access to, without charge or unreasonable delay, any record that may be relevant for the purposes of the inspection;
  - (b) examine the records produced or accessed under paragraph (a) and remove them for the purposes of examination or making copies;
  - (c) require a person to operate a thing, carry out a procedure or demonstrate a skill that may be relevant for the purposes of the inspection;
  - (d) take photographs or make audio or video records;
  - (e) have present at the inspection any person whose presence the superintendent considers necessary to conduct the inspection.

**7 Section 10 (2) (b) (iv) and (viii) is repealed.**

**8 The following section is added to Division 1 of Part 3:**

**Annual fee**

- 22.1** (1) The Lieutenant Governor in Council may make regulations
- (a) requiring regulatory bodies to pay an annual fee, and
  - (b) setting annual fee amounts.
- (2) A regulatory body must, within the prescribed period of time, pay any annual fee required to be paid in a regulation under subsection (1).

**9 Section 23 (2) (a) is amended by striking out “president and vice president” and substituting “board chair and board vice chair”.**

**10 Section 23 (4) is amended by striking out “in respect of the regulatory body under this Act” and substituting “in respect of a regulatory body under this Act”.**

**11 Section 24 is amended**

- (a) in subsection (1) by striking out “The term” and substituting “Subject to subsection (5.1), the term”,**
- (b) in subsection (4) by striking out “A lay councillor” and substituting “Subject to subsection (5.1), a lay councillor”, and**

- CLAUSE 11: *[Professional Governance Act, section 24 – continued]*
- CLAUSE 12: *[Professional Governance Act, section 24]* amends references due to changes in terminology related to the organization of regulatory bodies.
- CLAUSE 13: *[Professional Governance Act, sections 26 and 30]* amends references due to changes in terminology related to the organization of regulatory bodies.
- CLAUSE 14: *[Professional Governance Act, section 31]* eliminates the registrar’s duty to cancel the registration of a registrant for failure to pay a fee.
- CLAUSE 15: *[Professional Governance Act, section 32]* amends references due to changes in terminology related to the organization of regulatory bodies.
- CLAUSE 16: *[Professional Governance Act, section 32]* removes the requirement that the chair of a committee of a regulatory body be appointed in accordance with a prescribed process.
- CLAUSE 17: *[Professional Governance Act, section 34]*
- removes the requirement for the council of a regulatory body to conduct a referendum on a resolution of a general meeting;
  - removes the circumstances in which a resolution may be binding on the council.
- CLAUSE 18: *[Professional Governance Act, section 35]* amends references due to changes in terminology related to the organization of regulatory bodies.
- CLAUSE 19: *[Professional Governance Act, section 36]* removes a reference to “certified non-registrants”.



*(c) by adding the following subsection:*

(5.1) A lay councillor whose term of office has expired may continue to hold office until a successor is appointed.

**12 Section 24 is amended**

*(a) in subsection (2) (a) (ii) and (3) (b) by striking out “vice president” and substituting “board vice chair”,*

*(b) in subsection (2) (a) (iii) by striking out “president and vice president” and substituting “the board chair and board vice chair”, and*

*(c) in subsections (2) (b) and (4) by striking out “councillor’s” and substituting “board member’s”.*

**13 Sections 26 (4) (b) and 30 (1) (b) are amended by striking out “councillor’s” and substituting “board member’s”.**

**14 Section 31 (4) (b) is repealed.**

**15 Section 32 is amended**

*(a) in subsection (1) (b) by striking out “president and vice president” and substituting “board chair and board vice chair”, and*

*(b) in subsection (6) (a) by striking out “the president and the vice president” and substituting “the board chair and the board vice chair”.*

**16 Section 32 (7) (c) is amended by striking out “process and”.**

**17 Section 34 is amended**

*(a) in subsection (1) by striking out “, except as provided in this section”, and*

*(b) by repealing subsections (2) and (3).*

**18 Section 35 (1) is amended**

*(a) in paragraph (d) by striking out “the president and the vice president” and substituting “the board chair and the board vice chair”, and*

*(b) in paragraph (e) by striking out “vice president” in both places and substituting “board vice chair”.*

**19 Section 36 is amended by adding “and” at the end of paragraph (a) and by repealing paragraph (b).**

CLAUSE 20: *[Professional Governance Act, section 39]* removes a reference to “certified non-registrants”.

CLAUSE 21: *[Professional Governance Act, section 42]* enables the council of a regulatory body to make bylaws allowing registrants to provide services through limited liability partnerships and establishing conditions, limitations and requirements for the provision of services through limited liability partnerships.

CLAUSE 22: *[Professional Governance Act, section 50]*

- makes housekeeping amendments;
- removes the rule that a registrant who fails to pay a fee, special assessment or penalty ceases to be a member of the regulatory body.

CLAUSE 23: *[Professional Governance Act, section 50.1]*

- enables the council of a regulatory body to make bylaws authorizing the council to suspend or cancel the registration of a registrant who fails to take specified actions;
- requires the bylaws to establish suspension or cancellation procedures and to establish reinstatement requirements and procedures.

**20** *Section 39 (1) is amended by striking out “or certified non-registrants, as the case may be”.*

**21** *Section 42 (2) is amended by adding the following paragraphs:*

- (b.1) authorize registrants to provide services in respect of a regulated practice through limited liability partnerships as defined in section 83.1 *[limited liability partnerships]*;
- (b.2) establish conditions, limitations and requirements for registrants to provide services in respect of a regulated practice through limited liability partnerships as defined in section 83.1; .

**22** *Section 50 is repealed and the following substituted:*

**Fees and special assessments**

**50** The council of a regulatory body may make bylaws to do the following:

- (a) set the annual fee to be paid by registrants, which may be different for different specializations;
- (b) set fees, in addition to the annual fee referred to in paragraph (a), to be paid by registrants, trainees or applicants;
- (c) levy special assessments, for a purpose consistent with this Act, to be paid by registrants, trainees or applicants;
- (d) set the date by which a fee or a special assessment must be paid;
- (e) permit late payment of a fee or of a special assessment;
- (f) set a fee for late payment of a fee or of a special assessment;
- (g) determine the circumstances in which a full or partial refund of a fee or of a special assessment may be made;
- (h) waive payment of all or part of a fee or special assessment for a person whom the council wishes to honour.

**23** *The following section is added to Division 2 of Part 4:*

**Cancellation or suspension of registration**

**50.1** (1) The council of a regulatory body may make bylaws authorizing the council to suspend or cancel the registration of a registrant of the regulatory body if the registrant fails to do any of the following:

- (a) pay, within the specified period of time, a fee or a special assessment that is set or levied under a bylaw made under section 50;
- (b) complete or provide proof of completion of, within the specified period of time, a continuing education program or requirements established in a bylaw made under section 57 (1) (e) or (f) *[standards of conduct and competence]*;

CLAUSE 23: *[Professional Governance Act, section 50.1 – continued]*

CLAUSE 24: *[Professional Governance Act, section 55.1]* clarifies that a person exercising the rights of an Indigenous people is not subject to the prohibition regarding reserved practice set out in section 54 of the Act.

CLAUSE 25: *[Professional Governance Act, section 56]* removes references to “certified non-registrant”.

- (c) provide, within the specified period of time, a continuing education program established in a bylaw made under section 57 (1) (g);
  - (d) make or submit a declaration within the prescribed period of time, if required to do so in a regulation made under section 59 [*requirements for declarations may be prescribed*];
  - (e) cooperate with a practice review authorized by a bylaw made under section 63 (4) [*audits and practice reviews*];
  - (f) participate in an audit program established under a bylaw made under section 63 (7);
  - (g) pay, within the specified period of time, a penalty imposed under section 75 [*discipline hearings*];
  - (h) pay, within the specified period of time, costs required to be paid under section 81 [*costs*];
  - (i) perform any other requirement under this Act that is prescribed by the Lieutenant Governor in Council.
- (2) Bylaws under subsection (1) must establish the following:
- (a) procedures for the suspension or cancellation of a registration;
  - (b) requirements and procedures for the reinstatement of a registrant whose registration has been suspended or cancelled under subsection (1).

**24** *The following section is added to Part 5:*

**Traditional knowledge**

- 55.1** (1) In this section, “**Indigenous peoples**” has the same meaning as in the *Declaration on the Rights of Indigenous Peoples Act*.
- (2) Section 54 does not apply to a person exercising the rights of an Indigenous people, including the right to maintain, control, protect or develop any of the following with respect to the Indigenous people:
- (a) cultural heritage;
  - (b) traditional knowledge;
  - (c) traditional cultural expressions;
  - (d) manifestations of sciences, technologies or cultures.

**25** *Section 56 is repealed and the following substituted:*

**Definition and application**

- 56** (1) In this Part, “**registrant**” includes a former registrant.
- (2) In the case of a former registrant, the application of this Part is limited to the period of time when the former registrant was acting as a registrant.

CLAUSE 26: *[Professional Governance Act, section 57]* removes the authority of the council of a regulatory body to make bylaws with respect to certified non-registrants.

CLAUSE 27: *[Professional Governance Act, section 58]* allows the Lieutenant Governor in Council to make regulations exempting a class of persons from the requirement to report identified registrants to the registrar of the identified registrant's regulatory body.

CLAUSE 28: *[Professional Governance Act, Division 2 of Part 6]* repeals the provisions of the Act respecting declarations, the content of which has been relocated by this Bill to the new sections 59 and 60 of the Act.

CLAUSE 29: *[Professional Governance Act, Division 2 of Part 6]*

- allows the Lieutenant Governor in Council to make regulations
  - o requiring registrants to make a competence declaration or a conflict of interest declaration,
  - o prescribing the content of declarations,
  - o prescribing time periods within which declarations must be made,
  - o prescribing circumstances in which declarations must be submitted to the applicable regulatory body, the superintendent or a prescribed person or entity,
  - o imposing record-keeping requirements, and
  - o providing exceptions to the requirements;
- requires registrants to make or submit a declaration as required in a regulation.

CLAUSE 30: *[Professional Governance Act, section 66]* makes a housekeeping amendment.

26 *Section 57 (4) is repealed.*

27 *Section 58 is amended by adding the following subsection:*

(5.1) The Lieutenant Governor in Council may, by regulation, exempt a class of persons from the requirements of this section.

28 *Division 2 of Part 6 is repealed.*

29 *The following Division is added to Part 6:*

**Division 2 – Competence Declarations and  
Conflict of Interest Declarations**

**Requirements for declarations may be prescribed**

59 The Lieutenant Governor in Council may make regulations as follows:

- (a) requiring registrants to make each of the following:
  - (i) a competence declaration;
  - (ii) a conflict of interest declaration, regarding conflicts of interest or perceived conflicts of interest in respect of the service to be provided;
- (b) prescribing the content of declarations under this Division;
- (c) prescribing a period of time within which registrants must make a declaration;
- (d) prescribing circumstances in which registrants must submit, within a prescribed period of time, declarations to the applicable regulatory body, to the superintendent or to a prescribed person or entity;
- (e) requiring registrants or regulatory bodies to keep records of declarations for a prescribed period of time;
- (f) providing an exception to a requirement in a regulation made under this section.

**Registrants must make declarations**

60 If a regulation made under section 59 requires a registrant to make or submit a declaration, the registrant must do the following:

- (a) make the declaration within the prescribed period of time and in the form established by the superintendent;
- (b) submit the declaration to the applicable regulatory body, the superintendent or a prescribed person or entity, as the case may be, within the prescribed period of time.

30 *Section 66 (2) (a) (i) is amended by striking out “or membership”.*

CLAUSE 31: *[Professional Governance Act, section 68]* replaces “inspectors” with “investigators”.

CLAUSE 32: *[Professional Governance Act, sections 68, 69 and 71]* replaces “inspector” with “investigator”.

CLAUSE 33: *[Professional Governance Act, section 75]* makes a housekeeping amendment.

CLAUSE 34: *[Professional Governance Act, section 76]* replaces the repealed terminology of “professional association” with the new terminology of “professional regulator”.

CLAUSE 35: *[Professional Governance Act, section 81.1]*

- creates a 60-day limitation period for applications for judicial review of the exercise of certain statutory powers under the Act;
- allows the court to extend the time period for bringing an application for judicial review if satisfied of certain matters.

CLAUSE 36: *[Professional Governance Act, section 83.1]*

- provides that providing services through a limited liability partnership does not affect the liability of a registrant for professional negligence;
- provides that a registrant’s relationship to a limited liability partnership as a partner, employee or contractor does not affect the application of the Act, the regulations and the bylaws of a regulatory body.



- 31 *Section 68 (1) is amended by striking out “inspectors” and substituting “investigators”.*
- 32 *Sections 68 (2) and (3), 69 (1), (2) and (3) and 71 (3) are amended by striking out “inspector” wherever it appears and substituting “investigator”.*
- 33 *Section 75 (6) (d) and (e) is amended by striking out “membership” and substituting “registration”.*
- 34 *Section 76 (1) is amended in paragraph (b) of the definition of “different governing body” by striking out “professional association” and substituting “professional regulator”.*
- 35 *The following section is added to Division 3 of Part 6:*

**Time limit for judicial review**

- 81.1 (1) In this section, “**statutory power**” means a statutory power as defined in the *Judicial Review Procedure Act*, other than a power to make a regulation or a bylaw.
- (2) An application for judicial review of a decision in respect of the exercise of a statutory power under this Division or under section 48 [*review on the record*] must be brought within 60 days of the date the applicant receives written notice of the decision.
- (3) Despite subsection (2), either before or after expiration of the period of time in that subsection, the court may extend the period of time for bringing the application, on terms the court considers proper, if it is satisfied that
- (a) there are serious grounds for relief,
  - (b) there is a reasonable explanation for the delay, and
  - (c) no substantial prejudice or hardship will result to a person affected by the delay.

- 36 *The following section is added to Division 4 of Part 6:*

**Limited liability partnerships**

- 83.1 (1) In this section, “**limited liability partnership**” means a partnership registered as a limited liability partnership under Part 6 of the *Partnership Act*.
- (2) The liability of a registrant for the registrant’s own professional negligence is not affected by the fact that the registrant is providing services in respect of a regulated practice through a limited liability partnership.

CLAUSE 36: *[Professional Governance Act, section 83.1 – continued]*

CLAUSE 37: *[Professional Governance Act, heading to Division 2 of Part 7]* amends the heading to the Division.

CLAUSE 38: *[Professional Governance Act, section 85]*

- replaces the repealed terminology of “professional association” with the phrase “a professional regulator or professional organization”;
- replaces “investigation” with “assessment”.

CLAUSE 39: *[Professional Governance Act, section 86]*

- replaces the terminology of “investigation” with the terminology of “assessment”;
- replaces the repealed terminology of “professional association” with the new terminology of “professional regulator”;
- repeals paragraphs, the content of which has been relocated to section 87;
- replaces the repealed terminology of “professional association” with the phrase “professional regulator or professional organization”.

- (3) The application of the provisions of this Act and the regulations and the bylaws of a regulatory body is not affected by a registrant's relationship to a limited liability partnership as a partner, employee or contractor.

**37** *The heading to Division 2 of Part 7 is repealed and the following substituted:*

**Division 2 – Designating Professions .**

**38** *Section 85 is amended*

- (a) in subsection (1) by striking out “A professional association” and substituting “A professional regulator or professional organization”, and*
- (b) in subsection (3) (a) and (b) by striking out “investigation” and substituting “assessment”.*

**39** *Section 86 is amended*

- (a) in subsection (1) by striking out “investigate” and substituting “conduct an assessment of”,*
- (b) in subsections (2) and (6) by striking out “investigation” wherever it appears and substituting “assessment”,*
- (c) by repealing subsection (3) and substituting the following:*
- (3) Without limiting an assessment under this Act, other than an assessment under Division 3 [*Amalgamation of Regulatory Bodies*], the superintendent may do one or more of the following for the purposes of the assessment:
- (a) require the professional regulator or professional organization to provide further information;
  - (b) examine the directors and officers of the professional regulator or professional organization;
  - (c) seek the advice of other professional regulators, professional organizations or persons;
  - (d) if the superintendent considers the action to be in the best interests of the professional regulator or professional organization or of the public, hold hearings the superintendent considers necessary in a manner the superintendent determines;
  - (e) take other actions the superintendent considers necessary and incidental to the consideration of the application or matter. , *and*
- (d) in subsection (6) by striking out “professional association” and substituting “professional regulator or professional organization” and by striking out “professional association’s” and substituting “professional regulator’s or professional organization’s”.*

CLAUSE 40: *[Professional Governance Act, section 87]*

- sets out what the superintendent must consider when determining whether it would be in the public interest to designate a profession under the Act;
- replaces “investigation” with “assessment”;
- provides that if the minister makes a recommendation to proceed with an application for the designation of a profession under the Act, section 124 of the Act applies to the profession.

CLAUSE 41: *[Professional Governance Act, section 88]* makes a housekeeping amendment.

CLAUSE 42: *[Professional Governance Act, section 89]*

- adds a definition of “designated profession” for the purposes of the section;
- makes housekeeping amendments;
- allows the Lieutenant Governor in Council to make regulations exempting the regulatory body prescribed for a profession from requirements of the Act;
- allows the Lieutenant Governor in Council to make regulations prescribing matters in respect of which the regulatory body prescribed for a profession may not make bylaws.

**40 Section 87 is amended**

**(a) by repealing subsection (1) and substituting the following:**

- (1) If the superintendent receives an application under section 85 (1) or conducts an assessment under section 86 (1), the superintendent must determine whether it would be in the public interest to designate a profession under this Act, considering the following:
  - (a) the degree of risk to the environment and to the health or safety of the public from incompetent, unethical or impaired practice of the profession;
  - (b) the degree of supervision that may be necessary or desirable for a person practising the profession;
  - (c) the degree of supervision that a person practising the profession receives or is likely to receive with respect to that practice;
  - (d) the educational programs that may exist in British Columbia or elsewhere for the proper education and training of persons with respect to the practice of the profession and the contents of those programs;
  - (e) any information obtained during an assessment under section 86 (1), if applicable;
  - (f) any criteria prescribed under section 88 (c). ,

**(b) in subsection (2) by striking out “investigation” and substituting “assessment”, and**

**(c) by adding the following subsection:**

- (3) If the minister makes a recommendation under subsection (2) to proceed with the application for the designation of a profession under this Act, the enactment under which the professional regulator for the profession, if any, is responsible for the governance of the profession is an affected Act for the purposes of section 124 [*interim elections to council*] of this Act.

**41 Section 88 (c) is amended by striking out “regulated practice” and substituting “profession”.**

**42 Section 89 is amended**

**(a) by adding the following subsection:**

- (0.1) In this section, “**designated profession**” means a profession that is designated under subsection (1). ,

**(b) in subsection (1) by striking out “regulatory body” and substituting “profession”,**

CLAUSE 42: *[Professional Governance Act, section 89 – continued]*

CLAUSE 43: *[Professional Governance Act, section 90]*

- replaces the repealed terminology of “professional association” with the new terminology of “professional regulator”;
- makes housekeeping amendments.

CLAUSE 44: *[Professional Governance Act, section 91]* replaces the repealed terminology of “professional association” with the phrase “professional regulator or professional organization”.

CLAUSE 45: *[Professional Governance Act, section 92]* replaces “investigation” with “assessment”.

CLAUSE 46: *[Professional Governance Act, section 95]* amends a reference due to changes in terminology related to the organization of regulatory bodies.

*(c) in subsection (2) by striking out “designated regulatory body” and substituting “designated profession”,*

*(d) in subsection (2) (a) by striking out “prescribed profession or regulated practice” and substituting “designated profession”,*

*(e) in subsection (2) by adding the following paragraphs:*

*(i) requirements under this Act from which the regulatory body prescribed for the profession is exempted;*

*(j) matters in respect of which the regulatory body prescribed for the profession may not make bylaws. , and*

*(f) by repealing subsection (4) and substituting the following:*

*(4) If subsection (3) applies, this Act, the regulations or the bylaws of the regulatory body responsible for carrying out the objects of this Act in respect of the designated professions may be applied to*

*(a) each designated profession separately, or*

*(b) 2 or more designated professions jointly.*

**43 Section 90 is amended**

*(a) in subsection (5) (a) by striking out “professional association” and substituting “professional regulator”,*

*(b) in subsection (5) (b) by striking out “regulatory body” and substituting “profession”, and*

*(c) in subsection (6) by striking out “designated”.*

**44 Section 91 (1) is amended**

*(a) in the definitions of “amalgamated regulatory body” and “amalgamation date” by striking out “professional associations” and substituting “professional regulators or professional organizations”, and*

*(b) in the definition of “former body” by striking out “professional association” in both places and substituting “professional regulator or professional organization”.*

**45 Section 92 (2) is amended by striking out “investigation” in both places and substituting “assessment”.**

**46 Section 95 (1) (d) is amended by striking out “council’s” and substituting “board’s”.**

CLAUSE 47: *[Professional Governance Act, section 97]* removes references to “certified non-registrants”.

CLAUSE 48: *[Professional Governance Act, section 101]* allows for the recovery by government of unpaid annual fees.



**47 Section 97 is amended**

**(a) by repealing subsection (1) and substituting the following:**

- (1) When regulatory bodies are amalgamated under this Division into an amalgamated regulatory body, the persons who are, as of the amalgamation date, registrants or former registrants of each former body are deemed to be registrants or former registrants, as applicable, of the amalgamated regulatory body. ,

**(b) in subsection (2) by striking out “or certified non-registrant”,**

**(c) in subsection (3) by striking out “or certified non-registrants”, and**

**(d) by repealing subsection (4) and substituting the following:**

- (4) Subject to the bylaws of the amalgamated regulatory body, a limit or condition imposed under this Act before the amalgamation date on a registrant of a former body in respect of the registrant’s regulated practice continues to apply until removed or varied in accordance with this Act.

**48 Section 101 is amended**

**(a) by repealing subsection (1) and substituting the following:**

- (1) The following may be recovered in accordance with subsection (2) as a debt due to the government:
  - (a) an administrative penalty imposed under section 99 [*administrative penalties*];
  - (b) an annual fee required to be paid in a regulation made under section 22.1 [*annual fee*]. ,

**(b) in subsection (2) by adding “or if a regulatory body fails to pay an annual fee required to be paid in a regulation made under section 22.1” after “as required under this Act”,**

**(c) in subsection (3) (a) by adding “or of the regulatory body that is liable for the annual fee” after “the administrative penalty”, and**

**(d) in subsection (3) (b) and (c) by adding “or the annual fee” after “the administrative penalty”.**

CLAUSE 49: *[Professional Governance Act, sections 104 and 105]* clarifies the prohibition against hindering, obstructing or interfering with, or providing false information to, the superintendent exercising the power to conduct an assessment, inspection, investigation or audit or an investigator for a regulatory body.

CLAUSE 50: *[Professional Governance Act, section 106]*

- removes two contraventions from the list of contraventions that constitute an offence;
- creates offences for providing false or misleading information when applying for enrolment, admission or reinstatement as a registrant or when required under the Act to provide information, unless the person providing the information did not know that it was false or misleading;
- describes the penalties associated with the new offences.

**49 Sections 104 and 105 are repealed and the following substituted:**

**Obstruction**

- 104** (1) A person must not hinder, obstruct or interfere with, or attempt to hinder, obstruct or interfere with,
- (a) the superintendent exercising the power to conduct an assessment, inspection, investigation or audit under this Act or a person acting under the direction of the superintendent in an assessment, inspection, investigation or audit under this Act, or
  - (b) an investigator for a regulatory body acting under section 69 [*powers and duties of investigators*].
- (2) A person must not provide false information to, or refuse or neglect to provide information to,
- (a) the superintendent exercising the power to conduct an assessment, inspection, investigation or audit under this Act or a person acting under the direction of the superintendent in an assessment, inspection, investigation or audit under this Act, or
  - (b) an investigator for a regulatory body acting under section 69.
- (3) A person must not withhold, destroy, tamper with, alter, conceal or refuse to produce anything requested for the purposes of an assessment, inspection, investigation or audit under this Act.
- (4) A person must not obstruct a person acting under section 70 [*search and seizure under court order*] or 71 [*detention of things seized*] or under an order made under those sections.

**50 Section 106 is amended**

**(a) in subsection (1) by repealing paragraphs (d) and (h),**

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

- (1.1) A person who does either of the following commits an offence:
- (a) provides false or misleading information when applying for enrolment, admission or reinstatement as a registrant of a regulatory body;
  - (b) provides false or misleading information when required under this Act to provide information.
- (1.2) A person does not commit an offence under subsection (1.1) if, at the time the information was provided, the person did not know that the information was false or misleading and, with the exercise of reasonable diligence, could not have known that the information was false or misleading. , **and**

**(c) in subsection (2) by adding “or (1.1)” after “subsection (1)”.**

CLAUSE 51: ***[Professional Governance Act, section 118]***

- allows the Lieutenant Governor in Council to prescribe requirements in addition to the list of requirements that, when left unfulfilled, may lead to the cancellation or suspension of a registrant’s registration;
- makes housekeeping amendments.

CLAUSE 52: ***[Professional Governance Act, section 123]*** replaces the repealed terminology of “professional association” with the new terminology of “professional regulator”.

CLAUSE 53: ***[Professional Governance Act, section 123]*** repeals and substitutes a definition due to changes in terminology related to the organization of regulatory bodies.

CLAUSE 54: ***[Professional Governance Act, section 123.1]*** adds an interpretation rule to aid in the transition of the use of terminology related to the organization of regulatory bodies.

CLAUSE 55: ***[Professional Governance Act, section 124]*** amends references due to changes in terminology related to the organization of regulatory bodies.

CLAUSE 56: ***[Professional Governance Act, section 126]*** makes a housekeeping amendment.

**51 Section 118 (2) is amended**

**(a) in paragraph (h) by adding the following subparagraph:**

(v) prescribing requirements for the purposes of section 50.1 (1) (i) [cancellation or suspension of registration]; ,

**(b) by repealing paragraph (j) (iii),**

**(c) in paragraph (k) (i) by striking out “regulatory bodies” and substituting “professions”, and**

**(d) in paragraph (k) (i) (B) by striking out “professionals” and substituting “professions”.**

**52 Section 123 (1) is amended in the definition of “affected body” by striking out “professional association” and substituting “professional regulator”.**

**53 Section 123 (1) is amended by repealing the definition of “affected council” and substituting the following:**

“**affected board**” means a board under the affected Act; .

**54 The following section is added:**

**Interpretation**

**123.1** In this Division,

(a) a reference to “board” must be read as including “council” if the provision in which the reference occurs relates to a board that was established as a council under an affected Act, and

(b) a reference to “board member” must be read as including “councillor” or “council member”, as the case may be, if the provision in which the reference occurs relates to a board member who was a councillor or a council member under an affected Act.

**55 Section 124 is amended**

**(a) by striking out “councillor or council member” in both places and substituting “board member”,**

**(b) by striking out “to a council” and substituting “to a board”, and**

**(c) in paragraph (b) by striking out “council” and substituting “board”.**

**56 Section 126 (1) is amended in paragraph (a) of the definition of “continued lay councillor” and in paragraph (a) of the definition of “continued registrant councillor” by striking out “member” and substituting “registrant”.**

- CLAUSE 57: ***[Professional Governance Act, section 126]***
- repeals and substitutes 2 definitions due to changes in terminology related to the organization of regulatory bodies;
  - amends a reference due to changes in terminology related to the organization of regulatory bodies.
- CLAUSE 58: ***[Professional Governance Act, sections 138, 144, 156 and 157]*** repeals provisions of the Act, the content of which has been relocated to clauses 63, 64, 65 and 66 of this Bill.
- CLAUSE 59: ***[Professional Governance Act, various provisions]*** amends references due to changes in terminology related to the organization of regulatory bodies.
- CLAUSE 60: ***[Professional Governance Act, various provisions]*** amends references due to changes in terminology related to the organization of regulatory bodies.
- CLAUSE 61: ***[Professional Governance Act, various provisions]*** amends references due to changes in terminology related to the organization of regulatory bodies.
- CLAUSE 62: ***[Professional Governance Act, various provisions]*** amends references due to changes in terminology related to the organization of regulatory bodies.
- CLAUSE 63: ***[Business Practices and Consumer Protection Act, section 142.1]*** allows the Lieutenant Governor in Council to designate the regulated practice of the registrants of the regulatory body known as the Applied Science Technologists and Technicians of British Columbia as a designated practice under Part 9 of the Act.

**57 Section 126 is amended**

**(a) in subsection (1) by repealing the definitions of “continued lay councillor” and “continued registrant councillor” and substituting the following:**

**“continued lay board member”** means a board member of a regulatory body who

(a) is not a registrant of the regulatory body, and

(b) was appointed under the affected Act and continues as a board member under section 84 [*regulatory bodies continued*];

**“continued registrant board member”** means a board member of a regulatory body who

(a) is a registrant of the regulatory body, and

(b) was elected or appointed under the affected Act and continues as a board member under section 84. , **and**

**(b) in subsection (4) by striking out “councillor’s” and substituting “board member’s”.**

**58 Sections 138, 144, 156 and 157 are repealed.**

**59 The provisions listed in column 1 of the Schedule to this Act are amended by striking out “council” wherever it appears and substituting “board”.**

**60 The provisions listed in column 2 of the Schedule to this Act are amended by striking out “councillor” wherever it appears and substituting “board member”.**

**61 The provisions listed in column 3 of the Schedule to this Act are amended by striking out “councillors” wherever it appears and substituting “board members”.**

**62 The provisions listed in column 4 of the Schedule to this Act are amended by striking out “president” and substituting “board chair”.**

## **Related and Consequential Amendments**

### ***Business Practices and Consumer Protection Act***

**63 Section 142.1 (2) of the Business Practices and Consumer Protection Act, S.B.C. 2004, c. 2, is amended**

**(a) by repealing paragraphs (d), (j), (m) and (p), and**

CLAUSE 63: *[Business Practices and Consumer Protection Act, section 142.1 – continued]*

CLAUSE 64: *[Interpretation Act, section 29]* makes an amendment to the Act consequential to the *Professional Governance Act*.

CLAUSE 65: *[Water Sustainability Act, section 48]* makes an amendment to the Act consequential to the *Professional Governance Act*.

CLAUSE 66: *[Water Sustainability Act, section 114]* makes an amendment to the Act consequential to the *Professional Governance Act*.



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

(w) the *Professional Governance Act*, except section 3 of Schedule 1 to that Act.

***Interpretation Act***

**64 Section 29 of the *Interpretation Act, R.S.B.C. 1996, c. 238, is amended by repealing the definition of “professional engineer”, “civil engineer” or “mining engineer” ’ and substituting the following:***

**“professional engineer”, “civil engineer” or “mining engineer”** or words implying recognition of any person as a professional engineer or member of the engineering profession means a person registered under the *Professional Governance Act*; .

***Water Sustainability Act***

**65 Section 48 (1) of the *Water Sustainability Act, S.B.C. 2014, c. 15, is amended by repealing the definition of “professional” and substituting the following:***

**“professional”** means a registrant as defined in section 5 of Schedule 1 to the *Professional Governance Act*; .

**66 Section 114 (5) is amended by striking out “who is a professional engineer, a professional geoscientist as defined in the *Engineers and Geoscientists Act* or a holder of a limited licence under the *Engineers and Geoscientists Act* acting within the scope of the limited licence” and substituting “who is a registrant as defined in section 5 of Schedule 1 to the *Professional Governance Act*”.**

**Commencement**

**67** 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 1	By regulation of the Lieutenant Governor in Council
3	Section 9	By regulation of the Lieutenant Governor in Council



Item	Column 1 Provisions of Act	Column 2 Commencement
4	Sections 12 and 13	By regulation of the Lieutenant Governor in Council
5	Section 15	By regulation of the Lieutenant Governor in Council
6	Section 18	By regulation of the Lieutenant Governor in Council
7	Section 46	By regulation of the Lieutenant Governor in Council
8	Sections 53 to 55	By regulation of the Lieutenant Governor in Council
9	Section 57	By regulation of the Lieutenant Governor in Council
10	Sections 59 to 62	By regulation of the Lieutenant Governor in Council

**SCHEDULE**

*(Sections 59 to 62)*

Column 1 Provision	Column 2 Provision	Column 3 Provision	Column 4 Provision
1 (1), in the definitions of “bylaw-making authority” and “resolution”	23 (2) (c) and (4)	12 (2)	23 (2) (c)
3 (b)	24 (1), (2), (4), (5), (5.1) and (6)	23 (2) and (3)	24 (2) (a) (i) and (3) (a)
9 (1) and (2)	26 (2), (4) and (5)	25 (1) and (2)	106 (6) (b), (7) (b) and (8)
11 (1) and (3)	27 (2)	26 (3)	118 (2) (g) (iii) (A)
12 (1) and (3) (b)	28 (1)	27 (1)	
23 (1), (2) and (3)	29 (1) and (3) (a)	29 (1), (2) and (3) (b)	
25 (2)	30 (1), (2) and (3)	30 (1) (b)	
26 (1), (3) and (4)	32 (1)	33 (4) (a)	
27 (1)	35 (1)	35 (1) (a)	
29 (1), (2) and (3)	84 (1) (c), (2) (c), (3) (c), (4) (c), (5) (c) and (6)	38 (3)	
30 (1) (b)	112 (1)	95 (1) (a)	
31 (1) and (2)	114	112 (4) (a)	
32 (1), (2), (3), (4), (5) and (6)	118 (2) (g) (vi)	118 (2) (g) (iii) (B) and (v)	
33 (1), (3), (4) and (5)	122 (2) (b)	126 (2), (3) and (5) (b)	
34 (1) and (4)			



Column 1 Provision	Column 2 Provision	Column 3 Provision	Column 4 Provision
35 (1), (2) and (3) 37 (1) and (2) (b) 38 (2), (4) and (5) 39 (2) 40 41 42 (2) 43 (1) and (2) 44 (1) and (2) 45 (1) and (2) 46 (1) 47 (1) and (3) 48 (1), (2), (3), (4) and (5) 49 (3) and (4) (a) 50 50.1 (1) 57 (1) and (3) (b) 63 (1), (2), (3), (4), (5), (6) and (7) 64 65 (1), (2) and (4) 66 (1) and (2) 67 (1), (2), (4) and (5) 72 (3) 75 (1) and (6) (f) 77 (3) 79 (2) 81 (3) 82 (1) 84 (1), (2), (3), (4), (5) and (6) 90 (2) (a) 92 (2) (b) 93 (2) (a) 95 (1), (3) (a) and (4) 96 (5), (7) (a) and (8) 106 (6) (b), (7) (b) and (8) 107 (1) 108 109 (1) (b) (ii) 112 (1) and (4)	126 (3) (b), (4) and (5)		



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<b>Column 1 Provision</b>	<b>Column 2 Provision</b>	<b>Column 3 Provision</b>	<b>Column 4 Provision</b>
118 (2) (h) (i) and (3) 122 (2) (h) 123 (2) 124.1 (2), (3) and (4) 125 126 (2) and (3) 127 (5)			