

**MINISTER OF POST-SECONDARY EDUCATION  
AND FUTURE SKILLS**

**BILL 38 – 2023**

**INTERNATIONAL CREDENTIALS  
RECOGNITION ACT**

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**SCHEDULE 1**

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

**PART 1 – DEFINITIONS AND APPLICATION**

**Definitions**

**1** In this Act:

“**certification**”, in relation to a regulatory authority, means a certificate, licence, registration or other form of official recognition that

- (a) is granted to an individual by the regulatory authority, and
- (b) attests to the individual being qualified and, if applicable, authorized to do one or both of the following:
  - (i) practise a particular occupation or profession in British Columbia;

(ii) use in British Columbia a particular title, designation or abbreviated title or designation in respect of an occupation or profession;

**“determination”**, in relation to an international credential assessment process, means a determination described in section 2 (b) and (c);

**“directive of the Lieutenant Governor in Council”** means a directive issued to a Schedule 1 regulatory authority under section 31 (1) [*Lieutenant Governor in Council directives*];

**“directive of the superintendent”** means a directive issued by the superintendent under section 33 (1) [*superintendent directives*];

**“international credential”** means a credential issued by a person or body outside Canada to practise an occupation or profession;

**“international credential assessment process”** has the meaning given to it in section 2;

**“internationally trained applicant”** means an individual who

(a) has been trained in a jurisdiction outside Canada to practise in a regulated profession or holds an international credential, and

(b) applies to a regulatory authority for certification in a profession or occupation that is a regulated profession;

**“office of the superintendent”** means the office established under section 5 [*office of the superintendent established*];

**“personal information”** means personal information as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

**“regulated profession”**, in relation to a regulatory authority, means an occupation or a profession in respect of which the regulatory authority grants certification or provides for the granting of certification;

**“regulatory authority”** means the following:

(a) a Schedule 1 regulatory authority;

(b) a Schedule 2 regulatory authority;

(c) a Schedule 3 regulatory authority;

**“Schedule 1 regulatory authority”** means a person or body listed in Schedule 1 to this Act;

**“Schedule 2 regulatory authority”** means a person or body listed in Schedule 2 to this Act;

**“Schedule 3 regulatory authority”** means a person or body listed in Schedule 3 to this Act;

**“specified person”** means the following:

- (a) in relation to a Schedule 1 regulatory authority, an employee, officer, director or agent of the Schedule 1 regulatory authority or a person acting on behalf of the Schedule 1 regulatory authority;
- (b) in relation to a Schedule 2 regulatory authority, an employee, officer, board member or agent of the Schedule 2 regulatory authority or a person acting on behalf of the Schedule 2 regulatory authority;

**“superintendent”** means the person designated under section 5 as the superintendent of international credential recognition;

**“superintendent’s website”** means a website maintained by or on behalf of the superintendent.

**Meaning of international credential assessment process**

- 2** An international credential assessment process is a process undertaken by, or on behalf of, a regulatory authority, to do the following in respect of a regulated profession:
- (a) assess whether an internationally trained applicant has knowledge, skills, ability and judgment that are substantially equivalent to those required for certification in the regulated profession by the regulatory authority;
  - (b) determine whether or not to grant certification to the internationally trained applicant;
  - (c) if certification is granted, determine whether or not to impose conditions or limitations on the certification.

**Application of Act**

- 3**
- (1) This Act applies to a Schedule 1 regulatory authority, a Schedule 2 regulatory authority and a Schedule 3 regulatory authority.
  - (2) If a Schedule to this Act does not list a regulated profession in Column 2 next to a regulatory authority listed in Column 1, this Act applies to the regulatory authority in respect of all the regulated professions governed by the regulatory authority.
  - (3) If a Schedule to this Act lists one or more regulated professions in Column 2 next to a regulatory authority listed in Column 1, this Act applies to the regulatory authority only in respect of the regulated profession, or regulated professions, listed in Column 2.
  - (4) If Schedule 3 to this Act lists more than one regulatory authority in Column 1, this Act applies to each Schedule 3 regulatory authority listed in Column 1 in accordance with the regulations.

**Conflicts or inconsistencies**

4 (1) In this section:

“**authorizing enactment**” means the following:

(a) in relation to a Schedule 1 regulatory authority or a Schedule 2 regulatory authority, the enactment under which the regulatory authority is conferred the authority to do one or both of the following:

- (i) grant a certification;
- (ii) govern a regulated profession;

(b) in relation to a Schedule 3 regulatory authority, the enactment that does one or both of the following:

- (i) provides for the granting of a certification;
- (ii) requires qualifications or imposes other requirements for an individual to practise a regulated profession;

“**relevant matter**” means a matter for which the superintendent is responsible under section 7 [*general duties and responsibilities of superintendent*].

(2) If there is a conflict or inconsistency in respect of a relevant matter between

- (a) this Act,
- (b) a regulation made under this Act,
- (c) an order issued by the superintendent under this Act, or
- (d) a directive of the Lieutenant Governor in Council or a directive of the superintendent

and an authorizing enactment, or a regulation under an authorizing enactment, then this Act, or the regulation, order, directive or guideline under this Act, as applicable, prevails.

**PART 2 – SUPERINTENDENT OF INTERNATIONAL  
CREDENTIAL RECOGNITION**

**Division 1 – Office of Superintendent**

**Office of the superintendent established**

5 (1) An office of the superintendent of international credential recognition is established in the minister’s ministry.

(2) The following persons may be appointed under the *Public Service Act* to the office of the superintendent:

- (a) a person that the minister designates as the superintendent;
- (b) one or more persons that the minister designates as deputy superintendents;

- (c) other employees required to carry out the functions of the office of the superintendent.
- (3) The minister may designate one or more employees of the government to act temporarily in the place of the superintendent.
- (4) The superintendent may retain consultants, experts and other persons the superintendent considers necessary to enable or assist the superintendent to exercise powers or perform duties of the superintendent under this Act.
- (5) The superintendent may establish the remuneration and other terms and conditions of a person retained under subsection (4).
- (6) The *Public Service Act* does not apply in respect of a person retained under subsection (4).

**Superintendent's power to delegate**

- 6 (1) The superintendent may delegate, in writing, to a person employed under the *Public Service Act* any of the superintendent's powers and duties under this Act, except the power to delegate under this section.
- (2) A delegation under this section may be made subject to any terms and conditions the superintendent considers appropriate.

**Division 2 – Duties and Responsibilities  
of Superintendent**

**General duties and responsibilities of superintendent**

- 7 (1) The superintendent is primarily responsible for the following:
  - (a) the oversight of systemic or general procedural matters relating to international credential assessment processes of regulatory authorities;
  - (b) promoting fair, efficient and transparent international credential assessment processes;
  - (c) administering this Act and exercising the powers and performing the duties of the superintendent under this Act;
  - (d) advising the minister on matters relating to the responsibilities set out in paragraphs (a), (b) and (c).
- (2) For the purposes of subsection (1), the superintendent may do the following in relation to international credential assessment processes:
  - (a) conduct research and promote or establish policies on best practices for regulatory authorities;
  - (b) publish information and documents;
  - (c) give information and advice to regulatory authorities.

- (3) The superintendent must faithfully, honestly and impartially exercise the powers and perform the duties of the superintendent.
- (4) For certainty, nothing in this section limits the role of a regulatory authority in respect of individuals who have been granted certification by the regulatory authority.

**Guidelines established by superintendent**

- 8**
- (1) The superintendent may establish guidelines for all regulatory authorities, or for one or more specific regulatory authorities, in respect of the following:
    - (a) procedural matters relating to international credential assessment processes;
    - (b) the responsibilities of regulatory authorities set out in Part 3 [*Regulatory Authorities*];
    - (c) any matters prescribed by the minister.
  - (2) Guidelines established under this section may be different for different regulatory authorities, different classes of regulatory authorities or different classes of internationally trained applicants.
  - (3) Guidelines established under this section must be considered by a regulatory authority in carrying out its responsibilities under this Act.
  - (4) Guidelines established under this section must be made available to the public on the superintendent's website.

**Rules of practice and procedure**

- 9**
- (1) The superintendent may make rules respecting practice and procedure for matters coming before the superintendent under this Act.
  - (2) The superintendent must make the rules in respect of practice and procedure accessible to the public in the manner the superintendent considers appropriate.

**Publication of information by superintendent**

- 10**
- (1) Subject to subsection (2), the superintendent may make the following information available to the public on the superintendent's website:
    - (a) information relating to annual reports a regulatory authority is required to submit under section 20 [*submission of annual report to superintendent*];
    - (b) information relating to the results of an audit under section 25 [*audits*];
    - (c) information relating to the results of an inspection under section 27 [*inspections*];
    - (d) any prescribed information.

- (2) Personal information may not be made available under subsection (1) if the disclosure of that information would constitute an unreasonable invasion of personal privacy as described in section 22 (2) to (4) [*disclosure harmful to personal privacy*] of the *Freedom of Information and Protection of Privacy Act*.

**Annual report to minister**

- 11 (1) The superintendent must, no later than May 31 in each year, submit to the minister an annual report in respect of the superintendent's activities under this Act in the preceding calendar year.
- (2) Reports submitted under subsection (1) must be made available to the public on the superintendent's website.

**PART 3 – REGULATORY AUTHORITIES**

**Division 1 – General Responsibilities**

**General responsibilities of regulatory authorities**

- 12 A regulatory authority has the following responsibilities:
- (a) to establish and implement an international credential assessment process that
    - (i) is fair, efficient and transparent, and
    - (ii) enables the certification of an internationally trained applicant who has knowledge, skills, ability and judgment that are substantially equivalent to those required for certification in the regulated profession by the regulatory authority;
  - (b) to ensure the international credential assessment process assesses internationally trained applicants respecting certification requirements that relate to the protection and promotion, as applicable, of the following:
    - (i) the safety, health and welfare of the public;
    - (ii) the environment;
    - (iii) animal or plant life or health;
    - (iv) consumers;
  - (c) if relying on a third party to assess the qualifications of an internationally trained applicant, to make best efforts to ensure that the third party conducts the assessment in a way that is fair, efficient and transparent;
  - (d) any prescribed responsibilities.

## **Division 2 – Specific Responsibilities**

### **Bylaws and policies**

- 13** A regulatory authority must have bylaws or policies respecting the following:
- (a) procedural matters relating to international credential assessment processes;
  - (b) any prescribed matters.

### **Timely determinations**

- 14** A regulatory authority must make a determination in an international credential assessment process
- (a) within a reasonable time after receiving a complete application from an internationally trained applicant, and
  - (b) no later than within the period prescribed by the minister, if any.

### **Communication about determinations**

- 15** (1) Within 14 days after a regulatory authority makes a determination in an international credential assessment process in respect of an internationally trained applicant, the regulatory authority must give the determination to the internationally trained applicant.
- (2) A determination referred to in subsection (1) must be in writing and must include the reasons for the determination.

### **Prohibited requirements respecting Canadian work experience and prescribed matters**

- 16** Unless a regulatory authority has been granted an exemption under section 21 [*superintendent's power to grant, amend or revoke exemption*], the regulatory authority must not impose the following requirements on an internationally trained applicant:
- (a) a requirement for Canadian work experience as described in the regulations;
  - (b) any prescribed requirement.

**Prohibited requirements respecting  
new language testing results and prescribed matters**

- 17 (1) In this section, “**valid language testing results**” means language testing scores that are considered to be valid by the person that administered the language test.
- (2) A regulatory authority must not impose the following requirements on an internationally trained applicant:
- (a) subject to subsection (3), the requirement to submit to the regulatory authority new language testing results if the internationally trained applicant submitted valid language testing results as part of the application for certification;
  - (b) any prescribed requirement.
- (3) A regulatory authority may require an internationally trained applicant to submit new language testing results if
- (a) no determination has been made in the international credential assessment process, and
  - (b) 5 years or more have elapsed since the internationally trained applicant submitted an application for certification to the regulatory authority.

**Prohibited fees**

- 18 (1) Subject to subsection (2), a regulatory authority must not impose the following fees on internationally trained applicants:
- (a) application fees, certification fees or similar fees that are greater than the fees imposed on applicants that are not internationally trained applicants;
  - (b) a fee or class of fees prescribed by the minister.
- (2) A regulatory authority may impose
- (a) a fee described in subsection (1) (a), or
  - (b) a fee, or class of fees, prescribed under subsection (1) (b) that is greater than a fee for the same, or substantially the same, purpose that is imposed on applicants that are not internationally trained applicants,
- if the fee, or class of fees, reflects the average actual costs of administering applications for certification by internationally trained applicants.

**Publication of information by regulatory authorities**

- 19** (1) A regulatory authority must make information about its international credential assessment process available to the public on a website maintained by or on behalf of the regulatory authority.
- (2) The information made available under subsection (1) must include all of the following:
- (a) bylaws or policies required under section 13 [*bylaws and policies*];
  - (b) certification requirements for each regulated profession in respect of which this Act applies to the regulatory authority;
  - (c) for each regulated profession in respect of which this Act applies to the regulatory authority, information about the following, if applicable:
    - (i) alternative means of meeting any of the certification requirements;
    - (ii) the criteria used to assess whether the alternative means have been met;
  - (d) information about any requirement in the regulatory authority's international credential assessment process for an internationally trained applicant to be assessed by a third party, and, if there is such a requirement, information about the third party;
  - (e) information about the length of time that it usually takes for a determination to be made in an international credential assessment process;
  - (f) if applicable, the period prescribed under section 14 (b) [*timely determinations*];
  - (g) whether an appeal or review process exists in respect of determinations in the international credential assessment process, and if so, what the process is;
  - (h) information about application fees, certification fees or similar fees that are imposed on internationally trained applicants for certification and on applicants for certifications who are not internationally trained applicants;
  - (i) information about the process by which an internationally trained applicant may request information from a regulatory authority about the internationally trained applicant's application for certification;
  - (j) if applicable to the regulatory authority, information in relation to decisions about exemptions made under section 21 [*superintendent's power to grant, amend or revoke exemption*];
  - (k) if applicable to the regulatory authority, a directive of the Lieutenant Governor in Council or a directive of the superintendent;
  - (l) any information prescribed by the minister.

**Submission of annual report to superintendent**

- 20** (1) In this section “**credential assessment process**”, in relation to an applicant for certification who is not an internationally trained applicant, means a process undertaken by, or on behalf of, a regulatory authority, to do the following in respect of a regulated profession:
- (a) assess whether the applicant has the knowledge, skills, ability and judgment required for certification in the regulated profession by the regulatory authority;
  - (b) make the following determinations:
    - (i) determine whether or not to grant certification to the applicant;
    - (ii) if certification is granted, determine whether or not to impose conditions or limitations on the certification.
- (2) A regulatory authority must, on or before April 1 in each year, submit to the superintendent an annual report about the regulatory authority’s international credential assessment process.
- (3) An annual report under subsection (2) must include the following:
- (a) information required by the superintendent about a matter for which the superintendent is responsible under section 7 [*general duties and responsibilities of superintendent*];
  - (b) information prescribed by the minister, if any, about a matter for which the superintendent is responsible under section 7.
- (4) The superintendent may require information under subsection (3) (a) about the credential assessment process for applicants who are not internationally trained applicants for comparative purposes.
- (5) If authorized by the superintendent, a Schedule 2 regulatory authority may include the information required to be included in an annual report under this section with a report required under section 41 [*annual report to superintendent*] of the *Professional Governance Act*.
- (6) The annual report required under this section must be submitted in the form and manner required by the superintendent.

**Division 3 – Exemptions from Prohibited Requirements**

**Superintendent’s power to grant, amend or revoke exemption**

- 21** (1) The superintendent may, on application, grant an exemption to a regulatory authority in respect of the following prohibited requirements:
- (a) a Canadian work experience requirement;
  - (b) a requirement prescribed under section 16 (b) [*prohibited requirements respecting Canadian work experience and prescribed matters*].

- (2) The superintendent may, on application or on the superintendent's own initiative, amend or revoke an exemption if the superintendent is satisfied that one or more of the following applies:
  - (a) new information has become available that was not available at the time the exemption was granted;
  - (b) there is a change in circumstances that affects whether an exemption should be continued.

**Application requirements respecting exemptions**

- 22 (1) An application under section 21 (1) or (2) must
  - (a) be in writing,
  - (b) be submitted in the form and manner required by the superintendent, and
  - (c) include the information required by the superintendent.
- (2) The regulatory authority must submit a separate application in respect of each requirement for which it seeks an exemption.

**Decisions respecting exemptions**

- 23 (1) The superintendent must make a decision respecting an application under section 21 (1) or (2)
  - (a) as soon as practicable after receiving the application, and
  - (b) in accordance with prescribed criteria.
- (2) An exemption, amendment or revocation under section 21 (1) or (2) may be granted or made
  - (a) subject to conditions specified by the superintendent, and
  - (b) for a limited period specified by the superintendent.

**Notice of exemption decision**

- 24 (1) If the superintendent makes any of the following decisions, the superintendent must give a notice of the decision, and written reasons for the decision, to the regulatory authority to which the decision relates:
  - (a) a decision under section 21 (1) to grant an exemption;
  - (b) a decision under section 21 (2), on application of the regulatory authority, refusing to amend or revoke an exemption;
  - (c) a decision under section 21 (2), on the superintendent's own initiative, to amend or revoke an exemption.
- (2) A regulatory authority may apply under section 50 [*application for reconsideration*] for reconsideration of a decision referred to in subsection (1).

- (3) Information about each exemption granted, amended or revoked under section 21 (1) or (2) must be made available to the public on the superintendent's website.

## **PART 4 – ENFORCEMENT**

### **Division 1 – Audits and Inspections**

#### **Audits**

- 25**
- (1) The superintendent may conduct an audit of a regulatory authority for the purposes of assessing any of the following:
    - (a) systemic or general procedural matters relating to an international assessment process of a regulatory authority;
    - (b) whether a regulatory authority is carrying out its responsibilities under Part 3 [*Regulatory Authorities*] and how guidelines established under section 8 [*guidelines established by superintendent*] or issued under section 26 have been considered in carrying out those responsibilities;
    - (c) any prescribed matter.
  - (2) In conducting an audit under this section, the superintendent may do any of the following:
    - (a) inquire into a matter that relates to one or more specific regulatory authorities;
    - (b) request a person who may have information relevant for the purposes of the audit to do the following:
      - (i) give the information to the superintendent;
      - (ii) produce or give access to, without charge or unreasonable delay, any record that may be relevant for the purposes of the audit;
    - (c) examine the records produced or accessed under paragraph (b) and remove them for the purposes of examination or making copies.

#### **Guidelines issued after audit**

- 26**
- (1) At the conclusion of an audit under section 25, the superintendent may issue guidelines to any regulatory authority that was the subject of that audit in respect of the matters described in section 8 (1) [*guidelines established by superintendent*].
  - (2) Guidelines issued to a regulatory authority under this section must be considered by the regulatory authority in carrying out its responsibilities under this Act.
  - (3) Guidelines issued under this section must be made available to the public on the superintendent's website.

**Inspections**

- 27 (1) The superintendent may conduct an inspection of a Schedule 1 regulatory authority, Schedule 2 regulatory authority or specified person for the purposes of monitoring and determining compliance with the following:
- (a) Division 2 [*Specific Responsibilities*] of Part 3 [*Regulatory Authorities*];
  - (b) as applicable, a directive of the Lieutenant Governor in Council;
  - (c) as applicable, a directive of the superintendent;
  - (d) provisions and instruments prescribed for the purposes of section 36 (b) and (c) [*administrative remedies respecting specified persons*];
  - (e) sections 45 [*no reprisals*], 46 [*no obstruction*], 47 [*no withholding*] and 48 [*no false information*];
  - (f) any prescribed matter.
- (2) In conducting an inspection under this section, the superintendent may do any of the following:
- (a) inquire into a matter that relates to one or more specific Schedule 1 regulatory authorities or Schedule 2 regulatory authorities;
  - (b) exercise a power set out in section 25 (2) (b) or (c);
  - (c) require a person to carry out a procedure 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.
- (3) For certainty, the superintendent may inspect a matter that relates to an individual internationally trained applicant but may not make determinations in an international credential assessment process about an application for certification by an individual internationally trained applicant.

**Power to compel persons  
to give evidence and order disclosure**

- 28 (1) For the purposes of an inspection under section 27, the superintendent may, by order, require a person to do either or both of the following:
- (a) attend, in person or by electronic means, before the superintendent to answer questions on oath or affirmation, or in any other manner;
  - (b) produce for the superintendent a record or thing in the person's possession or control.
- (2) The superintendent may apply to the Supreme Court for an order directing
- (a) a person to comply with an order made under subsection (1), or
  - (b) a specified person to cause the person to comply with an order made under subsection (1).

**Contempt proceeding for uncooperative witness or other person**

- 29** The failure or refusal of a person summoned under section 28 (1) to do any of the following makes the person, on application to the court by the superintendent, liable to be committed for contempt as if in breach of an order or judgment of the court:
- (a) take an oath or affirmation;
  - (b) answer questions;
  - (c) produce the records or things in the person’s custody or possession.

**Division 2 – Administrative Remedies**

**Administrative remedies respecting  
Schedule 1 regulatory authorities**

- 30** If the superintendent in an inspection under section 27 [*inspections*] determines that a Schedule 1 regulatory authority is not complying with a matter listed in section 27 (1), the superintendent may do any of the following:
- (a) make a recommendation that a directive of the Lieutenant Governor in Council be issued;
  - (b) impose an administrative penalty.

**Lieutenant Governor in Council directives**

- 31**
- (1) The Lieutenant Governor in Council may, by order, issue a directive to a Schedule 1 regulatory authority requiring a Schedule 1 regulatory authority to do any of the following:
    - (a) carry out the specific responsibilities in Division 2 [*Specific Responsibilities*] of Part 3 [*Regulatory Authorities*];
    - (b) address specified matters in the international credential assessment process of the Schedule 1 regulatory authority or arising out of an inspection under section 27 [*inspections*];
    - (c) perform or complete a work, act, matter or thing the Lieutenant Governor in Council considers necessary for the Schedule 1 regulatory authority to carry out the specific responsibilities in Division 2 of Part 3.
  - (2) A directive of the Lieutenant Governor in Council may specify the period within which the Schedule 1 regulatory authority must comply with a specified requirement.
  - (3) Unless a later date is specified in the directive, a directive of the Lieutenant Governor in Council takes effect on the date the directive is made.
  - (4) The Lieutenant Governor in Council may, by order, extend the specified period in the directive.

- (5) A Schedule 1 regulatory authority must comply with a directive of the Lieutenant Governor in Council issued to the regulatory authority.
- (6) Directives of the Lieutenant Governor in Council must be made available to the public on the superintendent's website.

**Administrative remedies respecting  
Schedule 2 regulatory authorities**

- 32** If the superintendent in an inspection under section 27 [*inspections*] determines that a Schedule 2 regulatory authority is not complying with a matter listed in section 27 (1), the superintendent may do any of the following:
- (a) issue a directive of the superintendent;
  - (b) amend a bylaw of the Schedule 2 regulatory authority under section 34;
  - (c) impose an administrative penalty.

**Superintendent directives**

- 33**
- (1) The superintendent may issue a directive to the Schedule 2 regulatory authority requiring a Schedule 2 authority to do any of the matters described in section 31 (1).
  - (2) A directive of the superintendent may specify the period within which the Schedule 2 regulatory authority must comply with a specified requirement.
  - (3) Unless a later date is specified in the directive, a directive of the superintendent takes effect on the date the directive is made.
  - (4) The superintendent may extend the specified period in the directive.
  - (5) A Schedule 2 regulatory authority must comply with a directive of the superintendent issued to the regulatory authority.
  - (6) Directives of the superintendent must be made available to the public on the superintendent's website.

**Superintendent's power to amend bylaws**

- 34** (1) In this section, "**procedural bylaw**" means a bylaw of a Schedule 2 regulatory authority that addresses or impacts, in whole or in part, procedural matters relating to the regulatory authority's international credential assessment process.

- (2) Following a determination by the superintendent that a Schedule 2 regulatory authority is not complying with a matter listed in section 27 (1) [*inspections*], and if the following applies:
  - (a) the regulatory authority has a procedural bylaw;
  - (b) the superintendent is satisfied that it is necessary and advisable to advance fair, efficient and transparent international credential assessment processes;the superintendent may request the Schedule 2 regulatory authority to amend or repeal the procedural bylaw or to make a new procedural bylaw.
- (3) If within 60 days of making a request under subsection (2), the Schedule 2 regulatory authority has not complied with the request, the superintendent may, by order,
  - (a) amend or repeal an existing procedural bylaw of a Schedule 2 regulatory authority, and
  - (b) make a new procedural bylaw to advance a fair, efficient and transparent international credential assessment process of the regulatory authority.
- (4) If the superintendent amends, repeals or makes a new procedural bylaw under subsection (3), the amended or new procedural bylaw or information relating to the repeal must be made available to the public on the superintendent's website.

**Administrative remedies respecting  
Schedule 3 regulatory authorities**

- 35**
- (1) Subject to subsection (2), if the superintendent in an audit under section 25 [*audits*] determines that a Schedule 3 regulatory authority, in carrying out its responsibilities under this Act, has not considered guidelines established under section 8 (1) [*guidelines established by superintendent*] or issued under section 26 [*guidelines issued after audit*], the superintendent must
    - (a) give the results of the audit to the minister, and
    - (b) make information relating to the results of the audit available to the public on the superintendent's website.
  - (2) Personal information may not be made available under subsection (1) (a) if the disclosure would constitute an unreasonable invasion of personal privacy as described in section 22 (2) to (4) [*disclosure harmful to personal privacy*] of the *Freedom of Information and Protection of Privacy Act*.

**Administrative remedies respecting specified persons**

- 36** The superintendent may impose an administrative penalty in accordance with section 37 if the superintendent determines, based on information from an audit, inspection or any other source, that a specified person has contravened any of the following provisions:
- (a) section 45 *[no reprisals]*, 46 *[no obstruction]*, 47 *[no withholding]* or 48 *[no false information]*;
  - (b) a prescribed provision of this Act or the regulations;
  - (c) a prescribed instrument made under this Act.

**Notice of administrative penalty**

- 37** If the superintendent decides to impose an administrative penalty on a Schedule 1 regulatory authority, Schedule 2 regulatory authority or specified person, the superintendent must give the Schedule 1 regulatory authority, Schedule 2 regulatory authority or specified person a notice of administrative penalty that specifies the following:
- (a) the contravention;
  - (b) the amount of the administrative penalty, not exceeding the prescribed maximum amount;
  - (c) the date by which the administrative penalty must be paid;
  - (d) a statement that the decision to impose the administrative penalty may be reconsidered under Division 2 *[Reconsideration by Superintendent]* of Part 5 *[Prohibitions and Reconsiderations]*;
  - (e) any prescribed information.

**Payment of administrative penalty**

- 38** A person on whom an administrative penalty is imposed must pay the penalty to the government,
- (a) unless an application for reconsideration of the administrative penalty is made under section 50 *[application for reconsideration]*, within 30 days after the person receives the notice of administrative penalty or within a longer period specified in the notice, and
  - (b) in accordance with prescribed requirements, if any.

**Recovery of penalties due**

- 39** (1) An administrative penalty imposed under this Act may be recovered as a debt due to the government.
- (2) If a Schedule 1 regulatory authority, Schedule 2 regulatory authority or specified person fails to pay an administrative penalty as required under this Act, the superintendent may file a certificate in a court that has jurisdiction and, on filing, the certificate has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the court with which it is filed.
- (3) A certificate under subsection (2)
- (a) must be signed by the superintendent, and
  - (b) must contain the following information:
    - (i) the name of the Schedule 1 regulatory authority, Schedule 2 regulatory authority or specified person, as applicable, who is liable for the administrative penalty;
    - (ii) a statement of the amount of the administrative penalty under subsection (1).

**Limitation period for imposing administrative penalty**

- 40** (1) The time limit for giving a notice imposing an administrative penalty is 3 years after the date on which the act or omission alleged to constitute the contravention first came to the attention of the superintendent.
- (2) A certificate purporting to have been issued by the superintendent and certifying the date referred to in subsection (1) is proof of that date.

**Relationship between administrative penalties and offences**

- 41** (1) If the superintendent imposes an administrative penalty on a person, a prosecution for an offence under this Act for the same contravention may not be brought against the person.
- (2) A person who has been charged with an offence under this Act may not be subject to an administrative penalty in respect of the circumstances that gave rise to the charge.

### **Division 3 – Offences**

#### **Offences**

- 42** (1) Subject to subsection (2), a person who is a Schedule 1 regulatory authority, Schedule 2 regulatory authority or specified person commits an offence if the person contravenes section 45 [*no reprisals*], 46 [*no obstruction*], 47 [*no withholding*] or 48 [*no false information*].
- (2) A person does not commit an offence in relation to section 48 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.
- (3) A person who commits an offence under subsection (1) is liable on conviction to a fine of not more than \$200 000 or to a term of imprisonment of not more than 2 years.

#### **Offence Act**

- 43** Section 5 [*general offence*] of the *Offence Act* does not apply to this Act or the regulations.

#### **Information to lay offence**

- 44** (1) Subject to subsection (2), an information alleging an offence against this Act may be laid by the superintendent.
- (2) The time limit for laying an information to commence a prosecution for an offence is
- (a) 2 years after the date on which the act or omission that is alleged to constitute the offence occurred, or
  - (b) if the superintendent issues a certificate described in subsection (3), 2 years after the date on which the superintendent learned of the act or omission referred to in paragraph (a).
- (3) A certificate purporting to have been issued by the superintendent certifying the date referred to in subsection (2) (b) is proof of that date.

## **PART 5 – PROHIBITIONS AND RECONSIDERATIONS**

### **Division 1 – Prohibitions**

#### **No reprisals**

- 45** A Schedule 1 regulatory authority, Schedule 2 regulatory authority or specified person must not discharge, suspend, expel, intimidate, coerce, impose any pecuniary or other penalty on, or otherwise retaliate against, a person because that person
- (a) complies with a request from the superintendent or a person acting on behalf of the superintendent or otherwise assists the superintendent in exercising a power or performing a duty under this Act, or
  - (b) gives evidence or otherwise assists in respect of a proceeding under this Act.

#### **No obstruction**

- 46** A Schedule 1 regulatory authority, Schedule 2 regulatory authority or specified person must not hinder, obstruct or interfere with, or attempt to hinder, obstruct or interfere with, the superintendent exercising the power to conduct an inspection that the superintendent, or a person acting on behalf of or under the direction of the superintendent, is conducting under this Act.

#### **No withholding**

- 47** A Schedule 1 regulatory authority, Schedule 2 regulatory authority or specified person must not withhold, destroy, tamper with, alter, conceal or refuse to produce anything that the superintendent, or a person acting on behalf of or under the direction of the superintendent, requests for the purposes of an inspection under this Act.

#### **No false information**

- 48** A Schedule 1 regulatory authority, Schedule 2 regulatory authority or specified person must not provide false information to, or refuse or neglect to provide information to, the superintendent, or a person acting on behalf of or under the direction of the superintendent, in relation to the exercise of a power under this Act by the superintendent or person.

## **Division 2 – Reconsiderations by Superintendent**

### **Definitions for Division 2**

**49** In this Division:

“**administrative penalty decision**” means a decision under the following provisions to impose an administration penalty:

- (a) in relation to a Schedule 1 regulatory authority, section 30 (b) *[administrative remedies respecting Schedule 1 regulatory authorities]*;
- (b) in relation to a Schedule 2 regulatory authority, section 32 (c) *[administrative remedies respecting Schedule 2 regulatory authorities]*;
- (c) in relation to a specified person, section 36 *[administrative remedies respecting specified persons]*;

“**exemption decision**” means a decision described in section 24 *[notice of exemption decision]*.

### **Application for reconsideration**

- 50**
- (1) A regulatory authority may apply to the superintendent for a reconsideration of an exemption decision.
  - (2) A Schedule 1 regulatory authority, Schedule 2 regulatory authority or specified person may apply to the superintendent for a reconsideration of an administrative penalty decision.
  - (3) An application for reconsideration of an exemption decision or administrative penalty decision must
    - (a) be in writing
    - (b) be submitted in the form and manner required by the superintendent,
    - (c) identify the grounds on which the application is based, and
    - (d) set out the regulatory authority’s or specified person’s submissions or arguments respecting each of the grounds identified under paragraph (c).

### **Time limits for making application**

- 51**
- (1) Unless the superintendent grants an extension under subsection (2), an application for reconsideration must be made,
    - (a) in the case of an exemption decision, within 30 days after the regulatory authority receives a notice under section 24 *[notice of exemption decision]*;
    - (b) in the case of an administrative penalty decision, within 30 days after the Schedule 1 regulatory authority, Schedule 2 regulatory authority or specified person receives the notice of administrative penalty under section 37 *[notice of administrative penalty]*.

- (2) The superintendent may extend a period described in subsection (1) if the superintendent considers that
  - (a) special circumstances existed that prevented the regulatory authority or specified person from making the application within the period required under subsection (1), and
  - (b) an injustice would otherwise result.

**Determination respecting reconsideration**

- 52**
- (1) In reconsidering an exemption decision or administrative penalty decision, the superintendent may consider new information only if satisfied that the new information
    - (a) is substantial and material to the reconsideration, and
    - (b) did not exist when the decision was made, or did exist at that time but was not discovered and could not, through the exercise of reasonable diligence, have been discovered.
  - (2) After reconsidering an exemption decision or administrative penalty decision, the superintendent may confirm, vary or rescind the decision.
  - (3) After making a determination under subsection (2) respecting an application for reconsideration made by a regulatory authority or specified person, the superintendent must give a notice of the determination, and written reasons for that determination, to the regulatory authority or specified person.

**Payment or refund of administrative penalty**

- 53**
- (1) If, under section 52 (2), the superintendent confirms, varies or imposes an administrative penalty, the administrative penalty must be paid
    - (a) within 30 days after the date the regulatory authority receives the notice of determination under section 52 (3), or
    - (b) within a longer period specified in the notice.
  - (2) If, under section 52 (2), the superintendent rescinds or reduces an administrative penalty that has already been paid, the amount of the penalty or reduction must be refunded from the consolidated revenue fund.

## PART 6 – GENERAL

### Confidentiality

- 54** (1) The superintendent, or a person acting on behalf of or under the direction of the superintendent, must preserve confidentiality with respect to all matters or records that come to the superintendent’s or person’s knowledge while exercising a power or performing a duty under this Act.
- (2) Despite subsection (1), the superintendent, or a person acting on behalf of or under the direction of the superintendent, may disclose confidential information, including personal information, if necessary to exercise a power or to perform a duty under this Act.

### Compulsion protection

- 55** (1) The superintendent, or a person acting on behalf of or under the direction of the superintendent, must not be required to testify or produce evidence in any proceeding about the reasons for which a conclusion was reached or a decision was made in the performance of duties under this Act.
- (2) Despite subsection (1), the superintendent may be required by the Supreme Court to produce the record of a proceeding that is the subject of an application for judicial review under the *Judicial Review Procedure Act*.

### Personal liability protection – superintendent

- 56** (1) In this section, “**protected individual**” means
- (a) the superintendent, or
  - (b) an individual acting on behalf of or under the direction of the superintendent.
- (2) Subject to subsection (3), no legal proceeding for damages lies or may be commenced or maintained against a protected individual because of anything done or omitted
- (a) in the performance or intended performance of any duty under this Act, or
  - (b) in the exercise or intended exercise of any power under this Act.
- (3) Subsection (2) does not apply to a protected individual in relation to anything done or omitted in bad faith.
- (4) Subsection (2) does not absolve the government from vicarious liability arising out of anything done or omitted by the person referred to in that subsection for which the government would be vicariously liable if this section were not in force.

**Certificate as evidence**

- 57 A certificate signed by the superintendent is proof, in the absence of evidence to the contrary, of the matters stated in the certificate that relate to the records of the office of the superintendent of international credential recognition.

**Application of the *Administrative Tribunals Act***

- 58 The following provisions of the *Administrative Tribunals Act* apply to the superintendent as if the superintendent were a tribunal, including the power of the superintendent to impose administrative penalties under sections 30 (b), 32 (c) and 36 of this Act, and to reconsider administrative penalties under Division 2 of Part 5 of this Act:
- (a) section 44 [*tribunal without jurisdiction over constitutional questions*];
  - (b) section 45 [*tribunal without jurisdiction over Canadian Charter of Rights and Freedoms issues*];
  - (c) section 46.3 [*tribunal without jurisdiction to apply the Human Rights Code*].

**How notice or record may be given by superintendent**

- 59 (1) Notices or records under this Act that the superintendent is required or authorized to give to a person may be given in accordance with the regulations.
- (2) A notice or record given in accordance with subsection (1) is conclusively deemed to be received, in relation to a specified method of service, as provided in the regulations.

**When failure to give notice or record does not invalidate proceeding**

- 60 If a notice or record that is required to be given to a person in respect of a proceeding under this Act is not given in accordance with the regulations made for the purposes of section 59, the proceeding is not invalidated if
- (a) the contents of the notice or record were known by the person to be given within the time allowed for service,
  - (b) the person consents to being given the notice or record, or
  - (c) the failure to give the notice or record does not result in prejudice to the person, or any resulting prejudice can be satisfactorily addressed by an adjournment or other means.

**Collection, use and disclosure of personal information**

- 61** (1) The superintendent may, directly or indirectly, collect personal information under this Act for
- (a) the administration and enforcement of this Act, and
  - (b) for a prescribed purpose.
- (2) The superintendent may disclose personal information collected under subsection (1) for one or more of the following purposes:
- (a) to administer and enforce this Act;
  - (b) for a prescribed purpose.

**PART 7 – REGULATIONS**

**Division 1 – Regulations of the Lieutenant Governor in Council**

**General power to make regulations**

- 62** (1) The Lieutenant Governor in Council may make regulations respecting any matter for which regulations are
- (a) contemplated by this Act, and
  - (b) not assigned by this Act to the minister, or not contemplated by this Act to be made by the minister.
- (2) The Lieutenant Governor in Council may make regulations adopting by reference, in whole or in part and with any changes the Lieutenant Governor in Council considers necessary, any code or standard set by a provincial, national or international body or any other code or standard making body, as the code or standard stands at a specific date, as it stands at the time of adoption or as it is amended from time to time.
- (3) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (4) A person must not read any provision of this Part as limiting the general powers described in this section.

**Regulations may delegate and may provide for discretion or be different**

- 63** In making a regulation under this Act, the Lieutenant Governor in Council may do one or more of the following:
- (a) delegate a matter to a person, with or without directions on how the delegated power is to be exercised;
  - (b) confer a discretion on a person;
  - (c) establish classes of bodies, persons, occupations, professions, places, matters or things and make different regulations for different classes.

**Regulations relating to Schedules**

- 64** (1) The Lieutenant Governor in Council may, by regulation, amend Schedule 1, Schedule 2 and Schedule 3 to this Act.
- (2) If an amendment is made to a Schedule to this Act to add a body, person or regulated profession, the Lieutenant Governor in Council may make the following regulations:
- (a) prescribing the date by which the regulatory authority must submit its first annual report under section 20 (1) [*submission of annual report to superintendent*] and, for this purpose, the date may be different from the date specified in section 20 (2);
  - (b) addressing any transitional difficulties encountered in the addition to the Schedule, including, without limitation,
    - (i) specifying a period, of not more than 6 months from the effective date of the amendment, during which specified provisions of this Act do not apply to the regulatory authority being added to the Schedule, or to the regulatory authority in respect of the regulated profession being added to the Schedule, and
    - (ii) modifying, or authorizing the superintendent to modify, the process to grant an exemption under section 21 [*superintendent's power to grant, amend or revoke exemption*] to a regulatory authority.
- (3) A regulation under subsection (2) (b) (ii) must require the regulatory authority to apply for an exemption within 6 months after the effective date of the amendment, or within a shorter period specified in the regulation.
- (4) The Lieutenant Governor in Council may make regulations for the purposes of section 3 (4) [*application of Act*] to prescribe how this Act applies to Schedule 3 regulatory authorities.

**Regulations respecting prohibited requirements and exemptions**

- 65** (1) The Lieutenant Governor in Council may make regulations as follows:
- (a) for the purposes of section 16 (a) [*prohibited requirements respecting Canadian work experience and prescribed matters*], respecting requirements that must not be imposed for Canadian work experience, including, without limitation, prescribing the meaning of Canadian work experience or a Canadian work experience requirement, specifying what is, or is not, considered to be Canadian work experience or a Canadian work experience requirement, and what may, or may not, be considered to be an alternative to Canadian work experience or a Canadian work experience requirement;

- (b) for the purposes of sections 16 (b) and 17 (2) (b) *[prohibited requirements respecting new language testing results and prescribed matters]*, respecting other requirements that must not be imposed on internationally trained applicants.
- (2) The Lieutenant Governor in Council may make regulations respecting exemptions under Division 3 *[Exemptions from Prohibited Requirements]* of Part 3 *[Regulatory Authorities]*, including, without limitation, the following:
  - (a) respecting the superintendent’s process for granting, amending or revoking exemptions;
  - (b) respecting consultations that must be carried out by the superintendent in deciding whether to grant, amend or revoke an exemption;
  - (c) prescribing criteria for the purposes of section 23 (1) (b) *[decisions respecting exemptions]*.

**Regulations respecting enforcement**

- 66 The Lieutenant Governor in Council may make regulations for the purposes of enforcing this Act, including, without limitation, the following:
- (a) prescribing provisions and instruments for the purposes of section 36 (b) and (c) *[administrative remedies respecting specified persons]*;
  - (b) respecting administrative penalties under sections 30 (b), 32 (c) and 36, including, without limitation, the following:
    - (i) prescribing matters to be considered before imposing administrative penalties;
    - (ii) prescribing criteria for determining appropriate administrative penalties;
    - (iii) prescribing the amounts or maximum amounts that may be imposed as administrative penalties, or specifying the manner of calculating those amounts;
    - (iv) prescribing when an administrative penalty must be paid;
    - (v) authorizing administrative penalties to be imposed on a daily basis for continuing contraventions or failures;
    - (vi) respecting requirements in relation to the manner in which administrative penalties may or must be paid;
  - (c) establishing an offence for the contravention of a regulation and prescribing a penalty for that offence up to the maximum penalties set out in section 42 *[offences]*.

## **Division 2 – Regulations of the Minister**

### **Ministerial regulation-making powers**

- 67** (1) The minister may make regulations respecting any matter
- (a) assigned to the minister, or
  - (b) for which regulations are contemplated by this Act to be made by the minister.
- (2) In making a regulation under this Act, the minister may do one or more of the following:
- (a) delegate a matter to a person, with or without directions on how the delegated power is to be exercised;
  - (b) confer a discretion on a person;
  - (c) establish different classes of bodies, persons, occupations, professions, places, matters or things and make different regulations for different classes.

## **PART 8 – TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS**

### **Division 1 – Transitional Provisions**

#### **Transition – application of Act**

- 68** This Act does not apply in relation to an application for certification submitted by an internationally trained applicant to a regulatory authority before the date this section comes into force.

#### **Transition – Canadian work experience requirement**

- 69** The Lieutenant Governor in Council may make regulations to address the transition to a prohibition on a Canadian work experience requirement, including, without limitation,
- (a) specifying provisions of this Act that do not apply to a regulatory authority, or to a regulatory authority in respect of a regulated profession governed by the regulatory authority, for a specified period of up to 6 months from the date this section comes into force, and
  - (b) modifying, or providing that the superintendent may modify, the process to grant an exemption from a Canadian work experience requirement established in section 21 [*superintendent's power to grant, amend or revoke exemption*] in respect of an application for an exemption that is submitted by a regulatory authority to the superintendent within 6 months of the date this section comes into force.

**Transition – regulations**

- 70** (1) The Lieutenant Governor in Council may make regulations the Lieutenant Governor in Council considers necessary or advisable to more effectively bring this Act into operation.
- (2) A regulation under subsection (1) may be made retroactive to a date not earlier than the date this section comes into force and, if made retroactive, is deemed to have come into force on the specified date.
- (3) This section and any regulations made under it are repealed 3 years after the date this section comes into force.

**Division 2 – Consequential Amendments**

*Professional Governance Act*

- 71** *Section 1 (1) of the Professional Governance Act, S.B.C. 2018, c. 47, is amended by repealing the definition of “minister” and substituting the following:*

**“minister”** means the minister responsible for the administration of this Act unless the context otherwise requires; .

- 72** *Section 4 is amended*

- (a) in subsection (1) by striking out “in the Ministry of Post-Secondary Education and Future Skills” and substituting “in the minister’s ministry”,*
- (b) in subsection (3) by striking out “employees of the ministry” and substituting “employees of the government”,*
- (c) by repealing subsection (4) and substituting the following:*
- (4) The superintendent may retain consultants, experts and other persons the minister or the superintendent considers necessary to enable or assist the superintendent to exercise powers or perform duties of the superintendent under this Act. , **and**
- (d) in subsection (5) by striking out “minister or, after consultation with the minister, the”.*

- 73** *Section 12 is amended*

- (a) by adding the following subsection:*

- (0.1) In this section, **“regulatory authority”** means a Schedule 2 regulatory authority as defined in section 1 of the *International Credentials Recognition Act.* , **and**

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

- (1) Without limiting sections 10 and 11, the superintendent may appoint a public administrator to discharge the powers and duties of a board under this Act or of a regulatory authority under the *International Credentials Recognition Act* if the superintendent considers this to be necessary in the public interest, whether or not the superintendent has exercised any other power under this Act or the *International Credentials Recognition Act*.

**74 *Section 19 is repealed and the following substituted:***

**Reports to minister**

- 19** (1) The superintendent must, no later than May 31 in each year, submit to the minister an annual report in respect of the superintendent’s activities under this Act in the preceding calendar year.
- (2) The superintendent must make the report submitted to the minister under subsection (1) available to the public on the superintendent’s website.

**75 *Section 101 (3) is repealed and the following substituted:***

- (3) A certificate under subsection (2)
  - (a) must be signed by the superintendent, and
  - (b) must contain the following information:
    - (i) the name of the person who is liable for the administrative penalty or of the regulatory body that is liable for the annual fee;
    - (ii) a statement of the amount of the administrative penalty or the annual fee under subsection (1).

**76 *Section 103 is amended by striking out “otherwise discriminate against a registrant” and substituting “otherwise retaliate against a registrant”.***

**77 *Section 112 (3) is amended by striking out “not absolve the office of the superintendent of professional governance” and substituting “not absolve the government” and by striking out “for which the office” and substituting “for which the government”.***

**Commencement**

- 78** This Act comes into force by regulation of the Lieutenant Governor in Council.

**SCHEDULE 1**

*[section 1]*

<b>Column 1 Regulatory Authority</b>	<b>Column 2 Regulated Profession</b>
Association of British Columbia Land Surveyors	
British Columbia College of Social Workers	
British Columbia Registered Music Teachers' Association	
British Columbia Society of Landscape Architects	
College of Veterinarians of British Columbia	
Organization of Chartered Professional Accountants of British Columbia	

**SCHEDULE 2**

*[section 1]*

<b>Column 1 Regulatory Authority</b>	<b>Column 2 Regulated Profession</b>
Applied Science Technologists and Technicians of British Columbia	
Architectural Institute of British Columbia	
Association of British Columbia Forest Professionals	
Association of Professional Engineers and Geoscientists of the Province of British Columbia	
British Columbia Institute of Agrologists	
College of Applied Biology	

**SCHEDULE 3**

[section 1]

1 In this Schedule:

“**director of the early childhood educator registry**” has the prescribed meaning;

“**early childhood educator**” has the prescribed meaning;

“**early childhood educator assistant**” has the prescribed meaning;

“**teacher**” has the prescribed meaning.

<b>Column 1 Regulatory Authority</b>	<b>Column 2 Regulated Profession</b>
BC Financial Services Authority, and Superintendent of Real Estate within the meaning of section 2.1 of the <i>Real Estate Services Act</i>	(a) associate broker as defined in section 1 of the <i>Real Estate Services Act</i> (b) managing broker as defined in section 1 of the <i>Real Estate Services Act</i> (c) representative as defined in section 1 of the <i>Real Estate Services Act</i>
director of certification as defined in section 1 of the <i>Teachers Act</i> , and the British Columbia Teachers’ Council	teacher
director of the early childhood educator registry	(a) early childhood educator (b) early childhood educator assistant
Emergency Medical Assistants Licensing Board	
Law Society of British Columbia	lawyer
Society of Notaries Public of British Columbia	