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Legislative Assembly of British Columbia

BILL 7

**POST-SECONDARY
INTERNATIONAL EDUCATION
(DESIGNATED INSTITUTIONS) ACT**

Honourable Jessie Sunner
Minister of Post-Secondary Education and Future Skills

Explanatory Note

This Bill creates a framework for regulating post-secondary institutions in their provision of programs of instruction to international students.

MINISTER OF POST-SECONDARY EDUCATION
AND FUTURE SKILLS

BILL 7 – 2026

**POST-SECONDARY INTERNATIONAL EDUCATION
(DESIGNATED INSTITUTIONS) ACT**

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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

Definitions

- 1** (1) In this Act:

“**administrative fee**” means the fee payable under section 12 [*administrative fee*];

“**administrator**” means the person designated under section 22 [*designation of administrator*];

“**administrator’s rule**” means a rule made under section 24 (1) [*administrator’s rules*];

“**appeal fee**” means the fee payable under section 21 (2) (b) [*appeal from administrator decision*];

“**application fee**” means the fee payable under section 4 (2) (c) [*application for issuance or renewal of designation certificate*];

“**compliance record**”, subject to subsection (2), means a record of the following in relation to an institution:

- (a) an action taken by the administrator under section 18 (2) [*administrator actions respecting designated institutions*];
- (b) an injunction granted against the institution under section 20 [*injunction*];
- (c) a decision made by the appeal officer under section 21 (8);
- (d) if the institution holds or held a designation certificate under the *Private Training Act*, the PTA compliance record of the institution;
- (e) the conviction of the institution for an offence under an enactment of British Columbia, Canada or another jurisdiction;
- (f) the conviction of an officer, director or agent of the institution who authorized, permitted or acquiesced in an offence described in paragraph (e) committed by the institution or by another institution;
- (g) the revocation, before the date this Act comes into force, of an EQA designation;

“**designated institution**” means an institution that holds a valid designation certificate;

“**designation certificate**” means a designation certificate issued or renewed under section 6 (1) (a) [*decision on application for issuance or renewal of designation certificate*];

“**designation mark**” means a mark that is

- (a) registered under the *Trademarks Act* (Canada) or the subject of an application for registration under that Act, and
- (b) specified in the administrator’s rules;

“**education agent**” means a person, operating in or outside of British Columbia, who, for a fee or compensation, provides to an institution services related to recruiting foreign nationals into a program of instruction, including the following services:

- (a) marketing a program of instruction to foreign nationals;
- (b) advising foreign nationals;
- (c) placing foreign nationals into a program of instruction;

“**eligible institution**” means an institution described in section 3 [*eligible institutions*];

“EQA designation” means an Education Quality Assurance designation granted before the date this Act comes into force to an institution by an employee of the ministry;

“excluded institution” means any of the following:

- (a) a board of education as defined in the *School Act*;
- (b) a francophone education authority as defined in the *School Act*;
- (c) an authority as defined in the *Independent School Act*;
- (d) the minister charged with the administration of the *School Act*, in respect of a Provincial school as defined in that Act;
- (e) the government of Canada, in respect of a school operated by that government;
- (f) a first nation as defined in the *School Act*, in respect of a school operated by the first nation;
- (g) a Community Education Authority established by one or more participating First Nations under the *First Nations Jurisdiction over Education in British Columbia Act* (Canada), in respect of a school operated by that authority;
- (h) a treaty first nation in respect of a school operated by the treaty first nation under its own laws;
- (i) an institution that is excluded by regulation;

“foreign national” means an individual who is not a Canadian citizen or a permanent resident of Canada;

“inspector” means a person appointed under section 15 (1) [*inspectors*];

“institution” means a person, other than an excluded institution, that provides or intends to provide a program of instruction to international students in British Columbia;

“international student” means a foreign national who

- (a) is or was, or is applying to be, enrolled in a program of instruction at an institution, and
- (b) requires a study permit to receive instruction in the program of instruction;

“ministry” means the ministry of the minister charged with the administration of this Act;

“personal information” means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*;

“program of instruction” means a course or series of courses of post-secondary instruction;

“PTA compliance record” means a record of the following decisions made under the *Private Training Act* in relation to an institution:

- (a) the approval of a claim filed under section 23 (1) (a) or (b) [*claims against fund*];
- (b) a compliance order issued under section 32 [*compliance orders*];
- (c) an administrative penalty imposed under section 33 [*determination of administrative penalties*];
- (d) the suspension of a certificate under section 36 (1) [*suspension of certificate*];
- (e) the cancellation of a certificate under section 37 (1) [*cancellation of certificate*];
- (f) a reconsideration decision under section 48 (2) (b) or (3) (b) [*reconsideration decision*];
- (g) a decision in an appeal under section 50 [*appeal to commissioner*];
- (h) an order under section 31 [*full refund of tuition and related fees – all students*] of the Private Training Regulation to refund tuition and related fees;

“study permit” means a study permit issued under the *Immigration and Refugee Protection Act* (Canada).

- (2) The compliance record of an institution does not include a record of the following:
 - (a) a decision that may be the subject of a reconsideration under section 47 [*reconsideration on request or on registrar’s initiative*] of the *Private Training Act*, if
 - (i) the time for requesting a reconsideration has not yet elapsed, or
 - (ii) a reconsideration has been requested or initiated, but no final decision has been made on the reconsideration;
 - (b) a decision that may be appealed under section 21 [*appeal from administrator decision*] of this Act or section 50 [*appeal to commissioner*] of the *Private Training Act*, if
 - (i) the time for commencing an appeal has not yet elapsed, or
 - (ii) an appeal has been commenced, but no final decision has been made on the appeal;
 - (c) a decision that was rescinded under section 21 (8) (b) of this Act;
 - (d) a decision that was rescinded or cancelled on reconsideration under the *Private Training Act* or with respect to which an appeal was allowed under that Act.

PART 2 – DESIGNATION

Division 1 – Requirement for Designation Certificate

Designation required to provide program of instruction to international student

- 2 An institution must not do any of the following unless the institution holds a valid designation certificate:
- (a) advertise a program of instruction of a prescribed minimum duration, if the advertising is, in whole or in part, directed at foreign nationals;
 - (b) offer to provide a program of instruction to an international student;
 - (c) enter into a contract to provide a program of instruction to an international student;
 - (d) enrol an international student in a program of instruction;
 - (e) subject to sections 11 (2) [*collaborations with other institutions*] and 19 (1) (b) [*cancellation of certificate*], provide a program of instruction to an international student.

Division 2 – Designation Certificate

Eligible institutions

- 3 An institution is an eligible institution if
- (a) it is one of the following:
 - (i) an institution established or continued under one of the following:
 - (A) the *College and Institute Act*;
 - (B) the *Royal Roads University Act*;
 - (C) the *Thompson Rivers University Act*;
 - (D) the *University Act*;
 - (ii) an institution that is authorized by a consent under the *Degree Authorization Act*;
 - (iii) an institution that holds a designation certificate under the *Private Training Act*;
 - (iv) a prescribed institution or an institution in a prescribed class of institutions,
 - (b) it has been providing programs of instruction for the prescribed minimum period, if any,
 - (c) it is not a sole proprietorship or partnership, and
 - (d) it has not been barred under section 18 (2) (d) [*administrator actions respecting designated institutions*] from reapplying for a designation certificate.

Application for issuance or renewal of designation certificate

- 4 (1) An eligible institution may apply for one of the following:
- (a) the issuance of a designation certificate;
 - (b) the renewal of a designation certificate held by the institution.
- (2) An application under subsection (1) must
- (a) be made in the form and manner required by the administrator,
 - (b) contain the information and records required by the administrator,
 - (c) be accompanied by the prescribed application fee, and
 - (d) be submitted to the administrator by the prescribed deadline.

Factors for designation

- 5 (1) In considering an application made by an eligible institution under section 4, the administrator must determine if the institution meets the following criteria:
- (a) the institution offers continuity in the provision of programs of instruction and services;
 - (b) the institution provides clear and accessible information to prospective and current international students about the educational experience it offers;
 - (c) the institution provides or has the capacity to provide international students with a safe and positive educational experience;
 - (d) the institution provides or has the capacity to provide international students with services that promote their well-being while in British Columbia;
 - (e) the institution is unlikely to damage the reputation of British Columbia as a jurisdiction that hosts international students.
- (2) In making a determination under subsection (1), the administrator must consider all of the following factors:
- (a) the corporate structure of the institution and, if applicable, its standing with the Registrar of Companies;
 - (b) the types of programs of instruction the institution offers;
 - (c) the method of delivery for the programs of instruction the institution offers;
 - (d) the number of students enrolled in programs of instruction at the institution;
 - (e) the progress of students through the programs of instruction offered by the institution;

- (f) the operational history and, if applicable, the ownership history of the institution;
 - (g) the facilities the institution uses to provide programs of instruction;
 - (h) the services and resources, including staff, made available to international students;
 - (i) the business practices of the institution, including advertising, recruitment and enrolment practices and the use of education agents;
 - (j) the information the institution provides to prospective and current international students about the programs of instruction, educational experience, services and resources it provides;
 - (k) the compliance record of the institution;
 - (l) the corrective actions taken by the institution in response to any concerns raised by the administrator;
 - (m) the prescribed factors, if any.
- (3) In addition to the factors set out in subsection (2), the administrator may consider any other factors that the administrator considers relevant.

Decision on application for issuance or renewal of designation certificate

- 6** (1) After considering an application made by an eligible institution under section 4 [*application for issuance or renewal of designation certificate*], the administrator must,
- (a) if the administrator determines that the institution meets all of the criteria described in section 5 (1), issue a designation certificate to the institution or renew the designation certificate held by the institution, as applicable, or
 - (b) if the administrator determines that the institution does not meet all of the criteria described in section 5 (1), refuse to issue a designation certificate to the institution or to renew the designation certificate held by the institution, as applicable.
- (2) If the administrator refuses to issue a designation certificate to an institution or to renew a designation certificate held by an institution, the administrator must
- (a) give the institution written reasons for the decision, and
 - (b) inform the institution of the right to appeal the decision under section 21 [*appeal from administrator decision*].
- (3) A designation certificate is not transferable or assignable.

Term of designation certificate

- 7 (1) Subject to subsection (2), a designation certificate is valid for the prescribed term.
- (2) If, before the prescribed deadline, an institution applies for the renewal of its designation certificate in accordance with section 4 [*application for issuance or renewal of designation certificate*], the designation certificate remains valid until a decision is made on the application.

Terms and conditions of designation certificate

- 8 The administrator may
- (a) in issuing or renewing a designation certificate or at any other time, impose any terms and conditions that the administrator considers appropriate, and
 - (b) at any time, amend or remove a term or condition imposed on a designation certificate.

Online directory of designated institutions

- 9 (1) The administrator must establish and maintain on a publicly available website a directory of all designated institutions and former designated institutions that includes the prescribed information.
- (2) In addition to the information referred to in subsection (1), the administrator may, if authorized by the regulations, publish the following information in the directory:
- (a) information respecting actions taken by the administrator under section 18 (2) [*administrator actions respecting designated institutions*] in relation to an institution;
 - (b) information known by the administrator about an institution that
 - (i) is not a designated institution, and
 - (ii) has contravened section 2 [*designation required to provide program of instruction to international student*];
 - (c) information, including personal information, that the administrator considers to be in the public interest.

PART 3 – DESIGNATED INSTITUTIONS

Division 1 – Requirements

Compliance requirements

- 10** A designated institution must comply with the following:
- (a) any terms and conditions imposed on its designation certificate under section 8 [*terms and conditions of designation certificate*];
 - (b) any order made under section 18 (2) (b) [*administrator actions respecting designated institutions*] in relation to the institution;
 - (c) the administrator’s rules that apply to the institution.

Collaborations with other institutions

- 11** (1) If a designated institution provides a program of instruction to international students in collaboration with a person that is not a designated institution, the designated institution must
- (a) provide at least the minimum proportion of the program of instruction required by the administrator’s rules, and
 - (b) ensure that the program of instruction is provided in a manner that complies with the requirements of this Act.
- (2) Section 2 (e) [*designation required to provide program of instruction to international student*] does not apply to a person that is not a designated institution and that provides a program of instruction in collaboration with a designated institution.
- (3) This section does not apply in relation to the provision of a program of instruction in collaboration with an excluded institution.

Administrative fee

- 12** A designated institution must, by the prescribed deadline, pay the applicable administrative fee specified in, or calculated in accordance with, the regulations.

Information and records

- 13** (1) For the purposes of administering this Act, the administrator may request that a designated institution provide information or records to the administrator.
- (2) A designated institution must provide information or records requested under subsection (1) in the form, manner and time specified by the administrator.

Division 2 – Designation Mark

Designation mark

- 14** A designated institution may use a designation mark in accordance with the administrator's rules.

PART 4 – ENFORCEMENT

Division 1 – Inspections

Inspectors

- 15** (1) The administrator may appoint persons or a class of persons as inspectors.
- (2) The administrator may impose restrictions on a power or duty that an inspector may exercise or perform under this Act.

Inspections

- 16** An inspector may conduct an inspection for the following purposes:
- (a) assessing an institution for the purpose of an application made under section 4 [*application for issuance or renewal of designation certificate*];
 - (b) determining compliance by a designated institution with this Act or the regulations;
 - (c) determining whether an action under section 18 (2) [*administrator actions respecting designated institutions*] is appropriate.

Inspection powers

- 17** (1) For the purposes of an inspection, an inspector may, without a warrant, do any of the following during business hours:
- (a) enter the business premises of an institution or other business premises where the institution provides, or from which the institution provides, a program of instruction;
 - (b) inspect, audit or examine a record or other thing or observe the provision of a program of instruction in the premises;
 - (c) require any person who has possession or control of a record or other thing in the premises to produce the record or thing;
 - (d) remove from the premises a record or other thing for the purpose of making copies;
 - (e) make a record, including an audio or video record, of the premises and any person or thing in or on the premises;
 - (f) question a person.

- (2) An inspector may apply to the Supreme Court for an order directing a person to comply with a requirement under subsection (1) (c).
- (3) A person must not hinder, obstruct or interfere with an inspector who is conducting an inspection.
- (4) The administrator must provide inspectors with written credentials of their appointment.
- (5) On request, an inspector must produce the credentials provided under subsection (4) when exercising or seeking to exercise any of the powers conferred on the inspector under this section.

Division 2 – Administrator Actions Respecting Designated Institutions

Administrator actions respecting designated institutions

- 18**
- (1) The administrator may, after giving written notice to the institution, take an action described in subsection (2) against a designated institution if
 - (a) the administrator determines that the designated institution has contravened a provision of this Act or the regulations or is about to contravene a provision of this Act or the regulations,
 - (b) the administrator determines that the designated institution is no longer an eligible institution, or
 - (c) in considering the factors described in section 5 (2) and (3) [*factors for designation*], the administrator determines that the designated institution no longer meets the criteria described in section 5 (1).
 - (2) The administrator may, under subsection (1), take one or more of the following actions:
 - (a) impose terms and conditions on the designation certificate of the institution, in addition to any terms and conditions already imposed under section 8 [*terms and conditions of designation certificate*], or amend existing terms and conditions;
 - (b) order the institution to, within a specified period, cease a specified activity or carry out a specified action to
 - (i) prevent a contravention of this Act or the regulations, or
 - (ii) remedy an act, omission or practice by which the institution has contravened this Act or the regulations;
 - (c) cancel the designation certificate of the institution;

- (d) if the designation certificate of the institution is cancelled under paragraph (c), bar the institution from reapplying for a designation certificate for a period of up to 3 years from the date of receipt of the administrator’s decision.
- (3) The administrator must, as soon as practicable, notify the institution of an action taken under subsection (2).
- (4) A notice given under subsection (3) must
 - (a) include written reasons for the decision, and
 - (b) if the administrator has taken an action described in subsection (2) (c) or (d), inform the institution of the right to appeal the decision under section 21 [*appeal from administrator decision*].
- (5) An action taken under subsection (2) takes effect on the date a notice given under subsection (3) is received or, if a later date is specified in the notice, on the specified date.

Cancellation of certificate

- 19 (1) An institution whose designation certificate is cancelled under section 18 (2) (c)
 - (a) must give notice of the cancellation to the international students who were, on the date of the cancellation, enrolled in a program of instruction at the institution, and
 - (b) may continue to provide the program of instruction to the enrolled international students.
- (2) A notice given under subsection (1) (a) must include the information specified in the administrator’s rules.
- (3) An institution that continues, under subsection (1) (b), to provide a program of instruction must continue to comply with the administrator’s rules made under section 24 (1) (b) [*administrator’s rules*].

Division 3 – Injunction

Injunction

- 20 (1) On application by the administrator, the Supreme Court may, if satisfied that there are reasonable grounds to believe that a person has contravened or is likely to contravene either of the following sections, grant an injunction restraining the person from contravening the section:
 - (a) section 2 [*designation required to provide program of instruction to international student*];
 - (b) section 27 (1) [*prohibition on false or misleading representations*].

- (2) At any time before the court disposes of the injunction proceeding, the court may grant an interim injunction.
- (3) When the court considers an injunction under this section,
 - (a) the court must give greater weight, importance and the balance of convenience to the enforcement of this Act than to the continued operation of an institution, and
 - (b) the administrator need not establish that irreparable harm will be done if the injunction is not issued.

PART 5 – APPEALS

Appeal from administrator decision

- 21**
- (1) An institution may, by filing a notice of appeal, appeal a decision under either of the following sections to the appeal officer:
 - (a) section 6 (1) (b) [*decision on application for issuance or renewal of designation certificate*];
 - (b) section 18 (2) (c) or (d) [*administrator actions respecting designated institutions*].
 - (2) A notice of appeal under subsection (1) must
 - (a) be made in the form and manner required by the appeal officer,
 - (b) be accompanied by the prescribed appeal fee, and
 - (c) be filed with the appeal officer within 30 days of receipt of the decision under appeal.
 - (3) The appeal officer must acknowledge receipt of a notice of appeal.
 - (4) The commencement of an appeal does not operate as a stay or suspend the operation of the decision under appeal.
 - (5) An appeal may be based only on one or more of the following grounds:
 - (a) subject to subsection (6), new evidence;
 - (b) a failure to observe the rules of procedural fairness in making the decision under appeal;
 - (c) an error in a matter of fact or law.
 - (6) New evidence may only be considered in an appeal if the appeal officer is satisfied that the new evidence
 - (a) is substantial and material to the appeal,
 - (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, and

- (c) is not evidence of remedial action taken by the appellant after receipt of the decision under appeal.
- (7) The appeal officer may establish rules of procedure for the conduct of appeals.
- (8) On appeal, the appeal officer may do one or more of the following:
 - (a) send the matter back, with directions, to the administrator;
 - (b) confirm, vary or rescind the decision under appeal;
 - (c) make any decision that the administrator could have made and that the appeal officer considers appropriate in the circumstances.
- (9) A decision under subsection (8)
 - (a) must be in writing and include reasons for the decision, and
 - (b) takes effect on the date notice of the decision is received or, if a date is specified in the decision, on the specified date.

PART 6 – ADMINISTRATION AND GENERAL

Division 1 – Administrator

Designation of administrator

- 22** The minister may designate a person appointed under the *Public Service Act* as administrator.

Administrator's power to delegate

- 23** (1) Subject to subsection (2), the administrator may delegate to one or more employees of the ministry any of the administrator's powers or duties under this Act.
- (2) A delegation under subsection (1) must be in writing and may include any terms or conditions the administrator considers advisable.

Administrator's rules

- 24** (1) The administrator may make rules as follows:
- (a) respecting the information to be provided to prospective and current international students about the programs of instruction, educational experience, services and resources provided by designated institutions;
 - (b) respecting the method of delivery for programs of instruction, including the proportion of the instruction to be provided to international students through in-class instruction and the method for determining the proportion that is delivered through in-class instruction;

- (c) for the purposes of section 11 (1) (a) [*collaborations with other institutions*], specifying the minimum proportion of a program of instruction to be provided by the designated institution and the method for determining the proportion that is provided by the designated institution;
 - (d) specifying the matters of which a designated institution must notify the administrator, including changes to the following:
 - (i) the corporate structure of the designated institution;
 - (ii) the legal name or operating name of the designated institution;
 - (iii) the contact information for the designated institution;
 - (iv) the compliance record of the designated institution;
 - (e) specifying the manner and time of notification of a matter referred to in paragraph (d);
 - (f) for the purposes of section 14 [*designation mark*], respecting the use of a designation mark;
 - (g) respecting policies to be established and maintained by designated institutions, including the contents of policies and the manner in which they are to be communicated to students;
 - (h) specifying the information to be contained in a notice given under section 19 (1) (a) [*cancellation of certificate*].
- (2) An administrator's rule may do one or more of the following:
- (a) establish different classes of persons, designated institutions, programs of instruction, places, transactions, circumstances or things;
 - (b) make different provisions, including exceptions, for
 - (i) different persons, designated institutions, programs of instruction, places, transactions, circumstances or things, or
 - (ii) different classes referred to in paragraph (a);
 - (c) adopt by reference a regulation, code, standard or rule
 - (i) enacted as or under a law of another jurisdiction in or outside Canada, or
 - (ii) set by a provincial, national or international body or any other regulation-, code-, standard- or rule-making body.
- (3) A regulation, code, standard or rule referred to in subsection (2) (c) may be adopted
- (a) in whole, in part or with any changes considered appropriate, and
 - (b) as it stands at a specific date, as it stands at the time of adoption or as amended from time to time.

Division 2 – Appeal Officer

Designation of appeal officer

- 25 The minister may designate a person appointed under the *Public Service Act* as appeal officer.

Appeal officer's power to delegate

- 26 (1) Subject to subsection (2), the appeal officer may delegate to one or more employees of the ministry any of the appeal officer's powers or duties under this Act.
- (2) A delegation under subsection (1) must be in writing and may include any terms or conditions the appeal officer considers advisable.

Division 3 – Prohibitions

Prohibition on false or misleading representations

- 27 (1) A person must not represent itself, or allow itself to be represented, as a designated institution if the person does not hold a valid designation certificate.
- (2) A designated institution must not engage in advertising, or make a representation, that
- (a) is false, deceptive or misleading,
 - (b) exerts undue pressure on a person to enrol in a program of instruction at the designated institution, or
 - (c) is otherwise prohibited by regulation.

Prohibition on false or misleading information

- 28 (1) A person must not provide false or misleading information when required or authorized under this Act to provide information.
- (2) A person does not contravene subsection (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.

Division 4 – Other Matters

Delivery of documents

- 29 (1) A notice or other document that is required under this Act to be given or delivered to an institution may be given or delivered by sending the document to one of the addresses for delivery most recently provided by the institution.

- (2) A notice or other document sent in accordance with subsection (1) is deemed to have been received by the institution to which it was sent as follows:
 - (a) if sent by ordinary or registered mail, on the date that is the fifth business day after it is mailed;
 - (b) if sent by email, on the date that is the first business day after it is emailed;
 - (c) if sent by fax, on the date that is the first business day after it is faxed.
- (3) An application under section 4 [*application for issuance or renewal of designation certificate*] must include a mailing address and an email address as addresses at which documents will be accepted as delivered to the institution.

Collection, use and disclosure of personal information

- 30**
- (1) In this section, “**authorized official**” means any of the following persons:
 - (a) the administrator;
 - (b) an inspector;
 - (c) the appeal officer.
 - (2) An authorized official may, directly or indirectly, collect, use and disclose personal information for the purposes of administering this Act.
 - (3) A person may disclose personal information in its custody or under its control to an authorized official for the purposes of administering this Act.

Immunity from legal proceedings

- 31**
- (1) This section applies in relation to the following persons:
 - (a) the administrator;
 - (b) the appeal officer;
 - (c) a person who has been delegated powers or duties under section 23 (1) [*administrator’s power to delegate*] or 26 (1) [*appeal officer’s power to delegate*].
 - (2) No legal proceeding for damages lies or may be commenced or maintained against a person referred to in subsection (1) because of anything done or omitted
 - (a) in the exercise or intended exercise of a power under this Act, or
 - (b) in the performance or intended performance of a duty under this Act.
 - (3) Subsection (2) does not apply in relation to anything done or omitted in bad faith.

Offence Act

- 32** Section 5 of the *Offence Act* does not apply to this Act or the regulations.

Division 5 – Regulations

Power to make regulations

- 33 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 [*powers to make regulations*] of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) respecting the use by a designated institution of services provided by education agents, including regulations respecting the following:
 - (i) the vetting of education agents;
 - (ii) contracts with education agents;
 - (iii) the monitoring by the institution of the services provided to the institution by education agents;
 - (b) respecting requirements in relation to the establishment and maintenance of the directory described in section 9 (1) [*online directory of designated institutions*], including regulations specifying the following:
 - (i) the information that must or may be published in the directory;
 - (ii) how long information must or may be published;
 - (iii) considerations for the administrator in removing information;
 - (c) respecting the application fee, the administrative fee and the appeal fee, including regulations
 - (i) prescribing fees expressed as specified amounts,
 - (ii) prescribing methods of calculating the amounts of fees and factors to be taken into account in the calculations,
 - (iii) prescribing methods of determining any fact necessary for calculating the amounts of fees and the persons by whom the facts must be determined,
 - (iv) specifying when the administrative fee must be paid,
 - (v) respecting the refund of fees,
 - (vi) respecting the method or manner for payment of fees, and
 - (vii) establishing a penalty for the late payment of fees;
 - (d) exempting institutions from the payment of fees payable under this Act, establishing circumstances in which an exemption applies and attaching conditions to an exemption;
 - (e) respecting any other matter for which regulations are contemplated by this Act.
- (3) In making a regulation under this section, the Lieutenant Governor in Council may do one or more of the following:
- (a) delegate a matter to a person;

- (b) confer a discretion on a person;
- (c) establish different classes of persons, designated institutions, programs of instruction, places, transactions, circumstances or things;
- (d) make different provisions for
 - (i) different persons, designated institutions, programs of instruction, places, transactions, circumstances or things, or
 - (ii) different classes referred to in paragraph (c).

PART 7 – TRANSITIONAL PROVISIONS

Transition – definition

- 34** In this Part, “**pre-existing designated institution**” means an institution that, immediately before the date this Act comes into force, holds an EQA designation.

Transition – designations

- 35** (1) A pre-existing designated institution is deemed to hold a valid designation certificate under this Act.
- (2) The term of a designation certificate referred to in subsection (1) expires on the date the term of the EQA designation of the institution expires.

Transition – applications

- 36** (1) In this section, “**pre-existing application**” means an application made, before the date this Act comes into force,
- (a) by an institution for an EQA designation, or
 - (b) by a pre-existing designated institution for the renewal of its EQA designation.
- (2) If, on the date this Act comes into force, a decision has not been made with respect to a pre-existing application, the pre-existing application is deemed to be one of the following, as applicable:
- (a) an application under section 4 (1) (a) [*application for issuance or renewal of designation certificate*] for the issuance of a designation certificate;
 - (b) an application under section 4 (1) (b) for the renewal of a designation certificate.
- (3) If a fee paid by an institution in relation to a pre-existing application is less than the application fee payable under section 4 (2) (c), the institution must pay the difference before any action may be taken under this Act in relation to the application.

Transition – appeals

- 37** (1) In this section, “**pre-existing decision**” means one of the following:
- (a) a decision on an application by an institution for an EQA designation;
 - (b) a decision to revoke an EQA designation.
- (2) If, on the date this Act comes into force, an appeal of a pre-existing decision has been commenced but no final decision has been made with respect to the appeal, the procedures that applied immediately before the date this Act comes into force continue to apply to the appeal.

Commencement

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