



Vol: XII – Issue: III – March 2019

ENVIROFOR NEWS:

Quickscribe Launches New Keyword Alert Tool

We are excited to announce the launch of a new feature that will alert you when a new bill, order or Hansard (debate) includes keywords of your choosing. This new tool is easy to set up and will often send you an alert within 24 hours from the moment a new law or Hansard is published. For example, you can track any references to an Act, Minister, appointee or any subject matter that is of interest to you. To access this new feature, go to the "Alerts" tab on the top menu bar, and select "Keyword Alerts".

New Bills Introduced

The following government Bills have been tabled since the last Reporter:

- [Bill 6](#), Supply Act, 2018–2019 (Supplementary Estimates)
- [Bill 7](#), Business Practices and Consumer Protection Amendment Act, 2019
- [Bill 10](#), Income Tax Amendment Act, 2019
- [Bill 11](#), Civil Forfeiture Amendment Act, 2019
- [Bill 14](#), Heritage Conservation Amendment Act, 2019
- [Bill 15](#), Agricultural Land Commission Amendment Act, 2019
- [Bill 16](#), Protected Areas of British Columbia Amendment Act, 2019
- [Bill 17](#), Environmental Management Amendment Act, 2019
- [Bill 19](#), Energy Statutes Amendment Act, 2019
- [Bill 20](#), Medicare Protection Amendment Act, 2019
- [Bill 21](#), Forest and Range Practices Amendment Act, 2019
- [Bill 23](#), Land Owner Transparency Act
- [Bill 24](#), Business Corporations Amendment Act, 2019

Several non-government Bills were introduced as well:

- [M203](#), Equal Pay Reporting Act
- [M204](#), Interpretation (Uniform Pacific Time Zone) Amendment Act, 2019
- [M205](#), Name Amendment Act, 2019
- [M206](#), Residential Tenancy Amendment Act, 2019
- M207, Safe Care Act, 2019

A reminder that if you would like to track the progress of these bills, or to track changes to any laws that bills amend, please feel free to make use of our [BC Legislative Digest](#) tracking tool, and have us monitor and alert you to changes for laws of your choosing.

Tip: Log in to EnviroFor Online prior to clicking Reporter links.

View [PDF](#) of this Reporter.

FEDERAL LEGISLATION — For notification of federal amendments, we recommend you use our [Section Tracking](#)  tool.

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ENERGY AND MINES NEWS

Aboriginal Liaison Program Update

BCOGC Bulletin:

The BC Oil and Gas Commission (Commission) is providing an update on recent activities and status of the Aboriginal Liaison Program (ALP). The ALP is a partnership between Indigenous communities in northern B.C., the Commission, and other provincial natural resource agencies. Initiated by the Commission and Doig River First Nation in 2014, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) now leads the ALP and Commission staff provide operational coordination functions. For additional information, refer to Commission [INDB 2016-02](#) and [INDB 2016-38](#).

Partnering First Nation communities hire a local member as a monitor to observe and report to their communities about resource development activities on their traditional territories. The ALP provides training opportunities to improve Liaisons' knowledge and understanding of development activities and impacts, as well as enabling them to inform their community members with objective, reliable, and sound information. Read the [full bulletin](#).

British Columbia Court of Appeal Reaffirms Duty to Consult Not a Duty to Agree

In a unanimous decision, *William v. British Columbia (Attorney General)*, [2019 BCCA 74](#), the British Columbia Court of Appeal affirmed that a proposed exploratory drilling program associated with the New Prosperity Mine could proceed after its approval by the Provincial government was found to be reasonable. In dismissing the appeal, the Court commented that not accepting the position of an Indigenous group who holds an honest belief that a project should not proceed does not mean that the process of consultation is necessarily inadequate or that the Crown did not act honourably in reaching a decision. Sometimes parties are unable to resolve their differences and work towards reconciliation because of fundamental disagreements. Read the [full article](#) by Kevin O'Callaghan, Niall Rand, and Amy Carruthers with Fasken Martineau DuMoulin LLP.

Appeal Court to Decide on BC Pipeline Law That Would Impact Trans Mountain

A British Columbia Court of Appeal hearing on proposed provincial legislation that would impact the Trans Mountain pipeline expansion has concluded and a panel of five judges has reserved its decision. BC filed the reference case to ask the court whether it can create a permitting system for companies that wish to increase the amount of heavy oil they are transporting through the province. The system would allow a provincial public servant to impose conditions on permits, which BC says would help it protect its environment and ensure that companies agree to pay for accident cleanup. Read the *National Post* [article](#).

Legislation to Pave Way for LNG Not Likely to Lead to More Projects: Analyst

[Legislation](#) introduced [March 25] by the B.C. government that will change the province's tax structure to encourage liquefied natural gas development is good for LNG Canada's \$40-billion project but is unlikely to spur any others to move ahead, according an energy consultant.

The changes brought in by Premier John Horgan's NDP government will amend the [Income Tax Act](#) to provide a tax credit for LNG development and also repeal the [Liquefied Natural Gas Income Tax Act](#).

"The legislation enshrines promised tax changes to get one project going, but I don't see anything there that is going to attract other investment. ... I doubt it incents other projects to take a final investment decision," said Ed Kallio, a principal of Calgary-based Eau Claire Energy Advisory Inc.

The changes brought in by Premier John Horgan's NDP government will amend the *Income Tax Act* to provide a tax credit for LNG development and also repeal the *Liquefied Natural Gas Income Tax Act*. That act, introduced under the BC Liberals, was meant to create a new income tax on LNG to provide additional benefits to British Columbians, including putting money into a "prosperity fund".

However, even with those barriers removed for industry, new players have the BC NDP's clean energy plan to

contend with, a plan that sets ambitious greenhouse gas reduction targets, noted Kallio. Read *The Vancouver Sun* [article](#).

Changes Restore Independent Oversight of BC Hydro

As part of keeping electricity rates affordable and making sure BC Hydro works for people, government is introducing legislative amendments to further implement recommendations from the first phase of the comprehensive BC Hydro review.

This includes further enhancing oversight of BC Hydro by the B.C. Utilities Commission (BCUC).

"The old government sidelined the BCUC and made decisions forcing BC Hydro to advance its own political agenda at the expense of ratepayers," said Michelle Mungall, Minister of Energy, Mines and Petroleum Resources. "Acting on the first phase of our BC Hydro review, we're re-empowering the BCUC to do its job as the Province's independent energy regulator and ensure BC Hydro works for people again."

Proposed legislative amendments include changes that will reinstate the BCUC's authority to review and approve BC Hydro's Integrated Resource Plan (IRP).

The IRP is BC Hydro's 20-year projection of electricity demand and its plans for meeting that demand. Currently, BC Hydro is required to submit its IRP to government for review and approval, bypassing the BCUC and significantly limiting the BCUC's insight into BC Hydro's electricity supply and demand forecasts, capital projects and energy purchase contracts. Read the government [news release](#).

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Direction to the British Columbia Utilities Commission Respecting the Biomass Energy Program (71/2019)	NEW Apr. 1/19	see Reg 71/2019
Fee, Levy and Security Regulation (8/2014)	Apr. 1/19	by Reg 45/2019
Geothermal Operations Regulation (320/2010)	Mar. 8/19	by Reg 44/2019
Liquefied Natural Gas Income Tax Regulation (101/2015)	Apr. 1/19	by Reg 66/2019
Oil and Gas Activities Act	Mar. 29/19	by 2018 Bill 15, c. 15, sections 5, 7, 8 and 24 only (in force by Reg 62/2019), Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018
	Apr. 1/19	by 2018 Bill 15, c. 15, sections 2, 12, 19 and 23 only (in force by Reg 62/2019), Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018
Oil and Gas Activities Act General Regulation (274/2010)	Apr. 1/19	by Regs 62/2019 and 67/2019
Oil and Gas Commission Levy and Orphan Site Reclamation Fund Tax Regulation (363/98)	REPEALED Apr. 1/19	by Reg 67/2019

Reconsideration by Alternative Dispute Resolution Regulation (45/2001)	REPEALED Apr. 1/19	by Reg 67/2019
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FORESTRY AND ENVIRONMENT NEWS

Changes to Forest and Range Legislation Improve Transparency

[Amendments](#) to the [Forest and Range Practices Act](#) will support the health and sustainability of BC's forests and range lands, while strengthening public confidence in how these vital resources are managed. "We're making overdue changes to how we do things in the woods to ensure resilient forests and on the range to support families and communities in this province," said Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development. "These changes are part of our plan to revitalize the forest sector, to improve public trust, find paths to reconciliation with First Nations and improve transparency and public confidence in decision-making." Initial changes to the act will be followed over the next two years by more substantive changes, which will be informed by a public consultation later this spring. Changes include:

- creating more frequent and reliable opportunities for public input;
- improving information sharing in forest planning;
- strengthening the minister's ability to manage forest activity;
- expanding the definition of wildlife in the act to help protect at-risk species; and
- improving and streamlining range-use planning.

Read the full government [news release](#).

Federal Environmental Emergency Regulations

The [Environmental Emergency Regulations, 2019](#) (the final regulations) were published in the *Canada Gazette* on March 6, 2019. They come into force on August 24, 2019, and until then, the [Environmental Emergency Regulations](#) are in force. These regulations require that any person who owns, has the charge, management or control of a regulated substance at or above certain quantities notify Environment and Climate Change Canada. For higher-risk facilities, an environmental emergency plan must also be prepared, brought into effect and exercised. Read the Government of Canada [announcement](#).

Environmental Appeal Board Decisions

There were two Environmental Appeal Board decisions in the month of March:

[Environmental Management Act](#)

- [Thomas H. Coape-Arnold v. Delegate of the Director, Environmental Management Act\(Pinnacle Renewable Energy Inc., Third Party\)](#) [Final Decision – Appeal Dismissed]

[Wildlife Act](#)

- [Earl Pfeifer v. Director of Wildlife](#) [Final Decision – Appeal Dismissed; Application for Costs – Denied]

Visit the Environmental Appeal Board [website](#) for more information.

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Balsam Woolly Adelgid Regulation (414/92)	REPEALED Mar. 6/19	by Reg 40/2019
BC Timber Sales Regulation (381/2008)	Mar. 6/19	by Reg 37/2019
Forest Recreation Regulation (16/2004)	Mar. 6/19	by Reg 37/2019

Limited Entry Hunting Regulation (134/93)	Mar. 6/19	by Reg 43/2019
Hunting Regulation (190/84)	Mar. 6/19	by Reg 43/2019
Interest Rate Under Various Statutes Regulation (386/92)	Apr. 1/19	by Reg 66/2019
Water Sustainability, Fees, Rentals and Charges Tariff Regulation (37/2016)	Mar. 6/19	by Reg 37/2019
Water Sustainability Regulation (36/2016)	Mar. 6/19	by Reg 37/2019
Wildlife Act General Regulation (340/82)	Apr. 1/19	by Reg 1/2019

OCCUPATIONAL HEALTH AND SAFETY NEWS

Proposed Policy Amendments Regarding Activity-related Soft Tissue Disorders (ASTDs) of the Limbs

In January 2018, WorkSafeBC's Board of Directors commissioned an external compensation policy review (CPR). The resulting report, entitled *Restoring the Balance: A Worker-Centred Approach to Workers' Compensation Policy*, was published in April 2018 and contains a number of recommendations. Four of the recommendations propose changes to policy relating to the adjudication of ASTD claims. The Policy, Regulation and Research Division (PRRD) is presenting proposed policy revisions for two of the CPR recommendations to:

- Provide clear direction when adjudicating situations where the evidence indicates the condition may be either an injury or a disease, regardless of a clear or unclear ASTD diagnosis; and
- Further emphasize the importance of identifying all of the relevant ASTD risk factors in a particular case, and to base a decision on a careful evaluation of the evidence in accordance with policy while considering the merits and justice of the individual case.

Read the full WorkSafe [article](#).

Public Hearings on Proposed Regulatory Amendments

WorkSafeBC will be holding public hearings for proposed amendments to the [Occupational Health and Safety Regulation](#) regarding [Part 16, Mobile Equipment](#) (with consequential amendments to [Parts 1, 8, 10, 12, 14, 17, 26, 28, and 31](#)). You can access the proposed amendments, along with explanatory notes and details of the public hearings, via the link below:

[2019 proposed regulatory amendments](#)

Read the WorkSafe BC [bulletin](#).

The Future of Safe Work: Competency-based Assessment & Training to Best Meet Due Diligence

The BC Forest Safety Council (BCFSC)'s Director of Training and Program Development, Gerard Messier, provided an update at the 2019 TLA Convention and Trade Show on the competency-based assessment and training model being developed at the request of industry by the BCFSC. He said 2019 was the year of beginning to implement. The preceding three years had been dedicated to the development of competencies for 40 forestry occupations; and the development of assessor tools for those occupations; the development of new yarding, faller and log hauling learning materials; and the development of assessor and train the trainer materials. Competencies for a single occupation is the first step in a long process of developing ready to deliver training for that occupation. Read the [full article](#) in the April edition of [Forest Safety News](#).

OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
There were no amendments this month.		
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