



EnviroFor Reporter

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ENVIROFOR NEWS:

New Bills Introduced

The government has tabled the following Bills this fall session:

- [Bill 33](#), Securities Amendment Act, 2019
- [Bill 35](#), Miscellaneous Statutes Amendment Act (No. 2), 2019
- [Bill 36](#), Gaming Control Amendment Act, 2019
- [Bill 37](#), Financial Institutions Amendment Act, 2019
- [Bill 38](#), Climate Change Accountability Amendment Act, 2019
- [Bill 39](#), Miscellaneous Statutes (Minor Corrections) and Statute Revision Amendment Act, 2019
- [Bill 40](#), Interpretation Amendment Act, 2019
- [Bill 41](#), Declaration on the Rights of Indigenous Peoples Act
- [Bill 43](#), Election Amendment Act, 2019

Several non-government Bills were also introduced:

- [Bill M225](#), Ukrainian Famine and Genocide (Holodomor) Memorial Day Act
- [Bill M226](#), Assessment (Split Assessment Classification) Amendment Act, 2019
- Bill M227, Trespass Amendment Act, 2019
- Bill M228, Home-Based Craft Food 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 or the new [Keyword Alert](#) tool and have us monitor and alert you to changes for laws of your choosing.

Reminder to Update Your QS Bookmark

It has come to our attention that some clients are still accessing Quickscribe through our old HTTP URL and not the new HTTPS URL. Accessing the old URL may result in slower load times for Quickscribe laws. Please be sure you access Quickscribe via the following URL: <https://www.quickscribe.bc.ca/login.html>

Latest Annotations

New annotations have recently been added to the Quickscribe site.

- [Richard Bereti](#), Harper Grey LLP – [Environmental Assessment Act](#), [Environmental Management Act](#)

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.

[\[Previous Reporters \]](#)

CATEGORIES

[ENERGY & MINES](#)
[FORESTRY & ENVIRONMENT](#)
[OCCUPATIONAL HEALTH & SAFETY](#)

ENERGY AND MINES NEWS

BC Indigenous Rights Law Aims to Make First Nations Full Participants in Political Decisions

A minister said the legislation would not effectively give Indigenous Peoples the power to stop resource development projects on their traditional lands. British Columbia is set to become the first province to introduce human rights legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples, which would mandate the government to bring provincial laws and policies into harmony with its aims. The [legislation](#) is expected to be introduced on Thursday [October 24th] and is bound to raise questions about the potential impact on the way the province is governed, but Indigenous leaders, academics and members of BC's New Democrat government say it will ensure Indigenous Peoples are full participants in all aspects of the province. Read the *National Post* [article](#).

BCOGC Industry Bulletins

The following BCOGC bulletins were issued in October:

- [IB 2019-06](#) CNRL Permit Amended to Allow Resumption of Operations
- [INDB 2019-21](#) New Leak Detection and Repair Data Collection Template

Visit the [BCOGC website](#) to view these and other bulletins.

Statement on the Declaration on the Rights of Indigenous Peoples Act

"BC's mining sector has been a leader in economic reconciliation with BC's Indigenous peoples through numerous agreements and partnerships that reflect UNDRIP principles. We're cautiously optimistic with proper implementation the adoption of the [Declaration on the Rights of Indigenous Peoples Act](#) will support and advance reconciliation and may lead to greater certainty on the land base. How the legislation is implemented will be critical. The legislation and the action plan that will follow must set the conditions for more clarity and certainty on the land base." Read the [full article](#) by Michael Goehring, President & CEO of the Mining Association of BC.

Claim Stake has Kamloops Couple Calling for Change in Mining Laws

A Knutsford couple unaware of a possible gold deposit beneath their private acreage is calling for updates to the BC [Mineral Tenure Act](#) after a stranger showed up at their home last month to stake a claim – reminding them of the gold rush days of the 1800s. "It's unbelievable," Marie Reimer said, objecting to the claim and calling BC laws "antiquated". Read the [full article](#) by Jessica Wallace on *Kamloops This Week*.

Post-Election 2019: Impacts on Canada's Energy Industry

The results of the Canadian federal election were as predicted: a parliamentary minority led by Justin Trudeau's Liberals. The Liberals have a strong working minority and rather than a formal coalition, they plan to govern on an ad hoc basis. This means passing legislation by finding the magic number of votes by combining with one of the other four parties: the Official Opposition Conservatives; the left-leaning New Democratic Party (or NDP); the Québec-focused Bloc Québécois (or the Bloc); and the Green Party (or the Greens). While this is not an entirely stable situation, Canada has had numerous minority governments, including most recently one led by Stephen Harper's Conservatives. Therefore, Canada watchers should feel relatively confident that the policies under a Liberal minority will not be radical or outlandish, as the government could easily be toppled with a vote of non-confidence which would mean a new election. This is not to say that there aren't hard feelings and anger roiling around on social media, but the Canadian experience is that a minority government can lead to incremental policy changes rather than seismic shifts.

Below we have described how we believe the election results may affect key parts of Canada's energy industry, especially with respect to how investors from outside Canada should view the next number of months. Read the [full article](#) by by [Miles Pittman](#), [Peter Bryan](#), [Alan L. Ross](#) and [Aaron J. Bowler](#) of Borden Ladner Gervais on *BLG Energy Law Blog*.

ENERGY AND MINES

Act or Regulation Affected

Effective Date

Amendment Information

There were no amendments this month.

FORESTRY AND ENVIRONMENT NEWS

Bill 22, the *Forest Statutes Amendment Act*, 2019:**Transitioning Control of Forest Tenures**

The [Forest Statutes Amendment Act, 2019](#) ("Bill 22") was introduced into the Legislature for First Reading on April 11, and then brought into force on May 30, 2019. Bill 22 and companion amendments to the newly-named [Disposition and Change in Control Regulation](#) (the "Regulation") have changed how "dispositions" of forest tenures and "changes of control" of corporate forest tenure holders are regulated under the [Forest Act](#). Prior to Bill 22, whether a disposition or a change of control was permissible under the *Forest Act* depended upon whether the transaction would "unduly restrict competition" in the markets for standing timber, logs or chips. In the new post-amendment world, the test is whether the transaction is "detrimental to competition" in the marketing of fibre. Previously, the minister was required to permit the transaction unless it would "unduly restrict competition" whereas after the amendments, the minister must not permit the transaction if it is "detrimental to competition." Read the [full article](#) by [Jeff Waatainen](#) with DLA Piper, published in the November/December edition of the ABCFP publication BC Forest Professional.

New Bill Mandates Annual Reports on BC's Climate Pollution Reduction

BC could soon produce annual reports on how much it is spending to fight climate change, and whether that money is reducing greenhouse gas emissions, under [legislation](#) introduced on Wednesday [October 30]. Environment Minister George Heyman said the legislation, if passed, would "strengthen BC's ability to respond to the challenges of climate change and implement our CleanBC commitments to strengthen government accountability for taking action." "We take climate change seriously, we take a smooth transition to a robust clean economy seriously, and today's measures ensure that you will be able to judge our progress and our honesty for yourselves," said Heyman. Read the [Vancouver Sun article](#).

Case Summary: The Minister of Environment Appropriately Focused on the State of the Actual Construction when Deciding Whether a Ski Resort Project was "Substantially Started"

In 2014, the Appellant, the Minister of Environment, decided a ski resort project was not substantially started. A chambers judge held this decision was unreasonable, and the Minister appealed to the BC Court of Appeal. The Court of Appeal allowed the appeal.

[Glacier Resorts Ltd. v. British Columbia \(Minister of Environment\)](#), [2019] B.C.J. No. 1459, 2019 BCCA 289, British Columbia Court of Appeal, August 6, 2019, H. Groberman, G.J. Fitch and J.J.L. Hunter JJ.A.

The Respondent, Glacier Resorts Ltd., is the supporter of the Jumbo Glacier Resort Project, a year-round ski resort intended to be developed in the East Kootenay Region of B.C. In 2004, as required by the [Environmental Assessment Act](#) (the "Act"), Glacier obtained an environmental certificate for the project (the "Certificate"). The certificate originally required the project to be substantially started within five years, but the deadline was extended for a further five years in 2009. The Act does not allow for any further extensions. Read the [full article](#) by Scott J. Marcinkow with Harper Grey LLP.

Environmental Appeal Board Decisions

There were 4 Environmental Appeal Board decisions in the month of October:

[Environmental Management Act](#)

- [Municipality of North Cowichan v. Delegate of the Director, Environmental Management Act](#) [Consent Order – Appeal Dismissed]
- [Thomas H. Coape-Arnold v. Delegate of the Director, Environmental Management Act](#) [Application for Summary Dismissal – Denied]

[Water Sustainability Act](#)

- [John Story: Jozica Kolarich v. Assistant Water Manager](#) [Final Decision – Appeal Dismissed]

[Wildlife Act](#)

- [Audra Tina Harnell v. Section Head, Fish and Wildlife](#) [Final Decision – Appeal Denied]

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

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties Regulation (Environmental Management Act) (133/2014)	Oct. 1/19	by Reg 7/2019
Asphalt Plant Regulation (217/2019)	Oct. 28/19	by Reg 216/2019
Carbon Tax Act	Oct. 31/19	by 2019 Bill 35, c. 36, sections 23 to 34 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act (No. 2), 2019
Code of Practice for Agricultural Environment Management (8/2019)	Oct. 1/19	by Reg 8/2019
Gasoline Vapour Control Regulation (226/95)	Oct. 28/19	by Reg 216/2019
Natural Products Marketing (BC) Act	Oct. 28/19	by 2015 Bill 23, c. 23, section 12 only (in force by Reg 221/2019), Miscellaneous Statutes Amendment Act, 2015
Permit and Approval Fees and Charges Regulation (299/92)	Oct. 28/19	by Reg 216/2019
Reviewable Projects Regulation (370/2002)	Oct. 28/19	by Reg 216/2019
Riparian Areas Protection Act	Nov. 1/19	by 2018 Bill 24, c. 23, sections 31 and 32 only (in force by Reg 178/2019), Miscellaneous Statutes Amendment Act (No. 2), 2018
Riparian Areas Protection Regulation (376/2004)	REPEALED Nov. 1/19	by Reg 178/2019
Riparian Areas Protection Regulation (178/2019)	NEW Nov. 1/19	see Reg 178/2019

OCCUPATIONAL HEALTH AND SAFETY NEWS

2019 Fall Public Hearings on Proposed Regulatory Amendments

WorkSafeBC will be holding public hearings for proposed amendments to the [Occupational Health and Safety Regulation](#) regarding:

- [Part 8](#), Personal Protective Clothing and Equipment, [section 8.24](#), High visibility apparel
- [Part 16](#), Mobile Equipment, with consequential amendments to nine other Parts
- [Part 20](#), Construction, Excavation and Demolition, [section 20.47](#), Equipment inspection
- [Part 21](#), Blasting Operations

Read the full WorkSafeBC [article](#).

Consultation on Proposed Amendments to the Occupational Health and Safety Regulation

The Policy, Regulation and Research Division is requesting feedback on proposed amendments to the [Occupational Health and Safety Regulation](#). The consultation phase provides stakeholders an opportunity to provide feedback before the proposed amendments are taken to public hearing. The proposed regulatory amendment packages under review are:

- [Part 18](#), Traffic Control, multiple sections — Align the traffic control regulations with the latest edition of the Traffic Management Manual
- [Part 26](#), Forestry Operations and Similar Activities, multiple sections — Introduce requirements to address the range of work undertaken by arborists

Read the WorkSafeBC [article](#).

OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation (104/2004)	Oct. 2/19	by Reg 104/2004, s. 62.2(5)
Workers Compensation Act	Oct. 1/19	by 2018 Bill 48, c. 45, section 85 only (in force by Reg 158/2019), Temporary Foreign Worker Protection Act

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