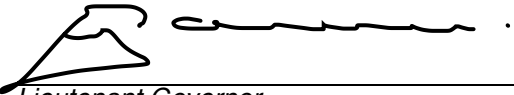


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 218

, Approved and Ordered April 6, 2023



~~Lieutenant Governor~~
Administrator

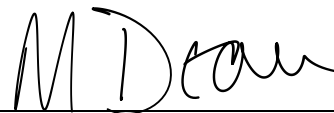
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ^{Administrator}~~Lieutenant Governor~~, by and with the advice and consent of the Executive Council, orders that

- (a) the Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended as set out in the attached Appendix 1, and
- (b) the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended as set out in the attached Appendix 2.



Minister of Social Development and Poverty Reduction



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Employment and Assistance Act*, S.B.C. 2002, c. 40, s. 35;
Employment and Assistance for Persons with Disabilities Act, S.B.C. 2002, c. 41, s. 26

Other: *OIC 873/2002; OIC 874/2002*

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APPENDIX 1

1 *Section 1 (1) of the Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended by adding the following definitions:*

“government corporation” has the same meaning as in the *Financial Administration Act*;

“Indigenous financial settlement” means an order of a court, an award or order of a tribunal or arbitrator, or a settlement agreement, if the order, award or settlement agreement satisfies both of the following conditions:

- (a) the order, award or settlement agreement relates to one or more of the following:
 - (i) Indigenous identity;
 - (ii) a right recognized and affirmed by section 35 of the *Constitution Act, 1982*;
 - (iii) an obligation of a relevant government entity in relation to section 91 (24) of the *Constitution Act, 1867*;
 - (iv) one or more of the grounds for a claim that are set out in section 14 of the *Specific Claims Tribunal Act (Canada)*;
- (b) the terms of the order, award or settlement agreement require a relevant government entity to pay money to an Indigenous governing body or to an individual who is a member of a class of persons on whose behalf the order, award or agreement is made;

“Indigenous governing body” has the same meaning as in the *Declaration on the Rights of Indigenous Peoples Act*;

“relevant government entity” means one of the following:

- (a) the government;
- (b) a government corporation;
- (c) the government of Canada;
- (d) the government of a province;
- (e) a corporation that is
 - (i) established by or incorporated under an Act of Canada or a province, and
 - (ii) equivalent to a government corporation; .

2 *Section 11 is amended*

(a) *by repealing subsection (1) (v), (v.1), (ccc), (ddd), (jjj), (kkk), (lll) and (mmm),*

(b) *in subsection (1) by adding the following paragraph:*

(ooo) money that is paid or payable under or from an Indigenous financial settlement. , **and**

(c) *by adding the following subsection:*

- (5) If money is paid under or from an Indigenous financial settlement to an Indigenous governing body, the exemption under subsection (1) (ooo) includes investment income earned on that money by the Indigenous governing body before it is distributed to a person.

3 Schedule B is amended in section 1

(a) by repealing paragraph (a) (xvii), (xvii.1), (liv), (lv), (lx), (lxi), (lxii) and (lxiii),

(b) in paragraph (a) by adding the following subparagraph:

(lxv) money that is paid under or from an Indigenous financial settlement, ,
and

(c) by adding the following paragraph:

(b.1) if money is paid under or from an Indigenous financial settlement to an Indigenous governing body, the exemption under paragraph (a) (lxv) includes investment income earned on that money by the Indigenous governing body before it is distributed to a person, .

4 Schedule D is amended

(a) by repealing section 6 (o), (o.1), (bbb), (ccc), (hhh), (iii), (jjj) and (kkk),

(b) in section 6 by adding the following paragraph:

(mmm) money that is paid or payable under or from an Indigenous financial settlement, , **and**

(c) by adding the following section:

- 6.1** If money is paid under or from an Indigenous financial settlement to an Indigenous governing body, the exemption under section 6 (mmm) includes investment income earned on that money by the Indigenous governing body before it is distributed to a person.

APPENDIX 2

1 Section 1 (1) of the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended by adding the following definitions:

“government corporation” has the same meaning as in the *Financial Administration Act*;

“Indigenous financial settlement” means an order of a court, an award or order of a tribunal or arbitrator, or a settlement agreement, if the order, award or settlement agreement satisfies both of the following conditions:

- (a) the order, award or settlement agreement relates to one or more of the following:
- (i) Indigenous identity;
 - (ii) a right recognized and affirmed by section 35 of the *Constitution Act, 1982*;

- (iii) an obligation of a relevant government entity in relation to section 91 (24) of the *Constitution Act, 1867*;
- (iv) one or more of the grounds for a claim that are set out in section 14 of the *Specific Claims Tribunal Act (Canada)*;
- (b) the terms of the order, award or settlement agreement require a relevant government entity to pay money to an Indigenous governing body or to an individual who is a member of a class of persons on whose behalf the order, award or agreement is made;

“Indigenous governing body” has the same meaning as in the *Declaration on the Rights of Indigenous Peoples Act*;

“relevant government entity” means one of the following:

- (a) the government;
- (b) a government corporation;
- (c) the government of Canada;
- (d) the government of a province;
- (e) a corporation that is
 - (i) established by or incorporated under an Act of Canada or a province, and
 - (ii) equivalent to a government corporation; .

2 Section 10 is amended

(a) by repealing subsection (1) (v), (v.1), (ccc), (ddd), (iii), (jjj), (kkk) and (lll),

(b) in subsection (1) by adding the following paragraph:

(nnn) money that is paid or payable under or from an Indigenous financial settlement. , **and**

(c) by adding the following subsection:

(4) If money is paid under or from an Indigenous financial settlement to an Indigenous governing body, the exemption under subsection (1) (nnn) includes investment income earned on that money by the Indigenous governing body before it is distributed to a person.

3 Schedule B is amended in section 1

(a) by repealing paragraph (a) (xvii), (xvii.1), (lviii), (lviv), (lxiv), (lxv), (lxvi) and (lxvii),

(b) in paragraph (a) by adding the following subparagraph:

(lxvii) money that is paid under or from an Indigenous financial settlement. , **and**

(c) by adding the following paragraph:

(b.1) if money is paid under or from an Indigenous financial settlement to an Indigenous governing body, the exemption under paragraph (a) (lxvii)

includes investment income earned on that money by the Indigenous governing body before it is distributed to a person, .

4 Schedule D is amended

(a) by repealing section 6 (o), (o.1), (fff), (ggg), (lll), (mmm), (nnn) and (ooo),

(b) in section 6 by adding the following paragraph:

(qqq) money that is paid or payable under or from an Indigenous financial settlement. , **and**

(c) by adding the following section:

6.1 If money is paid under or from an Indigenous financial settlement to an Indigenous governing body, the exemption under section 6 (qqq) includes investment income earned on that money by the Indigenous governing body before it is distributed to a person.