

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M138

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS credit unions must be able to conduct their business in accordance with public health orders and advisories to reduce the threat of COVID-19 to the health and safety of persons;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Electronic Attendance at Credit Union Meetings (COVID-19) Order is made.

April 30, 2020

Date


Minister of Public Safety and Solicitor General

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

Authority under which Order is made:

Act and section: Emergency Program Act, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; OIC 207/2020

ELECTRONIC ATTENDANCE AT CREDIT UNION MEETINGS (COVID-19) ORDER

Definitions

- 1** In this order:
- “**Act**” means the *Credit Union Incorporation Act*;
 - “**charter**” has the same meaning as in section 1 (1) of the Act;
 - “**constitution**” has the same meaning as in section 1 (1) of the Act;
 - “**credit union**” has the same meaning as in section 1 (1) of the Act;
 - “**credit union enactment**” means
 - (a) the Act,
 - (b) any regulation, including, without limitation, any constitution or rule, made under the Act, or
 - (c) a charter;
 - “**credit union meeting**” means a meeting authorized or otherwise provided for under a credit union enactment;
 - “**rules**” has the same meaning as in section 1 (1) of the Act.

Application

- 2** This order applies during the period that starts on the date this order is made and ends on the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* expires or is cancelled.

Electronic attendance at credit union meetings

- 3**
- (1) Despite anything in a credit union enactment, a person who is entitled to participate in, including vote at, a credit union meeting may do so by telephone or other electronic means if all of the persons participating in the meeting, whether by telephone, by other electronic means or in person, are able to communicate with each other and, if applicable, vote at the meeting.
 - (2) Subsection (1) does not obligate a person responsible for holding a credit union meeting to take any action to facilitate the use of any electronic means at the meeting.
 - (3) Despite anything in a credit union enactment, a credit union meeting may be held solely by telephone or other electronic means if
 - (a) in the case of a credit union meeting with respect to which notice must be given under a credit union enactment, notice of the meeting provides instructions for attending at or participating in the meeting by the electronic means, including, if applicable, instructions for how to vote at the meeting,
 - (b) all of the persons participating in the meeting are able to communicate with each other and, if applicable, vote at the meeting, and
 - (c) the person responsible for holding the meeting facilitates the use of the electronic means at the meeting.

- (4) Despite anything in a credit union enactment, if a credit union meeting is held as contemplated by subsection (1) or (3), voting at the meeting is not required to be by show of hands.
- (5) Despite anything in a credit union enactment, if a credit union meeting is held as contemplated by subsection (3),
 - (a) the meeting is not required to have a physical location,
 - (b) any notice of the meeting is not required to specify a location for the meeting, and
 - (c) the meeting is deemed to be held in British Columbia.
- (6) A person who participates in, or attends or votes at, a credit union meeting in a manner contemplated by subsection (1) or (3) is deemed, for the purposes of an applicable credit union enactment to be present in person at the meeting.