ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 250, Approved and Ordered May 21, 2019

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that,

(a) effective June 1, 2019,
   (i) the following provisions of the Professional Governance Act, S.B.C. 2018, c. 47, are brought into force:
      (A) section 1, except as it enacts the definitions of “roster” and “roster member” in subsection (1);
      (B) sections 4 to 6 and 7, except as it enacts subsection (2) (c) (ii);
      (C) sections 8, 10 (1) (b), (2) (b) (vii) and (viii), (3) and (4), 13 to 16, 18 (1) (b) (i) and (3), 19, 20, 23 (2), 25 (1), 26 (1), 104, 105 (1), 106 (1) (g) and (h), (2) to (4) and (6) to (8), 107 and 109, except as it enacts subsection (1) (b) (ii);
      (D) sections 111, 112, 115, 116, 118 (1), (2) (b) (iii), (f) (i) to (iv) and (vi), (g) (iv) and (l), 119, 122 (1) and (2) (a) and (3), 123, 124 and 143, and
   (ii) the attached Professional Governance General Regulation is made, and
(b) effective December 1, 2019, sections 140 and 142 of the Professional Governance Act, S.B.C. 2018, c. 47, are brought into force.

Minister of Environment and Climate Change Strategy

Presiding Member of the Executive Council

Authority under which Order is made:

Act and section: Professional Governance Act, S.B.C. 2018, c. 47, ss. 118 and 158

Other:

R10303296
PROFESSIONAL GOVERNANCE
GENERAL REGULATION

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Division 1 - General

Definition
1 In this regulation, “Act” means the Professional Governance Act.

Division 2 - Selection of Nominees

Application
2 This Division applies to the selection of nominees for the purposes of
(a) section 25 (1) [selection principles and criteria] of the Act, and
(b) section 124 [interim elections to council] of the Act.

Definitions for this Division
3 (1) In this Division, “nomination committee” means, as applicable,
(a) a committee established by the council of a regulatory body under section 26 (1) [election of registrant councillors] of the Act, or
(b) a committee that has the purpose of nominating or selecting members for election for an affected council under section 124 of the Act.

(2) In this Division, the definitions in section 123 [definitions] of the Act apply.

Interpretation - interim elections to council
4 For the purposes of section 2 (b) of this regulation and section 124 of the Act, in sections 5 and 6 of this regulation,
(a) a reference to a council is to be read as including a council under an affected Act,
(b) a reference to a registrant is to be read as including a member of an affected body,
(c) a reference to a registrant councillor is to be read as including a councillor or council member, as applicable, under an affected Act, and
(d) a reference to a regulatory body is to be read as including an affected body.

Selection principles

5 The following selection principles are prescribed for the purposes of section 25 (1) of the Act:

(a) merit, which principle is upheld by a nomination committee having regard to the skills and experience of a nominee that are determined to best meet the needs of the regulatory body;

(b) integrity, which principle is upheld by the nomination committee having regard to information about the nominee, including information entered on the register relating to the nominee or other information about the nominee’s professional conduct and competence, that may support, affect or compromise the nominee’s capacity
   (i) to perform and uphold the duties and functions of a registrant councillor with objectivity and honesty, and
   (ii) to act ethically without seeking improper personal or corporate gain that would not normally be accepted as compensation by the nominee as a professional.

Process for selection of nominees

6 (1) The process set out in this section for the selection of nominees to be registrant councillors is prescribed for the purposes of section 25 (1) of the Act.

(2) A nomination committee must
   (a) prepare a list of qualified nominees to stand for election to fill current or expected vacancies on the council, and
   (b) make a reasonable attempt to include in the list at least one more nominee than the number required to fill the current or expected vacancies on the council.

(3) In selecting nominees, the nomination committee must ensure that the procedural steps set out in subsection (4) are carried out in accordance with the following procedural principles:
   (a) fairness, with selection procedures that
      (i) are objective, impartial and applied consistently, and
      (ii) promote equality and are free from discrimination, harassment and victimization;
   (b) transparency, with advertisements for appointments or elections that
      (i) are designed to attract a qualified and diverse field of suitable nominees,
      (ii) include information about positions and the appointment or election processes, and
      (iii) are published on a publicly accessible website maintained by or on behalf of the regulatory body;
(c) accountability, with selection procedures that are
   (i) lawful and consistent with applicable law, and
   (ii) designed to promote public confidence in the governance of the 
        regulatory body;

(d) independence, in accordance with which, the nomination committee and 
   each of the members of the nomination committee are to
   (i) be free from influence, including any expression of preferences by
       (A) the council, other than the specification of criteria described in 
           subsection (4) (a),
       (B) registrants of the regulatory body,
       (C) the government, or
       (D) other parties, and
   (ii) report to the superintendent any attempt to influence the nomination 
        committee or its members.

(4) The nominating committee must ensure that the following procedural steps are 
    taken in the selection process:

   (a) considering factors or criteria that are specified by the council to be 
       necessary or desirable, including any capabilities, qualifications or skills
       (i) relating to fulfilling the duties and functions of a registrant 
           councillor, or
       (ii) that may not be adequately represented among the registrant 
            councillors on the council;

   (b) advertising the following to the registrants of the regulatory body:
       (i) the current or expected council vacancies;
       (ii) the capabilities, qualifications or skills that are necessary or desirable
            for the nominees for the current or expected council vacancies;
       (iii) any other factors or criteria that are specified by the council or that 
            the nomination committee considers necessary to support the 
            selection of nominees;

   (c) communicating the following information in the advertisements of current 
       or expected vacancies on the council:
       (i) that registrants who wish to be considered as nominees are to apply 
           to be considered as nominees by submitting their name and a letter or 
           resume demonstrating how the registrant has the capabilities, qualifi-
           cations or skills that are specified in the advertisement as necessary 
           or desirable;
       (ii) that registrants who wish to be considered as nominees are to include 
            any supporting information that the nomination committee has 
            indicated is necessary to support the selection of nominees, which 
            may include information in relation to the following:
                (A) the registrant’s professional practice;
                (B) any conflicts of interest of the registrant;
       (iii) the time period within which the application must be submitted;
(d) nominating the registrants as nominees in accordance with the selection principles set out in section 5 of this regulation;

(e) producing a report for the council, signed by the chair of the nomination committee, that specifies the following:

(i) how the outcome of the selection of nominees meets the requirements of the Act, any other applicable Act, this regulation or other applicable regulations, and any applicable bylaws of the regulatory body;

(ii) how the nominees meet the criteria set out in the advertisement for the current or expected vacancies;

(f) publishing on a publicly accessible website maintained by or on behalf of the regulatory body the name of any nominee who is selected to stand for election as a registrant councillor and any information that the nomination committee determines is relevant to make public about the registrant.

Division 3 - Other Prescribed Matters

Relevant enactments

7 The enactments listed in the Schedule are prescribed for the purposes of the definition of “relevant enactment” in section 1 (1) [definitions and interpretation] of the Act.

Public interest disclosure

8 (1) The following information or documents, or classes of information or documents, as applicable, are prescribed for the purposes of section 18 (1) [public interest disclosure] of the Act:

(a) any documents that are generally relevant to a profession, including in relation to conflicts of interest in the practice of a profession or other governance issues;

(b) any written decisions by statutory decision makers that are collected as part of an investigation under section 10 (1) (b) [investigations and audits by superintendent] of the Act;

(c) in relation to the practice of a profession, any data or reports that are submitted to the superintendent for the purposes of section 10 (1) (b) of the Act by

(i) a professional association, including a body or agency from another jurisdiction, or

(ii) another body or agency, including a body or agency from another jurisdiction, with responsibility for professional governance or oversight;

(d) any other submissions that are provided to the superintendent during the course of an investigation for the purposes of section 10 (1) (b) of the Act.

(2) Information or documents, or classes of information or documents, that are published under section 18 (1) of the Act are, subject to subsection (3) of that section, to be published by the superintendent on a publicly accessible website maintained.
(a) by or on behalf of the superintendent, or
(b) by the ministry of the minister.

Schedule

Relevant Enactments

Agricultural Land Commission Act
Assessment Act
Building Act
Business Practices and Consumer Protection Act
Cannabis Distribution Act
Clean Energy Act
Coal Act
College and Institute Act
Community Charter
Creston Valley Wildlife Act
Degree Authorization Act
Drainage, Ditch and Dike Act
Drinking Water Protection Act
Energy Efficiency Act
Environmental Assessment Act
Environmental Management Act
Fishing Collective Bargaining Act
FNCIDA Implementation Act
Forest Act
Forest and Range Practices Act
Forest Practices Code of British Columbia Act
Geothermal Resources Act
Great Bear Rainforest (Forest Management) Act
Greenhouse Gas Industrial Reporting and Control Act
Homeowner Protection Act
Hydro and Power Authority Act
Industrial Roads Act
Industry Training Authority Act
Integrated Pest Management Act
Labour Mobility Act
Land Act
Land Title Act
Mineral Tenure Act
Mines Act
Muskwa-Kechika Management Area Act
Oil and Gas Activities Act
Park Act
Petroleum and Natural Gas Act
Plant Protection Act
Private Managed Forest Land Act
Private Training Act
Public Health Act
Railway Act
Railway Safety Act
Range Act
Resort Timber Administration Act
Riparian Areas Protection Act
Strata Property Act
Trade, Investment and Labour Mobility Agreement Implementation Act
University Act
Water Sustainability Act
Workers Compensation Act