



Second Session, 38th Parliament

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REPORT OF PROCEEDINGS  
(HANSARD)

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SELECT STANDING COMMITTEE ON

PARLIAMENTARY REFORM,  
ETHICAL CONDUCT,  
STANDING ORDERS AND  
PRIVATE BILLS

Victoria

Wednesday, May 10, 2006

Issue No. 3

AL HORNING, MLA, CHAIR

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**SELECT STANDING COMMITTEE ON  
PARLIAMENTARY REFORM, ETHICAL CONDUCT,  
STANDING ORDERS AND PRIVATE BILLS**

Victoria  
Wednesday, May 10, 2006

*Chair:* \* Al Horning (Kelowna-Lake Country L)

*Deputy Chair:* David Cubberley (Saanich South NDP)

*Members:*

- \* Harry Bloy (Burquitlam L)
- \* Randy Hawes (Maple Ridge-Mission L)
- \* Gordon Hogg (Surrey-White Rock L)
- \* Kevin Krueger (Kamloops-North Thompson L)
- \* Lorne Mayencourt (Vancouver-Burrard L)
- \* Raj Chouhan (Burnaby-Edmonds NDP)
- \* Mike Farnworth (Port Coquitlam-Burke Mountain NDP)
- Rob Fleming (Victoria-Hillside NDP)

*\* denotes member present*

*Clerk:* Craig James

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*Witnesses:* Janet Erasmus (Office of Legislative Counsel)  
Nicola Marotz (Ministry of Community Services)  
Richard Taylor (Executive Director, Union of B.C. Municipalities)



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MINUTES

SELECT STANDING COMMITTEE ON  
PARLIAMENTARY REFORM, ETHICAL  
CONDUCT, STANDING ORDERS AND  
PRIVATE BILLS



- Meeting: 8:37 a.m., Wednesday, May 10, 2006
- Location: Birch Committee Room, Parliament Buildings, Victoria, B.C.
- Present: Messrs. Horning, Bloy, Chouhan, Farnworth, Hawes, Hogg, Krueger and Mayencourt.
- Appearing: Janet Erasmus  
Legislative Counsel
- Nicola Marotz  
Director of Legislation  
Local Government Policy and Research  
Ministry of Community Services
- Richard Taylor  
Executive Director  
Union of British Columbia Municipalities
- Resolved: On the motion of Mr. Hogg that the Revision of the Union of British Columbia Municipalities Act, 2006, prepared pursuant to the Statute Revision Act, be approved with correction of a typographical error.
- The meeting adjourned.

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Al Horning, Chairman





WEDNESDAY, MAY 10, 2006

The committee met at 8:37 a.m.

[A. Horning in the chair.]

**A. Horning (Chair):** I'm going to ask the Clerk to lay out what bill we have on this morning, and we will go from there.

**Revision to  
Union of British Columbia  
Municipalities Incorporation Act**

**C. James (Clerk Assistant and Clerk of Committees):** Members, we have this morning a meeting which should end, it seems to me, in a motion that might read that the Chair report to the House that the revision of the Union of British Columbia Municipalities Incorporation Act, 2006, prepared pursuant to the Statute Revision Act, be approved, and that the committee recommends that it be brought into force. That is the nub of the meeting this morning.

A package of information containing the revised Union of British Columbia Municipalities Act — the red-lined version showing the changes made to the current act, a copy of the authorizing Statute Revision Act and *Part 4: Statute Revisions*, from *A Guide to Legislation and Legislative Process*.... This material was provided to members last week. Copies are being made for those members who don't have it in front of them this morning.

As witnesses, we have representatives from the legislative counsel appearing before the committee this morning.

**H. Bloy:** Legislative counsel for the UBCM?

**C. James (Clerk of Committees):** No, for the Legislative Assembly — for the government.

**A. Horning (Chair):** I'll let you introduce yourself and your members — whoever is going to be there with you.

**J. Erasmus:** I'm Janet Erasmus. I'm a senior legislative counsel — that's within the Ministry of Attorney General — and we're the folks that draft the government bills that come in the House and get the jokes made about the most boring pieces of legislation ever seen. That was the Statute Revision Act amendment this year.

With me today are Richard Taylor, executive director, UBCM — and I take it from all the welcomings that many people here already know Richard very well — and Nicola Marotz, who's manager of legislation for the Ministry of Community Services.

This is the committee that's charged with responsibilities for statute revisions. As this is the first time that this committee has dealt with it in this parliament, would you like me to just talk briefly about what a statute revision is and what happens?

**A. Horning (Chair):** I would think so, yes. Give us an idea.

**J. Erasmus:** Really, they're a process by which an existing act is rewritten, not to change the legal effect but to modernize the language and to reformat — okay? The biggest change you see in the statute revision is if an act has been amended a great deal, you'll know that it winds up with decimal provisions for all the additions and gaps where revisions have been repealed, and so the numbering becomes very unwieldy. A statute revision will go in, and it will renumber everything from section 1 to however far it goes.

It will modernize the language. We modernized the language for all the public acts of British Columbia in 1996 — the general statute revision. That went to all gender-neutral language, and we made a number of other plain-language changes. We don't use "shall" in statutes any more. We use "must."

We made format changes, again, for plain language. If some of you remember what, we'll say, the Municipal Act looked like before the revision, where it was just pages of blocks of text.... We reformatted it using plain language principles, so the blocks of text look like the bills you see now, but they're much more readable. So we did that under the statute revision authority.

[0840]

Statute revision authority is done by Statute Revision Act. Historically we do those — we, the legislative counsel or a commissioner — every ten to 20 years. They take all the public acts of the province and rewrite them all from one end to the other. That's what we did for 1996, but in the 1992 Statute Revision Act we put what, at that time, was a unique authority for what was called limited revisions so that legislative counsel could revise acts one act at a time.

Other jurisdictions have now followed British Columbia in this. What it means is that we rather hope that we'll never have to do the 15 volumes, 11,000 pages of legislation again from start to finish. What we can do is just deal with the individual acts that need fixing, which have been subject to a great deal of amendment, and do those.

We are, now that the office of the legislative counsel has this as part of our ongoing work, starting on limited revisions. So this committee may expect in future sessions to have legislative counsel bringing other statute revisions forward.

For example, one of the ones that's underway right now is the longest act on the books. It's the Local Government Act. We're working with UBCM and the Ministry of Community Services. When the Community Charter was brought in, that took most of the municipal provisions out of the Local Government Act, and it left the regional districts — and if you still engage with local government stuff — scattered all over the act. We're now doing revision to bring them all together and get rid of all the missing section numbers. So that one's underway. You can expect that one to come.

I've been talking because I've been hoping more paper would arrive.

For the UBCM act: the UBCM act is a very short act, but it was a 1959 act. It's almost 50 years old. Last year, as part of the 100th anniversary of UBCM, the president of UBCM wrote to the chief legislative counsel

and asked that we do a statute revision: modernize the language — gender-neutral — and deal with cross-references to Companies Act and Societies Act provisions that dated from 1959 and weren't current to the current legislation. So, yes, chief legislative counsel agreed, and we've been working over the last number of months with our office and the UBCM and the ministry developing a revised UBCM Act. That's the act that should have been delivered and should be sitting before you.

**M. Farnworth:** Basically, what you're saying — the nub of your presentation — is that this revision is taking place under an authority under an existing act that allows for revisions to take place. My question is.... It does not change in any way, shape or form the powers or the responsibilities in the act. It doesn't give any additional powers. It doesn't change any additional powers. It doesn't change the intent of the act. It doesn't allow them to do anything else that they were not able to do before.

**J. Erasmus:** That's our job — legislative counsel's job — in doing a revision: no change to the legal effect, only to the language.

**L. Mayencourt:** I did a little research on RSBC 1996. So when those were revised, did they all come to a committee?

**J. Erasmus:** Yes.

**L. Mayencourt:** You actually read all of them?

**J. Erasmus:** Well, I did bring the 1996, 15 volumes to this committee back then, and no, people did not read them from one end to the other. It was a moderately short meeting where we discussed the major changes that had been in there. But we provided a copy of the full set of binders and had available.... The wonder of technology nowadays. We can actually use those — what do you call them? — revision marking, tracking changes in Word that will show the changes from the current to the new. So people can see all the changes.

**L. Mayencourt:** Like the red line?

**J. Erasmus:** Yes.

**L. Mayencourt:** Members would have an opportunity to see the changes and go: "Well, okay, that actually changes the intent of the act by doing that — or it might not."

[0845]

Does the public have any kind of vehicle...? Does, I don't know, the Law Society or any other organization look at those changes and come to...? Does the public have an opportunity to say: "Wait a minute. You just changed the intent of the law without going through the Legislature"?

**J. Erasmus:** No, we don't have a public process on these. We do consult with the ministries. The ministries always look at their revision. The advising solicitors within the legal services branch look at it.

In the 1996 statute provision a very few acts received a serious revision, where it wasn't just language. It was really looking at reorganizing using the revision powers to not change the law but to make it markedly more readable.

One of the acts that we did was the Social Service Tax Act. If you've ever looked at it, before and after, there were things like.... There was a single section that went on for about 12 pages. It had lovely things like subsection (2.017). That turned into an entire division in the Social Service Tax Act. In that case we actually did confidential consultations with the Canadian Bar Association, their taxation law section, to do a review of it.

**L. Mayencourt:** So the process that you did here with this is that you went with the UBCM, figured out what it is, and then the last step is to come here and present us with a red line and.... Okay. Thank you very much. I appreciate it.

**G. Hogg:** As I read through this and the intent, the process is simply: if this committee recommends it to the House, we report to the House, and then it goes to the L-G for sign-off. Is that correct? So there's no debate in the House, just a report from this committee that in fact we are satisfied with it. From my reading of what you submitted to us and looking at the statute revisions and the intent, there is no change to the intent, principles and values of the legislation. It's simply modernizing them. There's nothing substantive. Is that a fair interpretation?

**J. Erasmus:** That is exactly what we intend.

**G. Hogg:** Okay. I move that we recommend it to the House.

**A. Horning (Chair):** Okay, I'll ask the question.

Motion approved.

**J. Erasmus:** We will be making one spelling correction to the word "paragraphs" and delivering that to you. If you would accept it with the change in section 3, paragraph (j).... And now I get to go back to our editors. We all missed this.

**G. Hogg:** My motion includes the amendment to the spelling as well.

**A. Horning (Chair):** All in favour, again?

Motion approved.

**A. Horning (Chair):** Any other questions? If not, I'll move this meeting be adjourned.

The committee adjourned at 8:48 a.m.

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