
Second Session, Forty-second Parliament
70 Elizabeth II, 2021
Legislative Assembly of British Columbia

BILL 30

**ATTORNEY GENERAL STATUTES
AMENDMENT ACT, 2021**

Honourable David Eby
Attorney General and Minister Responsible for Housing

Explanatory Notes

SECTION 1: *[COVID-19 Related Measures Act, section 3]* provides that the Lieutenant Governor in Council may not specify a repeal date for regulations that is later than December 31, 2022.

SECTION 2: *[COVID-19 Related Measures Act, section 7]* changes the repeal date of the Act and provides the Lieutenant Governor with the authority to repeal the Act on an earlier date.

SECTION 3: *[Judicial Compensation Act, section 2]* provides for the appointment of a Judicial Compensation Commission every 4 years.

SECTION 4: *[Judicial Compensation Act, section 5]* increases the number of fiscal years for which a report and recommendations are to be made by the commission.

BILL 30 – 2021

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

COVID-19 Related Measures Act

- 1** *Section 3 (7) of the COVID-19 Related Measures Act, S.B.C. 2020, c. 8, is amended by striking out “December 31, 2021” in both places and substituting “December 31, 2022”.*
- 2** *Section 7 is repealed and the following substituted:*

Repeal

- 7** (1) Subject to subsection (2), the Act is repealed on December 31, 2022.
(2) The Lieutenant Governor in Council may by regulation repeal the Act on a date earlier than December 31, 2022.

Judicial Compensation Act

- 3** *Section 2 (1) of the Judicial Compensation Act, S.B.C. 2003, c. 59, is amended by striking out “On or before March 1, 2016 and on or before March 1 in every 3rd year after that,” and substituting “On or before March 1, 2022 and on or before March 1 in every fourth year after that,”.*
- 4** *Section 5 (1) (b) and (5) is amended by striking out “3 fiscal years” wherever it appears and substituting “4 fiscal years”.*

SECTION 5: *[Judicial Compensation Act, section 5.1]*

- requires the minister to provide the final report of the commission by laying the report before the Legislative Assembly or filing the report with the Clerk of the Legislative Assembly;
- provides authority for the Lieutenant Governor in Council to accept all the recommendations made in the report;
- provides that section 6 of the Act does not apply if all the recommendations are accepted and provides for other rules in this section if section 6 does not apply.

SECTION 6: *[Judicial Compensation Act, section 6]* provides for the timing of the laying of the final report of the commission before the Legislative Assembly if the Lieutenant Governor in Council does not accept the recommendations of the report under section 5.1 as added to the Act by this Bill.

SECTION 7: *[Judicial Compensation Act, sections 8 and 9]* provides for the payment of salary, further to recommendations accepted by the Lieutenant Governor in Council.

SECTION 8: *[Supreme Court Act, section 11]* in respect of the remuneration, allowances and benefits of a master, applies provisions added to the *Judicial Compensation Act* by this Bill.

5 *The following section is added:*

Lieutenant Governor in Council may accept all recommendations

- 5.1** (1) Within 15 days after the minister receives the final report of the commission, the minister must
- (a) lay the report before the Legislative Assembly if the Legislative Assembly is then sitting, or
 - (b) file the report with the Clerk of the Legislative Assembly if the Legislative Assembly is not sitting.
- (2) After the report is laid before the Legislative Assembly or filed with the Clerk of the Legislative Assembly but not later than January 31 following the receipt of the report by the minister, the Lieutenant Governor in Council may accept all the recommendations made in the final report of the commission.
- (3) If all the recommendations are accepted under subsection (2), the judges and judicial justices are entitled to receive the remuneration, allowances and benefits proposed by those recommendations beginning on April 1 of the year following the year referred to in, or applicable under, section 2 (1).
- (4) If a recommendation referred to in subsection (2) conflicts with a provision of this Act, the recommendation prevails over that provision to the extent of the conflict.
- (5) A recommendation referred to in subsection (2) may set different salaries for different responsibilities.
- (6) Section 6 does not apply if the Lieutenant Governor in Council accepts all the recommendations made in the final report of the commission.

6 *Section 6 (1) (a) is amended by adding “January 31 following” after “after”.*

7 *Sections 8 (1) and 9 (1) and (2) are amended by striking out “or” at the end of paragraph (a), by adding “, or” at the end of paragraph (b) and by adding the following paragraph:*

- (c) recommended by a report and accepted by the Lieutenant Governor in Council under section 5.1 (2).

Supreme Court Act

8 *Section 11 (3) of the Supreme Court Act, R.S.B.C. 1996, c. 443, is amended by adding the following paragraph:*

- (a.1) section 5.1 (3), (4) and (6) [*Lieutenant Governor in Council may accept all recommendations*]; .

SECTION 9: *[Transition – 2022 Judicial Compensation Commission – delay in appointment and reporting]*

- delays the appointment of the Judicial Compensation Commission in 2022 by 6 months;
- makes corresponding changes to the deadlines for preliminary and final reports by the Judicial Compensation Commission, to the period in which the Lieutenant Governor in Council may accept all the recommendations and to when the minister must lay the report before the Legislative Assembly;
- provides for retroactive implementation to April 1, 2023 if all the recommendations are accepted by the Lieutenant Governor in Council after that date.

Transitional Provisions

Transition – 2022 Judicial Compensation Commission – delay in appointment and reporting

- 9 (1) Despite section 2 (1) of the *Judicial Compensation Act*, the individuals must be appointed under that section on or before September 1, 2022, rather than on or before March 1, 2022, to form the Judicial Compensation Commission.
- (2) The following modifications to the *Judicial Compensation Act* apply in relation to the Judicial Compensation Commission to be formed on or before September 1, 2022:
- (a) despite section 5 (1) of that Act, the reference to “October 1 following its formation” in that section is to be read as a reference to “April 1, 2023”;
 - (b) despite section 5 (3) of that Act, the reference to “October 30 following its formation” in that section is to be read as a reference to “April 30, 2023”;
 - (c) despite section 5.1 (2) of that Act, the reference to “January 31 following the receipt of the report by the minister” in that section is to be read as a reference to “July 31, 2023”;
 - (d) despite section 6 (1) (a) of that Act, the reference to “January 31 following the date on which the minister receives the report” in that section is to be read as a reference to “July 31, 2023”.
- (3) If all the recommendations made in the final report of the Judicial Compensation Commission formed on or before September 1, 2022 are accepted under section 5.1 (2) of the *Judicial Compensation Act* after April 1, 2023, the order in council and the recommendations are retroactive to the extent necessary to give effect to the recommendations on April 1, 2023.

Commencement

- 10 This Act comes into force on the date of Royal Assent.