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Third Session, Forty-second Parliament  
71 Elizabeth II, 2022  
Legislative Assembly of British Columbia

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**BILL 14**

**WILDLIFE AMENDMENT ACT, 2022**

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Honourable Katrine Conroy  
Minister of Forests, Lands, Natural Resource Operations and Rural Development

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## Explanatory Notes

CLAUSE 1: *[Wildlife Act, section 1]* adds a definition.

CLAUSE 2: *[Wildlife Act, section 1]* adds a definition.

CLAUSE 3: *[Wildlife Act, sections 70.1, 70.2, 100.2 and 100.3]* provides for

- first nations to host hunters from other first nations, and
- the consideration and confidentiality of Indigenous knowledge.

MINISTER OF FORESTS, LANDS, NATURAL RESOURCE  
OPERATIONS AND RURAL DEVELOPMENT

**BILL 14 – 2022**

**WILDLIFE AMENDMENT ACT, 2022**

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

**1 Section 1 (1) of the Wildlife Act, R.S.B.C. 1996, c. 488, is amended by adding the following definition:**

“**first nation**” means a first nation whose traditional territory includes land within the boundaries of British Columbia; .

**2 Section 1 (1) is amended by adding the following definition:**

“**governing body**”, in relation to a first nation, means the governing entity of the first nation, however organized and established by the members of the first nation; .

**3 The following sections are added:**

**Sheltering agreements**

**70.1** (1) In this section and section 70.2:

“**guest**” means a member of a first nation who, under a sheltering agreement, hunts in the traditional territory of the host first nation;

“**host first nation**” means the first nation whose governing body enters into a sheltering agreement under subsection (2) of this section;

“**sheltering agreement**” means an agreement referred to in subsection (2) of this section.

(2) The minister and the governing body of a first nation may enter into an agreement respecting hunting in the traditional territory of that first nation by members of other first nations.

(3) A sheltering agreement may include parties in addition to those referred to in subsection (2), including the governing body of the first nation of which a guest is a member.

CLAUSE 3: *[Wildlife Act, sections 70.1, 70.2, 100.2 and 100.3 – continued]*

**Authorizations in relation to hunting under sheltering agreements**

- 70.2** (1) Subject to subsection (2) and without limiting the matters that may be addressed in a sheltering agreement, a sheltering agreement may include provisions that do one or more of the following:
- (a) in respect of hunting in the traditional territory of the host first nation, authorize a guest to
    - (i) do anything that is prohibited under this Act, or
    - (ii) omit to do anything that is required to be done under this Act;
  - (b) set out conditions or limits that a guest must comply with in relation to an authority provided for under paragraph (a).
- (2) A provision included in a sheltering agreement under subsection (1) is not effective unless the Lieutenant Governor in Council, by regulation, approves the provision.
- (3) Despite any other provision of this Act or the regulations, a guest who acts in accordance with the provisions included in a sheltering agreement under subsection (1) has the authority provided for under subsection (1) (a).

**Indigenous knowledge**

- 100.2** For certainty, in making a decision under this Act, the director, the assistant director and a regional manager must consider relevant Indigenous knowledge provided to the director, assistant director or regional manager, as applicable.

**Confidentiality of Indigenous knowledge**

- 100.3** (1) Any Indigenous knowledge of a first nation that is provided in confidence by the first nation to a person engaged in the administration of this Act may be
- (a) used only for the purposes for which the Indigenous knowledge is provided, and
  - (b) disclosed only as authorized under subsection (2).
- (2) Indigenous knowledge referred to in subsection (1) may be disclosed as follows:
- (a) with the written consent of the governing body of the first nation;
  - (b) if the Indigenous knowledge is publicly available;
  - (c) to a person engaged in the administration of this Act if the Indigenous knowledge is necessary for the performance of that person's duties as they relate to the purpose for which the Indigenous knowledge was provided;
  - (d) to the Attorney General or legal counsel for the government for the purposes of obtaining legal advice;
  - (e) by order of the court;

CLAUSE 3: *[Wildlife Act, sections 70.1, 70.2, 100.2 and 100.3 – continued]*

CLAUSE 4: *[Wildlife Act, section 108]* is consequential to amendments made to the Act by this Bill.

- (f) by order of the appeal board in accordance with section 34 (3) of the *Administrative Tribunals Act*;
  - (g) by a person who has authority under this Act to make a decision if
    - (i) the decision relates to a matter under this Act for which the Indigenous knowledge was provided, and
    - (ii) the person considers that the disclosure is necessary for the purposes of procedural fairness;
  - (h) in prescribed circumstances.
- (3) Before disclosing Indigenous knowledge under any of the following provisions, a person must give written notice of the contemplated disclosure to the governing body of the first nation that provided the knowledge:
- (a) subsection (2) (e), (f) or (g);
  - (b) if required by regulation, subsection (2) (h).
- (4) The following persons may impose conditions on the further disclosure of Indigenous knowledge by the person to whom it is disclosed under subsection (2):
- (a) a justice, if the Indigenous knowledge is disclosed under subsection (2) (e);
  - (b) the appeal board, if the Indigenous knowledge is disclosed under subsection (2) (f);
  - (c) the person referred to in subsection (2) (g), if the Indigenous knowledge is disclosed under that provision;
  - (d) a prescribed person, if the Indigenous knowledge is disclosed under subsection (2) (h).
- (5) If the holder of a licence, certificate or registration referred to in section 61 (1) or an assistant guide contravenes a condition imposed under subsection (4) of this section, a regional manager may take action under section 61.

**4 Section 108 is amended**

**(a) in subsection (3) by adding the following paragraphs:**

- (p) approving a provision of a sheltering agreement for the purposes of section 70.2 (2);
- (q) providing that contravention by a guest of a condition or limit set out in a sheltering agreement under section 70.2 (1) (b) constitutes an offence;
- (r) prescribing circumstances for the purposes of section 100.3 (2) (h) and respecting notification for the purposes of section 100.3 (3) (b);
- (s) prescribing persons for the purposes of section 100.3 (4) (d). , **and**

CLAUSE 4: *[Wildlife Act, section 108 – continued]*

*(b) by adding the following subsection:*

(4.1) A delegation under subsection (4) of the power under subsection (3) (p) may impose limits or conditions on the exercise of the power.

**Commencement**

**5** This Act comes into force on September 1, 2022.