
Third Session, Forty-second Parliament
1 Charles III, 2022
Legislative Assembly of British Columbia

BILL 39

**JUDICIAL REVIEW PROCEDURE
AMENDMENT ACT, 2022**

Honourable Murray Rankin
Attorney General and Minister Responsible for Housing

Explanatory Notes

CLAUSE 1: *[Judicial Review Procedure Act, section 1]* adds a definition and amends a definition further to the addition by this Bill of section 22 to the Act.

CLAUSE 2: *[Judicial Review Procedure Act, section 22]* applies the Act in relation to a decision by an Indigenous governing body whether to give consent when consent is required to be sought or obtained in accordance with a referenced agreement.

BILL 39 – 2022

**JUDICIAL REVIEW PROCEDURE
AMENDMENT ACT, 2022**

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

1 *Section 1 of the Judicial Review Procedure Act, R.S.B.C. 1996, c. 241, is amended*

(a) by adding the following definition:

“Indigenous governing body” has the same meaning as in the *Declaration on the Rights of Indigenous Peoples Act*; , **and**

(b) in the definition of “record of the proceeding” by adding the following paragraph:

(g) in relation to a decision whether to give consent referred to in section 22 (2),

(i) a document or other evidence before the Indigenous governing body, subject to any limitation expressly imposed by any other enactment on the extent to which or the purpose for which a document or other evidence may be used in a proceeding, and

(ii) the decision of the Indigenous governing body and any reasons given by it; .

2 *The following section is added:*

**Application of Act in relation to consent of
Indigenous governing body**

22 (1) If under an enactment the consent of an Indigenous governing body is required to be sought or obtained in accordance with an agreement entered into under section 6 or 7 of the *Declaration on the Rights of Indigenous Peoples Act* before the exercise of a statutory power,

(a) subject to subsection (2), this Act applies in relation to the decision whether to give consent as if that decision were a statutory power,

(b) the Indigenous governing body is deemed for the purposes of section 15 (1) of this Act to be one person,

CLAUSE 2: *[Judicial Review Procedure Act, section 22 – continued]*

- (c) section 15 (2) of this Act does not apply in relation to the decision whether to give consent, and
 - (d) service, if required to be made on the Indigenous governing body, is effectively made by a person if made in accordance with the agreement relating to the consent of the Indigenous governing body before the exercise of the statutory power, as if the person were a party to the agreement.
- (2) If under an enactment the consent of an Indigenous governing body is required to be sought or obtained in accordance with an agreement entered into under section 7 of the *Declaration on the Rights of Indigenous Peoples Act* before the exercise of a statutory power of decision, this Act applies in relation to the decision whether to give consent as if that decision were a statutory power of decision.

Commencement

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