
Fourth Session, Forty-second Parliament
1 Charles III, 2023
Legislative Assembly of British Columbia

BILL 10

**BUDGET MEASURES
IMPLEMENTATION ACT, 2023**

Honourable Katrine Conroy
Minister of Finance

Explanatory Notes

- CLAUSE 1: *[Balanced Budget and Ministerial Accountability Act, section 2.2]* includes the 2025–2026 fiscal year in the period of fiscal years for which budget deficits are allowed to be forecast in the main estimates.
- CLAUSE 2: *[Members' Remuneration and Pensions Act, section 2]* provides that the basic compensation for members of the Legislative Assembly will not be adjusted for the fiscal year commencing on April 1, 2020.
- CLAUSE 3: *[Members' Remuneration and Pensions Act, section 2]* provides that the basic compensation for members of the Legislative Assembly will not be adjusted for the fiscal year commencing on April 1, 2023.
- CLAUSE 4: *[Budget Measures Implementation Act, 2008, section 42.1]* is consequential to amendments made by this Bill to section 38 of the *Income Tax Act*.

BILL 10 – 2023

**BUDGET MEASURES
IMPLEMENTATION ACT, 2023**

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

PART 1 – NON-TAX BUDGET MEASURES

Balanced Budget and Ministerial Accountability Act

- 1 Section 2.2 of the Balanced Budget and Ministerial Accountability Act, S.B.C. 2001, c. 28, is amended by striking out “2024–2025” and substituting “2025–2026”.*

Members’ Remuneration and Pensions Act

- 2 Section 2 (2.1) of the Members’ Remuneration and Pensions Act, R.S.B.C. 1996, c. 257, is amended by striking out “and April 1, 2013” and substituting “, April 1, 2013 and April 1, 2020”.*
- 3 Section 2 (2.1) is amended by striking out “and April 1, 2020” and substituting “, April 1, 2020 and April 1, 2023”.*

PART 2 – TAX-RELATED BUDGET MEASURES

Budget Measures Implementation Act, 2008

- 4 Section 42.1 of the Budget Measures Implementation Act, 2008, S.B.C. 2008, c. 10, is amended by striking out “paragraph (h)” and substituting “paragraph (m)”.*

CLAUSE 5: *[Carbon Tax Act, section 8.2]* imposes the full amount of tax on fuel that was partially exempt from tax but whose subsequent use renders it ineligible for the partial exemption.

CLAUSE 6: *[Carbon Tax Act, section 64]* is consequential to amendments made by this Bill to the Act.

CLAUSE 7: *[Carbon Tax Act, sections 71 and 71.1]*

- repeals and replaces provisions relating to the use and sharing of confidential information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes.

Carbon Tax Act

5 *The Carbon Tax Act, S.B.C. 2008, c. 40, is amended by adding the following section:*

Imposition of tax on fuel if ineligible for partial exemption

- 8.2 (1) If a purchaser purchased fuel that was partially exempt from tax imposed under section 8 and the fuel is subsequently used
- (a) in circumstances other than the circumstances in which the partial exemption applies, or
 - (b) in contravention of the conditions or limitations of the partial exemption, the purchaser must pay to the government tax on that fuel at the rate calculated in accordance with subsection (2).
- (2) For the purposes of subsection (1), the rate of tax on the fuel is the difference between
- (a) the rate of tax for that type of fuel set out in the column of the Table in Schedule 1 that applies for the period of time in which that fuel is used, and
 - (b) the rate of tax for that type of fuel that applied when the purchaser paid tax under the partial exemption.
- (3) Tax payable under subsection (1) must be paid at the prescribed time and in the prescribed manner.

6 *Section 64 (9) is amended by striking out “Despite section 71 (1), the” and substituting “The”.*

7 *Section 71 is repealed and the following substituted:*

Information sharing

- 71 (1) In this section:
- “**authorized person**” means a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out the provisions of this Act;
 - “**confidential information**” means information of any kind and in any form, other than excluded information, relating to one or more persons,
 - (a) that is obtained for the purposes of this Act by or on behalf of the minister, or
 - (b) that is prepared from information referred to in paragraph (a),but does not include information that does not directly or indirectly reveal the identity of the person to whom the information relates;

CLAUSE 7: *[Carbon Tax Act, sections 71 and 71.1 – continued]*

“excluded information” means any of the following information:

- (a) the name and address of a collector;
- (b) whether a person’s appointment as a collector has been suspended or cancelled;
- (c) in relation to a person who holds or has held an exempt fuel retailer permit within the meaning of Part 8.1 of the Carbon Tax Regulation, B.C. Reg. 125/2008,
 - (i) the name and address of the person,
 - (ii) the type or subcategory of a type of fuel specified in the exempt fuel retailer permit,
 - (iii) the percentage set by the director under section 41.3 of the Carbon Tax Regulation in relation to the person, and
 - (iv) whether the exempt fuel retailer permit has been suspended or cancelled;
- (d) in relation to a person who is or has been a registered consumer,
 - (i) the name and address of the person,
 - (ii) the type or subcategory of a type of fuel specified in the person’s registered consumer certificate, and
 - (iii) whether the person’s registered consumer certificate has been suspended or cancelled;
- (e) in relation to a person who holds or has held a registered marine service certificate or a registered air service certificate,
 - (i) the name and address of the person,
 - (ii) the type or subcategory of a type of fuel specified in the registered marine service certificate or registered air service certificate, and
 - (iii) whether the registered marine service certificate or registered air service certificate has been suspended or cancelled;

“official” means any person

- (a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or
- (b) who was formerly so employed or engaged or formerly occupied such a position;

“police officer” means a police officer as defined in section 462.48 (17) of the *Criminal Code*;

CLAUSE 7: *[Carbon Tax Act, sections 71 and 71.1 – continued]*

- “US state official”** means any person
- (a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of a state of the United States of America, or
 - (b) who was formerly so employed or engaged or formerly occupied such a position.
- (2) For the purposes of the definition of “excluded information”, a person’s name includes any name under which the person carries on business.
- (3) Despite any other enactment or law, except as authorized by this section or section 64 (9), an official must not
- (a) knowingly provide, or knowingly allow to be provided, any confidential information to any person,
 - (b) knowingly allow any person to have access to any confidential information, or
 - (c) knowingly use any confidential information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.
- (4) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any confidential information.
- (5) Subsections (3) and (4) do not apply in relation to the following:
- (a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;
 - (b) any legal proceedings relating to the administration or enforcement of
 - (i) any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax or duty, or
 - (ii) Part 10 of the *Petroleum and Natural Gas Act* or the regulations under that Part.
- (6) Subject to subsection (7), an official may do one or more of the following:
- (a) provide to any person confidential information that can reasonably be considered necessary for the purposes of the administration or enforcement of this Act, solely for those purposes;
 - (b) provide to any person confidential information that can reasonably be considered necessary for the purposes of determining
 - (i) any tax, security, interest, penalty or other amount that is or may become payable by the person under this Act,
 - (ii) any exemption, deduction, refund or credit to which the person is or may become entitled under this Act, or

CLAUSE 7: *[Carbon Tax Act, sections 71 and 71.1 – continued]*

- (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);
- (c) provide confidential information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;
 - (iii) to an official of the ministry of the minister, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (iv) to an official solely for the purposes of the administration or enforcement of an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
 - (v) to an official solely for the purposes of the administration or enforcement of Part 10 of the *Petroleum and Natural Gas Act* or the regulations under that Part;
 - (vi) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or an enactment of another province, that provides for the imposition or collection of a tax or duty;
 - (vii) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
 - (viii) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;
- (d) provide confidential information to a US state official solely for the purposes of the administration or enforcement of an enactment of a state of the United States of America that provides for the imposition or collection of a tax or duty;
- (e) provide confidential information, or allow inspection of or access to confidential information, as the case may be, under, and solely for the purposes of,
 - (i) sections 44 (1) and 61 (1) of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15, 16 and 17 of the *Auditor General Act*;
- (f) provide confidential information as provided for in, or ordered under, section 239 or 242 of the *Family Law Act* or section 8.2 or 9 of the *Family Maintenance Enforcement Act*;

CLAUSE 7: *[Carbon Tax Act, sections 71 and 71.1 – continued]*

- (g) provide confidential information relating to a person, other than information that may be requested from the director under section 64 (9),
 - (i) to the person, and
 - (ii) with the consent of the person, to any other person;
 - (h) use confidential information to compile information in a form that does not directly or indirectly reveal the identity of the person to whom the information relates;
 - (i) provide confidential information solely for the purposes of sections 17, 18 and 19 of the *Financial Administration Act*;
 - (j) use, or provide to any person, confidential information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;
 - (k) provide confidential information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the confidential information can reasonably be considered necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,
 - (ii) the official was or is engaged in the administration or enforcement of this Act, and
 - (iii) the offence can reasonably be considered to be related to the administration or enforcement of this Act;
 - (l) provide confidential information to, or allow inspection of or access to confidential information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information.
- (7) Except in accordance with an information-sharing agreement entered into under section 71.1, an official must not, under subsection (6) (a) to (d) and (i) to (l) of this section, provide confidential information to, or allow inspection of or access to confidential information by,
- (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry of the minister,
 - (b) an official of the government of Canada,

CLAUSE 7: *[Carbon Tax Act, sections 71 and 71.1 – continued]*

- (c) an official of the government of another province, or
 - (d) a US state official.
- (8) An official may provide to appropriate persons any confidential information relating to imminent danger of death or physical injury to any individual.
- (9) The person who presides at a legal proceeding in relation to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that confidential information is not used or provided to any person for any purpose unrelated to the proceeding, including
- (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the confidential information,
 - (c) an order to conceal the identity of the person to whom the confidential information relates, and
 - (d) an order sealing the records of the proceeding.
- (10) To the extent of any inconsistency or conflict with section 32 or 33 of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

Information-sharing agreements

- 71.1** (1) In this section:
- “**confidential information**” has the same meaning as in section 71;
 - “**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 71 (6).
- (2) The minister may enter into an information-sharing agreement with
- (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,
 - (b) the government of Canada or an agency of that government,
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government, or
 - (d) the government of a state of the United States of America or an agency of that government.
- (3) Subject to subsection (4), confidential information obtained by the minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.

CLAUSE 7: *[Carbon Tax Act, sections 71 and 71.1 – continued]*

CLAUSE 8: *[Carbon Tax Act, section 75]* repeals a provision on offences involving confidential information, consequential to amendments made by this Bill to the Act.

CLAUSE 9: *[Carbon Tax Act, section 75.1]*

- replaces a provision relating to offences involving confidential information;
- harmonizes the offence provisions with those in other provincial tax and revenue statutes, including by raising the maximum penalty.

- (4) Subsection (3) does not prevent
 - (a) any confidential information obtained by the minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing
 - (i) an enactment administered by the minister that provides for the imposition or collection of a tax or duty, or
 - (ii) Part 10 of the *Petroleum and Natural Gas Act* or the regulations under that Part, or
 - (b) any confidential information obtained by the minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the minister.
- (6) For the purposes of section 71 (7), an information-sharing agreement entered into before the coming into force of this section is considered to be an information-sharing agreement entered into by the minister under this section.

8 ***Section 75 (1) is repealed.***

9 ***The following section is added:***

Offences in relation to confidential information

- 75.1** (1) A person commits an offence if the person
- (a) contravenes section 71 (3), or
 - (b) knowingly contravenes an order made under section 71 (9).
- (2) A person commits an offence if
- (a) the person has been provided with confidential information for a particular purpose under section 71 (6) (a) to (c), (e), (f), (i), (j) or (l), and
 - (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.
- (3) A person who commits an offence under subsection (1) or (2) is liable to one or both of the following:
- (a) a fine of not more than \$5 000;
 - (b) imprisonment for not more than 12 months.

- CLAUSE 10: *[Carbon Tax Act, section 84]* clarifies that the regulation-making power to provide regulated operations under the *Greenhouse Gas Industrial Reporting and Control Act* with tax exemptions or tax refunds applies in respect of greenhouse gas emissions that are captured, stored or sequestered.
- CLAUSE 11: *[Carbon Tax Act, Schedule 1]* establishes carbon tax rates for fuels for the year starting April 1, 2023 and subsequent years.

10 Section 84 (3) (n) is amended by adding “, including emissions that are captured, stored or sequestered,” after “greenhouse gas emissions”.

11 Schedule 1 is amended by repealing the table and substituting the following:

Table

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Type of fuel	Rate of tax for the year starting April 1, 2022	Rate of tax for the year starting April 1, 2023	Rate of tax for the year starting April 1, 2024	Rate of tax for the year starting April 1, 2025	Rate of tax for the year starting April 1, 2026
1	Aviation Fuel	12.44 ¢/L	15.92 ¢/L	19.59 ¢/L	23.26 ¢/L	26.94 ¢/L
2	Gasoline	11.05 ¢/L	14.31 ¢/L	17.61 ¢/L	20.91 ¢/L	24.22 ¢/L
3	Heavy Fuel Oil	15.93 ¢/L	20.72 ¢/L	25.50 ¢/L	30.28 ¢/L	35.06 ¢/L
4	Jet Fuel	12.91 ¢/L	16.78 ¢/L	20.65 ¢/L	24.53 ¢/L	28.40 ¢/L
5	Kerosene	12.91 ¢/L	16.78 ¢/L	20.65 ¢/L	24.53 ¢/L	28.40 ¢/L
6	Light Fuel Oil	13.01 ¢/L	16.85 ¢/L	20.74 ¢/L	24.62 ¢/L	28.51 ¢/L
7	Methanol	5.49 ¢/L	7.14 ¢/L	8.78 ¢/L	10.43 ¢/L	12.08 ¢/L
8	Naphtha	11.27 ¢/L	14.65 ¢/L	18.03 ¢/L	21.42 ¢/L	24.80 ¢/L
9	Butane	8.90 ¢/L	11.57 ¢/L	14.24 ¢/L	16.91 ¢/L	19.58 ¢/L
10	Coke Oven Gas	3.50 ¢/m ³	4.55 ¢/m ³	5.60 ¢/m ³	6.65 ¢/m ³	7.70 ¢/m ³
11	Ethane	5.09 ¢/L	6.62 ¢/L	8.15 ¢/L	9.68 ¢/L	11.21 ¢/L
12	Propane	7.74 ¢/L	10.06 ¢/L	12.38 ¢/L	14.70 ¢/L	17.03 ¢/L
13	Natural Gas	9.79 ¢/m ³	12.39 ¢/m ³	15.25 ¢/m ³	18.11 ¢/m ³	20.97 ¢/m ³
14	Refinery Gas	13.50 ¢/m ³	13.96 ¢/m ³	17.18 ¢/m ³	20.40 ¢/m ³	23.62 ¢/m ³
15	High Heat Value Coal	112.58 \$/tonne	145.02 \$/tonne	178.48 \$/tonne	211.95 \$/tonne	245.41 \$/tonne
16	Low Heat Value Coal	88.62 \$/tonne	115.21 \$/tonne	141.80 \$/tonne	168.38 \$/tonne	194.97 \$/tonne
17	Coke	158.99 \$/tonne	206.68 \$/tonne	254.38 \$/tonne	302.07 \$/tonne	349.77 \$/tonne
18	Petroleum Coke	19.19 ¢/L	24.52 ¢/L	30.18 ¢/L	35.84 ¢/L	41.49 ¢/L
19	Gas Liquids	8.32 ¢/L	10.81 ¢/L	13.31 ¢/L	15.81 ¢/L	18.30 ¢/L
20	Pentanes Plus	8.90 ¢/L	11.57 ¢/L	14.24 ¢/L	16.91 ¢/L	19.58 ¢/L

[Note: table continues below.]

CLAUSE 11: *[Carbon Tax Act, Schedule 1 – continued]*

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Column 1	Column 2	Column 8	Column 9	Column 10	Column 11
Item	Type of fuel	Rate of tax for the year starting April 1, 2027	Rate of tax for the year starting April 1, 2028	Rate of tax for the year starting April 1, 2029	Rate of tax for the year starting April 1, 2030 and each subsequent year starting April 1
1	Aviation Fuel	30.61 ¢/L	34.28 ¢/L	37.95 ¢/L	41.63 ¢/L
2	Gasoline	27.52 ¢/L	30.82 ¢/L	34.12 ¢/L	37.43 ¢/L
3	Heavy Fuel Oil	39.84 ¢/L	44.62 ¢/L	49.41 ¢/L	54.19 ¢/L
4	Jet Fuel	32.27 ¢/L	36.14 ¢/L	40.01 ¢/L	43.89 ¢/L
5	Kerosene	32.27 ¢/L	36.14 ¢/L	40.01 ¢/L	43.89 ¢/L
6	Light Fuel Oil	32.40 ¢/L	36.28 ¢/L	40.17 ¢/L	44.06 ¢/L
7	Methanol	13.73 ¢/L	15.37 ¢/L	17.02 ¢/L	18.67 ¢/L
8	Naphtha	28.18 ¢/L	31.56 ¢/L	34.94 ¢/L	38.32 ¢/L
9	Butane	22.25 ¢/L	24.92 ¢/L	27.59 ¢/L	30.26 ¢/L
10	Coke Oven Gas	8.75 ¢/m ³	9.80 ¢/m ³	10.85 ¢/m ³	11.90 ¢/m ³
11	Ethane	12.73 ¢/L	14.26 ¢/L	15.79 ¢/L	17.32 ¢/L
12	Propane	19.35 ¢/L	21.67 ¢/L	23.99 ¢/L	26.31 ¢/L
13	Natural Gas	23.83 ¢/m ³	26.69 ¢/m ³	29.54 ¢/m ³	32.40 ¢/m ³
14	Refinery Gas	26.84 ¢/m ³	30.06 ¢/m ³	33.28 ¢/m ³	36.50 ¢/m ³
15	High Heat Value Coal	278.88 \$/tonne	312.35 \$/tonne	345.81 \$/tonne	379.28 \$/tonne
16	Low Heat Value Coal	221.56 \$/tonne	248.14 \$/tonne	274.73 \$/tonne	301.31 \$/tonne
17	Coke	397.46 \$/tonne	445.16 \$/tonne	492.86 \$/tonne	540.55 \$/tonne
18	Petroleum Coke	47.15 ¢/L	52.81 ¢/L	58.47 ¢/L	64.13 ¢/L
19	Gas Liquids	20.80 ¢/L	23.29 ¢/L	25.79 ¢/L	28.28 ¢/L
20	Pentanes Plus	22.25 ¢/L	24.92 ¢/L	27.59 ¢/L	30.26 ¢/L

CLAUSE 12: *[Carbon Tax Act, Schedule 2]* establishes carbon tax rates for combustibles for the year starting April 1, 2023 and subsequent years.

CLAUSE 13: *[Forest Act, sections 142.93 and 142.931]*

- repeals and replaces provisions relating to the use and sharing of confidential information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes.

12 *Schedule 2 is amended by repealing the table and substituting the following:*

Table

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Type of Combustible	Rate of tax for the year starting April 1, 2022	Rate of tax for the year starting April 1, 2023	Rate of tax for the year starting April 1, 2024	Rate of tax for the year starting April 1, 2025	Rate of tax for the year starting April 1, 2026
1	Peat	51.10 \$/tonne	66.43 \$/tonne	81.76 \$/tonne	97.09 \$/tonne	112.42 \$/tonne
2	Combustible Waste	99.87 \$/tonne	129.82 \$/tonne	159.78 \$/tonne	189.74 \$/tonne	219.70 \$/tonne

[Note: table continues below.]

Column 1	Column 2	Column 8	Column 9	Column 10	Column 11
Item	Type of Combustible	Rate of tax for the year starting April 1, 2027	Rate of tax for the year starting April 1, 2028	Rate of tax for the year starting April 1, 2029	Rate of tax for the year starting April 1, 2030 and each subsequent year starting April 1
1	Peat	127.75 \$/tonne	143.08 \$/tonne	158.41 \$/tonne	173.74 \$/tonne
2	Combustible Waste	249.66 \$/tonne	279.62 \$/tonne	309.58 \$/tonne	339.54 \$/tonne

Forest Act

13 *Section 142.93 of the Forest Act, R.S.B.C. 1996, c. 157, is repealed and the following substituted:*

Information sharing

142.93 (1) In this section:

“**authorized person**” means a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out Part 11.1 of this Act;

CLAUSE 13: *[Forest Act, sections 142.93 and 142.931 – continued]*

“confidential information” means information of any kind and in any form, relating to one or more persons,

(a) that is obtained for the purposes of Part 11.1 of this Act by or on behalf of the revenue minister, or

(b) that is prepared from information referred to in paragraph (a),

but does not include information that does not directly or indirectly reveal the identity of the person to whom the information relates;

“official” means any person

(a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or

(b) who was formerly so employed or engaged or formerly occupied such a position;

“police officer” means a police officer as defined in section 462.48 (17) of the *Criminal Code*;

“US state official” means any person

(a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of a state of the United States of America, or

(b) who was formerly so employed or engaged or formerly occupied such a position.

(2) Despite any other enactment or law, except as authorized by this section, an official must not

(a) knowingly provide, or knowingly allow to be provided, any confidential information to any person,

(b) knowingly allow any person to have access to any confidential information, or

(c) knowingly use any confidential information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.

(3) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any confidential information.

(4) Subsections (2) and (3) do not apply in relation to the following:

(a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;

CLAUSE 13: *[Forest Act, sections 142.93 and 142.931 – continued]*

- (b) any legal proceedings relating to the administration or enforcement of any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax or duty.
- (5) Subject to subsection (6), an official may do one or more of the following:
- (a) provide to any person confidential information that can reasonably be considered necessary for the purposes of the administration or enforcement of this Act or another Act administered by the minister, solely for those purposes;
 - (b) provide to any person confidential information that can reasonably be considered necessary for the purposes of determining
 - (i) any interest, penalty or other amount that is or may become payable by the person under this Act,
 - (ii) any refund to which the person is or may become entitled under this Act, or
 - (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);
 - (c) provide confidential information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;
 - (iii) to an official of the ministry of the minister, solely for the purposes of the formulation or evaluation of policy;
 - (iv) to an official of the ministry of the revenue minister, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (v) to an official solely for the purposes of the administration or enforcement of an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
 - (vi) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or an enactment of another province, that provides for the imposition or collection of a tax or duty;
 - (vii) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
 - (viii) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;

CLAUSE 13: *[Forest Act, sections 142.93 and 142.931 – continued]*

- (d) provide confidential information to a US state official solely for the purposes of the administration or enforcement of an enactment of a state of the United States of America that provides for the imposition or collection of a tax or duty;
- (e) provide confidential information, or allow inspection of or access to confidential information, as the case may be, under, and solely for the purposes of,
 - (i) sections 44 (1) and 61 (1) of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15, 16 and 17 of the *Auditor General Act*;
- (f) provide confidential information as provided for in, or ordered under, section 239 or 242 of the *Family Law Act* or section 8.2 or 9 of the *Family Maintenance Enforcement Act*;
- (g) provide confidential information relating to a person
 - (i) to the person, and
 - (ii) with the consent of the person, to any other person;
- (h) use confidential information to compile information in a form that does not directly or indirectly reveal the identity of the person to whom the information relates;
- (i) provide confidential information solely for the purposes of sections 17, 18 and 19 of the *Financial Administration Act*;
- (j) use, or provide to any person, confidential information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;
- (k) provide confidential information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the confidential information can reasonably be considered necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,
 - (ii) the official was or is engaged in the administration or enforcement of this Act, and

CLAUSE 13: *[Forest Act, sections 142.93 and 142.931 – continued]*

- (iii) the offence can reasonably be considered to be related to the administration or enforcement of this Act;
 - (l) provide confidential information to, or allow inspection of or access to confidential information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information.
- (6) Except in accordance with an information-sharing agreement entered into under section 142.931, an official must not, under subsection (5) (a) to (d) and (i) to (l) of this section, provide confidential information to, or allow inspection of or access to confidential information by,
 - (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry of the revenue minister,
 - (b) an official of the government of Canada,
 - (c) an official of the government of another province, or
 - (d) a US state official.
- (7) An official may provide to appropriate persons any confidential information relating to imminent danger of death or physical injury to any individual.
- (8) The person who presides at a legal proceeding relating to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that confidential information is not used or provided to any person for any purpose unrelated to the proceeding, including
 - (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the confidential information,
 - (c) an order to conceal the identity of the person to whom the confidential information relates, and
 - (d) an order sealing the records of the proceeding.
- (9) To the extent of any inconsistency or conflict with section 32 or 33 of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

Information-sharing agreements

142.931 (1) In this section:

“**confidential information**” has the same meaning as in section 142.93;

“**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 142.93 (5).

CLAUSE 13: *[Forest Act, sections 142.93 and 142.931 – continued]*

CLAUSE 14: *[Forest Act, section 164.01]*

- replaces a provision relating to offences involving confidential information;
- harmonizes the offence provisions with those in other provincial tax and revenue statutes.

- (2) The revenue minister may enter into an information-sharing agreement with
 - (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,
 - (b) the government of Canada or an agency of that government,
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government, or
 - (d) the government of a state of the United States of America or an agency of that government.
- (3) Subject to subsection (4), confidential information obtained by the revenue minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.
- (4) Subsection (3) does not prevent
 - (a) any confidential information obtained by the revenue minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing an enactment administered by the revenue minister that provides for the imposition or collection of a tax or duty, or
 - (b) any confidential information obtained by the revenue minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the revenue minister.
- (6) For the purposes of section 142.93 (6), an information-sharing agreement entered into before the coming into force of this section is considered to be an information-sharing agreement entered into by the revenue minister under this section.

14 The following section is added:

Offences in relation to confidential information

- 164.01** (1) A person commits an offence if the person
- (a) contravenes section 142.93 (2), or
 - (b) knowingly contravenes an order made under section 142.93 (8).

CLAUSE 14: *[Forest Act, section 164.01 – continued]*

CLAUSE 15: *[Greenhouse Gas Industrial Reporting and Control Act, section 1]*

- amends the definitions of “administrative agreement”, “compliance account”, “compliance period”, “compliance report”, “compliance unit”, “contingency account”, “emission limit”, “emission report”, “facility”, “holding account”, “industrial operation”, “issue”, “registry”, “registry administrator”, “regulated operation”, “reporting operation”, “retire”, “retirement account” and “verification statement”;
- adds definitions of “compliance obligation deadline”, “new entrant”, “new entrant period”, “opted-in operation” and “protocol”;
- repeals the definitions of “director’s protocol”, “funded unit”, “schedule” and “technology fund”.

- (2) A person commits an offence if
 - (a) the person has been provided with confidential information for a particular purpose under section 142.93 (5) (a) to (c), (e), (f), (i), (j) or (l), and
 - (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.
- (3) A person who commits an offence under subsection (1) or (2) is liable on conviction to one or both of the following:
 - (a) a fine of not more than \$5 000;
 - (b) imprisonment for not more than 12 months.

Greenhouse Gas Industrial Reporting and Control Act

15 *Section 1 (1) of the Greenhouse Gas Industrial Reporting and Control Act, S.B.C. 2014, c. 29, is amended*

- (a) in the definition of “administrative agreement” by striking out “under section 16 (2) [registry operated outside government]” and substituting “referred to in section 14 (1) (b) [registry administrator]”,*
- (b) in the definition of “compliance account” by striking out “section 13 (3) (b)” and substituting “section 13 (2) (d)”,*
- (c) by adding the following definition:*
 - “compliance obligation deadline”,** in relation to a compliance period, means the compliance obligation deadline prescribed for the compliance period; ,
- (d) by repealing the definitions of “compliance period” and “compliance report” and substituting the following:*
 - “compliance period”** means a period set out in column 2 of the Schedule;
 - “compliance report”** means a report under section 7 (1) [compliance reports], a supplementary report under section 7 (3) or a corrected report under section 7 (5.1); ,
- (e) in the definition of “compliance unit” by striking out “a funded unit,”,*
- (f) in the definition of “contingency account” by striking out “section 13 (4) (c)” and substituting “section 13 (2) (f)”,*
- (g) by repealing the definition of “director’s protocol”,*

CLAUSE 15: *[Greenhouse Gas Industrial Reporting and Control Act, section 1 – continued]*

(h) by repealing the definitions of “emission limit”, “emission report” and “facility” and substituting the following:

“**emission limit**”, in relation to a regulated operation for a compliance period, means the emission limit for the regulated operation as determined in accordance with the regulations for the compliance period;

“**emission report**” means a report under section 3 (1) [*emission reports*], a supplementary report under section 3 (3) or a corrected report under section 3 (5.1);

“**facility**”, subject to subsection (3), has the prescribed meaning; ,

(i) by repealing the definition of “funded unit”,

(j) by repealing the definition of “holding account” and substituting the following:

“**holding account**” means

- (a) an account described in section 13 (2) (a), (b) or (c) [*registry*], or
- (b) a prescribed account in the registry; ,

(k) in the definition of “industrial operation” by adding “, subject to subsection (3),” before “means”,

(l) in the definition of “issue” by striking out “, a funded unit”,

(m) by adding the following definitions:

“**new entrant**” means an industrial operation or a part of an industrial operation

- (a) that has been designated under section 20.2 (2) [*new entrant*] as a new entrant,
- (b) that is a regulated operation, or a part of a regulated operation, and
- (c) in relation to which the new entrant period has begun and not ended;

“**new entrant period**”, in relation to a new entrant, has the prescribed meaning;

“**opted-in operation**” means an industrial operation that is designated under section 20.1 [*opting in and out*] as a reporting operation or as a reporting operation and a regulated operation;

“**protocol**” means a protocol established under section 10 [*protocols*]; ,

(n) in the definition of “registry” by striking out “for the purposes of section 13” and substituting “under section 13 (1)”,

(o) by repealing the definitions of “registry administrator”, “regulated operation” and “reporting operation” and substituting the following:

“**registry administrator**” means a person appointed under section 14 (1) [*registry administrator*];

CLAUSE 15: *[Greenhouse Gas Industrial Reporting and Control Act, section 1 – continued]*

CLAUSE 16: *[Greenhouse Gas Industrial Reporting and Control Act, section 1]* authorizes the director to make determinations for the purposes of the definitions of “facility”, “industrial operation”, “reporting operation” and “regulated operation”.

CLAUSE 17: *[Greenhouse Gas Industrial Reporting and Control Act, section 3]*

- requires the operator of a reporting operation to submit the reports required by the regulations respecting greenhouse gas emissions in a reporting period;
- authorizes the director to require a corrected emission report to be submitted in specified circumstances;
- clarifies and expands the authority of the director to require an operator to submit a verification statement in relation to an emission report, or information related to administering or ensuring compliance with the Act or the regulations;
- authorizes the director to require an audit of an emission report or of information provided to the director.

“regulated operation”, subject to subsection (3), means

- (a) a reporting operation that is in a class designated by regulation, or
- (b) an opted-in operation that is designated as a reporting operation and a regulated operation;

“reporting operation”, subject to subsection (3), means

- (a) an industrial operation that is prescribed as a reporting operation, or
- (b) an opted-in operation that is designated as a reporting operation; ,

- (p) in paragraph (a) of the definition of “retire” by striking out “, a funded unit”,*
- (q) in the definition of “retirement account” by striking out “section 13 (4) (b)” and substituting “section 13 (2) (e)”*,
- (r) by repealing the definitions of “schedule” and “technology fund”, and*
- (s) in the definition of “verification statement” by striking out “an emission report, a compliance report or an accepted emission offset project report” and substituting “information included in an emission report, a compliance report or an accepted emission offset project report, or information provided to the director under section 3 (7) [emission reports] or 7 (7) [compliance reports]”.*

16 Section 1 is amended by adding the following subsection:

- (3) The director may determine, taking into account any criteria prescribed by regulation, whether any specific buildings, structures, fixtures, equipment or activities constitute a facility, an industrial operation, a reporting operation or a regulated operation, or a part of an industrial operation, reporting operation or regulated operation.

17 Section 3 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

- (1) For each reporting period, in accordance with the regulations, the operator of a reporting operation must ensure that the reports required by the regulations respecting the following are submitted to the director:
 - (a) the amount of greenhouse gas emissions, determined in accordance with the regulations, that is attributable to the reporting operation for the purposes of this section for the reporting period;
 - (b) the prescribed information or matters. ,

(b) by repealing subsection (4),

CLAUSE 17: *[Greenhouse Gas Industrial Reporting and Control Act, section 3 – continued]*

(c) by adding the following subsections:

- (5.1) If, within 7 years after an emission report is submitted, the director has reasonable grounds to suspect that there is an error or omission in the report, the director may require that the operator of the reporting operation have a corrected report prepared in accordance with the regulations and submitted to the director by the date specified by the director.
- (5.2) The operator of a reporting operation must comply with a requirement of the director under subsection (5.1) in relation to an emission report unless the operator establishes to the satisfaction of the director that
 - (a) the emission report is accurate and complete, or
 - (b) data is not available to correct the emission report. ,

(d) in subsection (6) by adding “or a corrected report” after “supplementary report”, and

(e) by repealing subsection (7) and substituting the following:

- (7) If required by the director, the operator of a reporting operation must provide, by the date specified by the director,
 - (a) any additional information specified by the director in support of an emission report,
 - (b) information that the director reasonably requires for the purposes of administering or ensuring compliance with this Act or the regulations, and
 - (c) any prescribed information.
- (8) If required by the regulations or by the director, the operator of a reporting operation must ensure that a verification statement in relation to an emission report, or in relation to information provided under subsection (7), is prepared at the expense of the operator and submitted to the director
 - (a) in accordance with the regulations, or
 - (b) if no specific direction is prescribed, in accordance with the directions of the director.
- (9) The director may
 - (a) require that an emission report or information provided under subsection (7) be audited at the expense of the operator in accordance with the directions of the director, or
 - (b) conduct the audit, or authorize a person to conduct the audit, at the expense of the operator.

CLAUSE 18: *[Greenhouse Gas Industrial Reporting and Control Act, sections 4 and 5]*

- repeals provisions deeming captured and stored emissions not to be attributable to a regulated operation and setting an emission limit in the Schedule of Regulated Operations and Emission Limits, repealed by this Act;
- adds a provision respecting the determination of the amount of excess greenhouse gas emissions for a regulated operation in a compliance period.

CLAUSE 19: *[Greenhouse Gas Industrial Reporting and Control Act, section 6]*

- repeals and replaces a provision respecting how an operator of a regulated operation in a prescribed class of regulated operations may meet a compliance obligation relating to excess greenhouse gas emissions in a compliance period;
- sets out the compliance units or dollar amount required, for each tonne of excess greenhouse gas emissions, to meet a compliance obligation in a compliance period.

18 Sections 4 and 5 are repealed and the following substituted:

Excess greenhouse gas emissions

- 5** (1) For the purposes of this Act, a regulated operation has excess greenhouse gas emissions in a compliance period if the amount of greenhouse gas emissions, determined in accordance with the regulations on a carbon dioxide equivalent basis, attributable to the regulated operation for the compliance period exceeds the emission limit applicable to the regulated operation for the compliance period.
- (2) The amount of excess greenhouse gas emissions of a regulated operation for a compliance period is the following:
- (a) subject to paragraph (b), the amount reported in the compliance report under section 7 (1) submitted to the director for the compliance period;
 - (b) if one or more supplementary reports under section 7 (3), or corrected reports under section 7 (5.1), are submitted to the director in relation to the amount of excess greenhouse gas emissions for the compliance period, the amount reported in the most recent report.
- (3) Despite subsection (2), if the director determines the amount of excess greenhouse gas emissions for the compliance period under section 7.1 (1), the amount of excess greenhouse gas emissions is one of the following amounts, as determined by the director:
- (a) the amount determined by the director under section 7.1 (1);
 - (b) if the director accepts a supplementary report or corrected report referred to in subsection (2) (b), the amount reported in the report.

19 Section 6 (2) is repealed and the following substituted:

- (2) Subject to the regulations, the operator of a regulated operation in a prescribed class of regulated operations that has excess greenhouse gas emissions in a compliance period may meet its compliance obligation by doing one or both of the following by the compliance obligation deadline:
- (a) ensuring that compliance units are available in a compliance account of the regulated operation for retirement;
 - (b) making a monetary payment to the government.
- (3) Subject to the regulations, the amount required to meet the compliance obligation under subsection (2) of a regulated operation for a compliance period is calculated at the following rates:
- (a) one compliance unit for each tonne of excess greenhouse gas emissions in the compliance period;
 - (b) the dollar amount set out in column 1 of the Schedule for each tonne of excess greenhouse gas emissions in the compliance period set out opposite in column 2 of the Schedule.

CLAUSE 20: *[Greenhouse Gas Industrial Reporting and Control Act, section 6.1]* provides for the correction of the emission limit, or the amount of greenhouse gas emissions, of a regulated operation for a compliance period after the operator of the regulated operation has met its compliance obligation or the director has issued earned credits.

20 The following section is added:

Greenhouse gas emission correction

- 6.1** (1) This section applies if, as a result of a supplementary report under section 7 (3), a corrected report under section 7 (5.1) or a determination by the director under section 7.1, either of the following is corrected after the operator of a regulated operation has, under section 6 (2), met a compliance obligation, or the director has, under section 12 (1) [*earned credits*], issued earned credits to the operator of a regulated operation in relation to a compliance period:
- (a) the emission limit for the regulated operation for the compliance period;
 - (b) the amount of greenhouse gas emissions, determined in accordance with the regulations on a carbon dioxide equivalent basis, attributable to the regulated operation for the compliance period.
- (2) In the circumstances described in subsection (1), the operator of the regulated operation or the director, as applicable, must do the following, in accordance with the regulations:
- (a) if the correction results in an increased amount required under section 6 (3), the operator must, within the prescribed period, meet the additional compliance obligation;
 - (b) if the correction results in a reduced amount required under section 6 (3), the director may do one or a combination of the following:
 - (i) issue, by crediting to a holding account of the operator of the regulated operation, compliance units equivalent to the amount of any overpayment made by the regulated operation;
 - (ii) issue a monetary refund equivalent to the amount of any overpayment made by the regulated operation;
 - (c) if the correction results in additional credits to be issued to the regulated operation under section 12, the director may issue, by crediting to a holding account of the operator, earned credits calculated in accordance with section 12 (1);
 - (d) if the correction results in fewer credits to be issued to the regulated operation under section 12, the operator must, within the prescribed period,
 - (i) ensure that the number of compliance units equal to the number of excess credits issued are available in a compliance account for the regulated operation for retirement or cancellation, or
 - (ii) make a monetary payment to the government equal to the number of excess credits issued, multiplied by the dollar amount set out in column 1 of the Schedule for the compliance period in which the correction is made as set out opposite in column 2 of the Schedule.

CLAUSE 21: *[Greenhouse Gas Industrial Reporting and Control Act, section 7]*

- requires the operator of a regulated operation to submit the reports required by the regulations respecting greenhouse gas emissions in a compliance period;
- authorizes the director to require a corrected compliance report to be submitted in specified circumstances;
- clarifies and expands the authority of the director to require an operator to submit a verification statement in relation to a compliance report, or information relating to administering or ensuring compliance with the Act or the regulations;
- authorizes the director to require an audit of a compliance report or of information provided to the director.

21 Section 7 is amended

- (a) in subsection (1) by striking out everything before paragraph (a) and substituting “For each compliance period, in accordance with the regulations, the operator of a regulated operation must ensure that the reports required by the regulations respecting the following are submitted to the director:”**,
- (b) by repealing subsection (1) (b),**
- (c) in subsection (1) (c) by striking out “schedule” and substituting “regulations”,**
- (d) in subsection (1) (e) by striking out “the operator’s compliance account” and substituting “a compliance account of the operator or the monetary amount paid, or both,”**,
- (e) in subsection (2) by striking out “its compliance report” and substituting “a compliance report under subsection (1)”**,
- (f) by repealing subsection (4),**
- (g) by adding the following subsections:**
 - (5.1) If, within 7 years after a compliance report is submitted, the director has reasonable grounds to suspect that there is an error or omission in the report, the director may require that the operator of the reporting operation have a corrected report prepared in accordance with the regulations and submitted to the director by the date specified by the director.
 - (5.2) The operator of a reporting operation must comply with a requirement of the director under subsection (5.1) in relation to a compliance report unless the operator establishes to the satisfaction of the director that
 - (a) the compliance report is accurate and complete, or
 - (b) data is not available to correct the compliance report. ,
- (h) in subsection (6) by adding “or a corrected report” after “supplementary report”, and**
- (i) by repealing subsection (7) and substituting the following:**
 - (7) If required by the director, the operator of a regulated operation must provide, by the date specified by the director,
 - (a) any additional information specified by the director in support of a compliance report,
 - (b) information that the director reasonably requires for the purposes of administering or ensuring compliance with this Act or the regulations, and
 - (c) any prescribed information.

CLAUSE 21: *[Greenhouse Gas Industrial Reporting and Control Act, section 7 – continued]*

CLAUSE 22: *[Greenhouse Gas Industrial Reporting and Control Act, section 7.1]* authorizes the director to determine the following in relation to a compliance period in specified circumstances:

- the emission limit for a regulated operation;
- the amount of greenhouse gas emissions attributable to a regulated operation;
- the amount of excess greenhouse gas emissions of a regulated operation.

- (8) If required by the regulations or by the director, the operator of a regulated operation must ensure that a verification statement in relation to a supplementary report under subsection (3), a corrected report under subsection (5.1) or information provided under subsection (7) is prepared at the expense of the operator and submitted to the director
 - (a) in accordance with the regulations, or
 - (b) if no specific direction is prescribed, in accordance with the directions of the director.
- (9) The director may
 - (a) require that a compliance report or information provided under subsection (7) be audited at the expense of the operator in accordance with the directions of the director, or
 - (b) conduct the audit, or authorize a person to conduct the audit, at the expense of the operator.

22 *The following section is added to Division 1 of Part 3:*

Determination by director

- 7.1** (1) The director may, in the circumstances set out in subsection (2), determine any of the following:
- (a) the emission limit for a regulated operation for a compliance period;
 - (b) the amount of greenhouse gas emissions, in accordance with the regulations on a carbon dioxide equivalent basis, that is attributable to a regulated operation for a compliance period;
 - (c) the amount of excess greenhouse gas emissions of a regulated operation for a compliance period.
- (2) The director may act under subsection (1) in relation to a regulated operation for a compliance period in any of the following circumstances:
- (a) the most recent compliance report submitted to the director for the regulated operation for the compliance period does not completely and accurately disclose the information required to be included in the report;
 - (b) a compliance report required for the regulated operation for the compliance period was not submitted within the period required by the regulations or by the date specified by the director, as applicable;
 - (c) additional information required by the director in support of a compliance report for the regulated operation for the compliance period was not submitted by the date specified by the director;
 - (d) prescribed circumstances.
- (3) Subsection (2) (a) does not apply in relation to inaccuracies, omissions or changes that are considered under the regulations to be immaterial.

CLAUSE 23: *[Greenhouse Gas Industrial Reporting and Control Act, section 8]* is consequential to amendments made by this Bill to the Act.

CLAUSE 24: *[Greenhouse Gas Industrial Reporting and Control Act, section 9]* authorizes the director to require a corrected emission offset project plan and a validation statement to be submitted in specified circumstances.

CLAUSE 25: *[Greenhouse Gas Industrial Reporting and Control Act, section 10]*

- requires the director to give notice to the project proponent of an accepted emission offset project of an amendment to a protocol that applies to the project;
- makes amendments consequential to amendments made by this Bill to the Act.

CLAUSE 26: *[Greenhouse Gas Industrial Reporting and Control Act, Division 3 of Part 3]* repeals Division 3 of Part 3, respecting funded units.

23 Section 8 (2) is amended

- (a) in paragraph (a) by striking out “the holding account” and substituting “a holding account”, and**
- (b) in paragraph (b) by striking out “the” and substituting “a”.**

24 Section 9 is amended

- (a) in subsection (1) by striking out “Subject to section 10 (6)” and substituting “Subject to section 10 (6) and the regulations”,**
- (b) by repealing subsection (3), and**
- (c) by adding the following subsections:**
 - (4) If, at any time after the director accepts a plan for an emission offset project, the director has reasonable grounds to suspect that subsection (1) (a) does not apply, the director may require that the project proponent have a corrected plan prepared in the form and manner required by the regulations and submitted to the director by the date specified by the director.
 - (5) The director may require that a project proponent have a validation statement in relation to a corrected plan under subsection (4) prepared in accordance with the regulations and submitted to the director by the date specified by the director.
 - (6) A project proponent must comply with a requirement of the director under subsection (4) or (5).

25 Section 10 is amended

- (a) in subsection (1) (f) (ii) by striking out “the holding account” and substituting “a holding account”,**
- (b) in subsection (3) by striking out “a protocol established under subsection (1)” and substituting “the establishment or amendment of a protocol”, and**
- (c) by adding the following subsection:**
 - (4.1) The director must give notice to the project proponent of an accepted emission offset project of any amendment to a protocol that applies to the project.

26 Division 3 of Part 3 is repealed.

CLAUSE 27: *[Greenhouse Gas Industrial Reporting and Control Act, section 12]* is consequential to amendments made by this Bill to the Act.

CLAUSE 28: *[Greenhouse Gas Industrial Reporting and Control Act, sections 13 to 19]* repeals and replaces provisions respecting the registry operated for the purposes of the Act, the accounts that must be included in the registry and the appointment and duties of a registry administrator.

27 Section 12 is amended

(a) *in subsection (1) by striking out “, on receipt of a compliance report and verification statement,” and by striking out “subject to subsection (2), the director may issue, by crediting to the” and substituting “the director may issue, by crediting to a”, and*

(b) *by repealing subsection (2).*

28 Sections 13 to 19 are repealed and the following substituted:

Registry

- 13** (1) The Lieutenant Governor in Council must, by regulation, establish a registry for the purposes of this Act.
- (2) The registry must include the following accounts:
- (a) holding accounts for regulated operations, and operators of regulated operations, to which the director may credit compliance units;
 - (b) holding accounts for accepted emission offset projects, and project proponents of accepted emission offset projects, to which the director may credit compliance units;
 - (c) a holding account for the government to which the director may credit offset units for the purpose of meeting the obligations under section 6 *[requirements for achieving carbon neutral status]* of the *Climate Change Accountability Act*;
 - (d) compliance accounts for regulated operations, and operators of regulated operations,
 - (i) to which operators may transfer compliance units for the purpose of meeting compliance obligations, and
 - (ii) from which the director may retire compliance units;
 - (e) a retirement account for the government to which the director may transfer compliance units;
 - (f) one or more contingency accounts for the government to which the director may transfer compliance units
 - (i) to compensate for reversals of greenhouse gas reductions or removals achieved by emission offset projects, or
 - (ii) for prescribed purposes.

Registry administrator

- 14** (1) The minister may appoint a registry administrator as follows:
- (a) if the registry is to be operated by the minister, the minister may appoint an employee under the *Public Service Act* as the registry administrator;

CLAUSE 28: *[Greenhouse Gas Industrial Reporting and Control Act, sections 13 to 19 – continued]*

CLAUSE 29: *[Greenhouse Gas Industrial Reporting and Control Act, Division 6 of Part 3]*

- repeals a provision respecting the transactions that may be made in the registry;
- authorizes the director to suspend or cancel compliance units in accordance with the regulations.

CLAUSE 30: *[Greenhouse Gas Industrial Reporting and Control Act, Division 7 of Part 3]* adds a Division that

- provides for the designation of an industrial operation, on application, as a reporting operation, or as a reporting operation and a regulated operation, if prescribed criteria are met,
- provides for the designation of an industrial operation or a proposed industrial operation, on application, as a new entrant, if prescribed criteria are met, and
- authorizes the director, if the regulations so provide,
 - to exempt a new entrant that is a regulated operation from a compliance obligation, and
 - if a new entrant is a part of a regulated operation, to exclude the greenhouse gas emissions of the new entrant when determining the emissions attributable to the regulated operation, and to determine the emission limit for the regulated operation in accordance with the regulations.

- (b) if the registry is to be operated outside of government, the minister may appoint a person as the registry administrator subject to the minister entering into an administrative agreement with the person.
- (2) The registry administrator must administer the registry in accordance with this Act, the regulations, the directions of the director and, if an administrative agreement is required, the administrative agreement.
- (3) A registry administrator appointed under an administrative agreement is not an agent of the government for the purposes of the administration of the registry.

29 *Division 6 of Part 3 is repealed and the following substituted:*

Division 6 – Compliance Unit Suspension and Cancellation

Suspension or cancellation of compliance units

- 20** The director may, in accordance with the regulations, suspend or cancel compliance units.

30 *The following Division is added to Part 3:*

Division 7 – Opted-in Operations and New Entrants

Opting in and out

- 20.1** (1) The operator of an industrial operation that is not a reporting operation may, in accordance with the regulations, apply to the director for designation of the industrial operation as
- (a) a reporting operation, or
 - (b) a reporting operation and a regulated operation.
- (2) On application under subsection (1), the director may, if satisfied that the prescribed criteria are met, designate the industrial operation as a reporting operation, or as a reporting operation and a regulated operation, as applicable.
- (3) The operator of an opted-in operation may, in accordance with the regulations, apply to the director for a designation under this section to be revoked.
- (4) On application under subsection (3), the director may, if satisfied that the prescribed criteria are met, revoke the designation.
- (5) A revocation of a designation is effective at the end of the reporting period during which the revocation is made.

CLAUSE 30: *[Greenhouse Gas Industrial Reporting and Control Act, Division 7 of Part 3 – continued]*

CLAUSE 31: *[Greenhouse Gas Industrial Reporting and Control Act, section 22]* clarifies that an inspection may be conducted without entering land or premises.

CLAUSE 32: *[Greenhouse Gas Industrial Reporting and Control Act, section 23]* repeals and replaces a provision for automatic administrative penalties if the operator of a regulated operation fails to meet a compliance obligation.

CLAUSE 33: *[Greenhouse Gas Industrial Reporting and Control Act, section 24]* is consequential to amendments made by this Bill to the Act.

New entrant

- 20.2** (1) The operator of an industrial operation or a proposed industrial operation that is, or is expected to become, a regulated operation or a part of a regulated operation, may apply to the director, in accordance with the regulations, for designation of all or part of the industrial operation, or proposed industrial operation, as a new entrant.
- (2) On application under subsection (1), the director may, if satisfied that the prescribed criteria are met, designate all or part of the industrial operation or proposed industrial operation as a new entrant.
- (3) The director may, if the regulations so provide, do the following:
- (a) if the new entrant is a regulated operation, exempt the new entrant from a compliance obligation;
 - (b) if the new entrant is a part of a regulated operation,
 - (i) exclude greenhouse gas emissions of the new entrant for the purposes of determining the greenhouse gas emissions that are attributable to the regulated operation, and
 - (ii) determine the emission limit for the regulated operation in accordance with the regulations.

31 Section 22 is amended

(a) by renumbering subsection (1) as subsection (1.1) and by adding the following subsection:

- (1) An inspector may, on the inspector's own initiative or on information provided by any person, conduct an inspection for the purposes of administering or ensuring compliance with this Act or the regulations. , **and**

(b) in subsection (1.1) by striking out "ensuring compliance with this Act or the regulations" and substituting "an inspection".

32 Section 23 is repealed and the following substituted:

Automatic administrative penalties: failure to meet compliance obligation

- 23** (1) The operator of a regulated operation is subject to the administrative penalty established by the regulations if a compliance report, or a determination made by the director under section 7.1, indicates that the operator has failed to meet the operator's compliance obligation by the compliance obligation deadline.
- (2) Subsection (1) applies whether the compliance report is submitted, or the determination made, before or after the compliance obligation deadline.

33 Section 24 is repealed.

CLAUSE 34: *[Greenhouse Gas Industrial Reporting and Control Act, section 26]* is consequential to amendments made by this Bill to the Act.

CLAUSE 35: *[Greenhouse Gas Industrial Reporting and Control Act, section 27]* is consequential to amendments made by this Bill to the Act.

CLAUSE 36: *[Greenhouse Gas Industrial Reporting and Control Act, section 30]*

- updates section references consequential to amendments made by this Bill to the Act;
- provides that it is an offence for the project proponent of an accepted emission offset project to fail to comply with a requirement of the director to submit a corrected plan for the project to the director or to have a validation statement in relation to a corrected plan submitted to the director.

CLAUSE 37: *[Greenhouse Gas Industrial Reporting and Control Act, section 40]* is consequential to amendments made by this Bill to the Act.

CLAUSE 38: *[Greenhouse Gas Industrial Reporting and Control Act, sections 40.1 and 40.2]*

- authorizes the director to delegate certain powers and duties under the Act;
- provides that a person is not entitled to be indemnified for the retirement, suspension, cancellation or expiry of a compliance unit.

34 Section 26 is amended

- (a) in subsection (1) by striking out “24 (2) or”,**
- (b) in subsection (2) by striking out “24” and substituting “23” and by striking out “after the penalty is imposed”, and**
- (c) in subsection (3) by striking out “, 24” and by striking out “the operator’s compliance account” and substituting “a compliance account of the operator”.**

35 Section 27 is amended by adding “or the regulations” after “under section 6 (2) [compliance obligation]”.

36 Section 30 (2) is amended

- (a) in paragraph (a) by striking out “(2), (3), (4) or (6)” and substituting “(3), (5.2), (6), (7) or (8)”,**
- (b) in paragraph (b) by striking out “(4) or (6)” and substituting “(5.2), (6), (7) or (8)”, and**
- (c) by adding the following paragraph:**
 - (c) contravenes section 9 (6) [emission offset projects].**

37 Section 40 is amended

- (a) in subsection (1) by repealing paragraph (a), and**
- (b) in subsection (2) (a) by striking out “(a) or”.**

38 The following sections are added to Part 6:

Director’s power to delegate

- 40.1** (1) The director may delegate to any person any of the director’s powers and duties under this Act, except the power to establish protocols and the power to delegate under this section.
- (2) A delegation may be made subject to the terms and conditions that the director considers necessary or advisable.
- (3) If the director has delegated a power or duty under subsection (1), a reference to the director in relation to that power or duty includes the delegate.

No indemnification in relation to compliance units

- 40.2** A person is not entitled to be indemnified for the retirement, suspension, cancellation or expiry of a compliance unit.

CLAUSE 39: *[Greenhouse Gas Industrial Reporting and Control Act, section 46]* adds regulation-making authority for different facilities and classes of facilities, and different parts of an industrial operation, phases of a regulated operation, reporting periods, compliance periods, types of emission offset projects and classes of compliance units.

CLAUSE 40: *[Greenhouse Gas Industrial Reporting and Control Act, section 47]* adds and amends regulation-making authority in relation to industrial, reporting and regulated operations, including regulations

- requiring the operator of a reporting operation to undertake or allow to be undertaken investigations, tests, surveys and other work relating to the operations and emissions of the reporting operation,
- respecting the determination of emission limits for regulated operations for compliance periods,
- designating classes of reporting operations as regulated operations,
- amending the Schedule to the Act in relation to dollar amounts and compliance periods, for the purposes of a compliance obligation of a regulated operation,
- respecting new entrant applications and criteria,
- establishing the greenhouse gas emissions that are attributable to a part of an industrial operation, reporting operation or regulated operation,
- providing that attributable greenhouse gas emissions may include emissions associated with the generation and transmission of energy products purchased and used by an industrial operation and emissions that are captured and sequestered,

39 Section 46 (4) (c) is amended

(a) by repealing subparagraphs (i) and (ii) and substituting the following:

- (i) reporting operations, regulated operations, opted-in operations, new entrants and industrial operations that are not reporting operations,
- (ii) different reporting operations, regulated operations, opted-in operations, new entrants and industrial operations that are not reporting operations,
 - (ii.1) different classes of reporting operations, regulated operations, opted-in operations, new entrants and industrial operations that are not reporting operations,
 - (ii.2) different facilities and classes of facilities,
 - (ii.3) different parts of an industrial operation,
 - (ii.4) different phases of a regulated operation,
 - (ii.5) different reporting periods and compliance periods, ,

(b) in subparagraph (iii) by adding “or types” after “classes”, and

(c) in subparagraph (iv) by adding “classes or” before “types”.

40 Section 47 is amended

(a) by renumbering the section as section 47 (1),

(b) in subsection (1) by adding the following paragraph:

- (a.1) requiring the operator of a reporting operation, for the purposes of providing information required under section 3 (7) (c) [*emission reports*] or 7 (7) (c) [*compliance reports*], to undertake or allow to be undertaken investigations, tests, surveys or other work in relation to the operations and emissions of the reporting operation; ,

(c) by repealing subsection (1) (b) and substituting the following:

- (b) respecting the determination of emission limits for compliance periods for regulated operations;
- (b.1) designating classes of reporting operations as regulated operations;
- (b.2) amending the Schedule
 - (i) to amend a dollar amount set out in column 1,
 - (ii) to amend a compliance period set out in column 2, and
 - (iii) to specify additional dollar amounts and compliance periods, in columns 1 and 2, respectively;

CLAUSE 40: *[Greenhouse Gas Industrial Reporting and Control Act, section 47 – continued]*

- authorizing the director to prorate the amount required to meet a compliance obligation, or the amount of earned credits issued, in specified circumstances,
- authorizing the director to require reporting by industrial operations in relation to processes, inputs and outputs,
- authorizing the director to determine whether a facility is a part of a regulated operation,
- respecting opted-in operation applications and criteria, and
- providing that a regulation respecting the determination of an emission limit of a regulated operation may be made applicable whether made before or after the compliance period.

- (b.3) respecting new entrants, including, without limitation,
 - (i) respecting applications to the director for designation as a new entrant, including respecting the time by which and the manner in which an application must be made and the information that an applicant must provide to the director,
 - (ii) establishing the criteria that an applicant must meet in order to be designated as a new entrant,
 - (iii) prescribing the matters that the director must take into account in considering an application, and
 - (iv) respecting the start and end dates, and duration, of new entrant periods; ,

(d) in subsection (1) (c) by striking out “classes” and substituting “operators”,

(e) in subsection (1) (e) by striking out “or a regulated operation” and substituting “or a regulated operation, or a part of an industrial operation, reporting operation or regulated operation”,

(f) in subsection (1) (e) by striking out “and” at the end of subparagraph (ii) and by adding the following subparagraphs:

- (iv) greenhouse gas emissions associated with the generation and transmission of energy products that are purchased and used by the industrial operation, and
- (v) greenhouse gas emissions that are captured for the purpose of sequestering them from the atmosphere and are not emitted to the atmosphere; ,

(g) in subsection (1) by adding the following paragraph:

- (f.1) authorizing the director, in specified circumstances and in the specified manner, to prorate the following:
 - (i) the amount required to meet the compliance obligation of a regulated operation for a compliance period;
 - (ii) the amount of earned credits issued under section 12 [*earned credits*]; ,

(h) in subsection (1) (g) (i) by adding “operators of” before “industrial operations”,

(i) in subsection (1) (g) by striking out “and” at the end of subparagraph (ii) and by adding the following subparagraph:

- (ii.1) requiring industrial operations to report to the director in relation to processes of the industrial operation and the energy, physical and service inputs, and energy, physical, service and product outputs, of the operation, and ,

CLAUSE 40: *[Greenhouse Gas Industrial Reporting and Control Act, section 47 – continued]*

CLAUSE 41: *[Greenhouse Gas Industrial Reporting and Control Act, section 48]* adds and amends regulation-making authority in relation to compliance units, including regulations

- respecting the portion of offset units for a prescribed class of emission offset projects that must be issued into a contingency account,
- providing that project proponent monitoring, maintaining and reporting requirements may apply before or after completion of the project,
- requiring a project proponent to ensure that compliance units are available in a holding account for transfer to a contingency account, or retirement, for specified purposes,
- authorizing the director to revoke the acceptance of an emission offset project in specified circumstances,
- respecting the issuance, transfer, retirement, suspension, cancellation, expiry, reissuance and use of compliance units,
- authorizing the director to require a person to transfer compliance units to the director, or make a monetary payment, if compliance units were issued in error, and
- consequential to amendments made by this Bill to the Act.

(j) in subsection (1) by adding the following paragraphs:

- (i) authorizing the director to determine whether a facility is a part of a regulated operation;
- (j) respecting opted-in operations, including, without limitation,
 - (i) respecting applications to the director for designation of an industrial operation as an opted-in operation, including respecting the time by which and the manner in which an application must be made and the information that an applicant must provide to the director,
 - (ii) establishing the criteria that an applicant must meet in order to be designated as a reporting operation, or as a reporting operation and a regulated operation,
 - (iii) prescribing the matters that the director must take into account in considering an application, and
 - (iv) exempting an opted-in operation from a reporting or verification requirement under this Act and establishing reporting and verification requirements for an opted-in operation that has been exempted. , **and**

(k) by adding the following subsection:

- (2) A regulation under subsection (1) (b) respecting the determination of the emission limit for a compliance period for a regulated operation may be made applicable whether the regulation is made before or after the beginning, or the end, of the compliance period.

41 Section 48 is amended

(a) in subsection (1) by adding the following paragraphs:

- (b.1) providing for the removal of a document referred to in section 9 (2) [*emission offset projects*] from the website on which it is posted;
- (e.1) respecting protocols; ,

(b) in subsection (1) (f) (v) by striking out “respecting the contingency account” and substituting “respecting contingency accounts”,

(c) in subsection (1) (f) (v) (A) and (B) by striking out “the contingency account” and substituting “a contingency account”,

(d) in subsection (1) (f) (v) by striking out “and” at the end of clause (A) and by adding the following clause:

- (A.1) respecting the portion of offset units that must be issued into a contingency account for a project that is in a class prescribed under clause (A), and ,

CLAUSE 41: *[Greenhouse Gas Industrial Reporting and Control Act, section 48 – continued]*

(e) in subsection (1) (h) by striking out “after” and substituting “in relation to an emission offset project, whether before or after”,

(f) in subsection (1) by adding the following paragraphs:

- (j) requiring a project proponent to ensure that compliance units are available in a holding account of the project proponent for the purposes of
 - (i) transfer of the compliance units from the holding account to a contingency account to compensate for the retirement of compliance units from the contingency account in connection with the emission offset project, or
 - (ii) retirement of the compliance units from the holding account to compensate for a reversal of greenhouse gas reductions or removals achieved by the emission offset project;
- (k) authorizing the director to revoke the acceptance of an emission offset project and respecting the circumstances in which an acceptance may be revoked. ,

(g) by repealing subsection (2),

(h) by repealing subsection (4) and substituting the following:

- (4) The Lieutenant Governor in Council may make regulations respecting compliance units, including, without limitation, the following regulations:
 - (a) respecting the issuance, transfer, retirement, suspension, cancellation and expiry of compliance units and the reissuance of compliance units retired or cancelled in error;
 - (b) respecting the use of compliance units, including, without limitation,
 - (i) establishing restrictions on the use of compliance units to meet an obligation under the Act or regulations or to satisfy an administrative penalty, and
 - (ii) authorizing the director to establish restrictions on the use of compliance units to meet an obligation under the Act or regulations or to satisfy an administrative penalty;
 - (c) authorizing the director to require a person to transfer compliance units to the director, or make a monetary payment to the government, if the director determines that compliance units were issued in error. , **and**

(i) by repealing subsection (5).

CLAUSE 42: *[Greenhouse Gas Industrial Reporting and Control Act, section 49]* amends regulation-making authority consequential to amendments made by this Bill to the Act.

CLAUSE 43: *[Greenhouse Gas Industrial Reporting and Control Act, section 50]* adds and amends regulation-making authority in relation to the registry, including regulations

- respecting registry accounts, requirements relating to accounts, transactions through the registry, account closure, registry fees and charges and the removal of information from the registry, and
- requiring account holders to report information relating to registry activities.

42 Section 49 is amended

- (a) in paragraph (d) by striking out “and emission offset project reports” and substituting “, emission offset project reports and information provided to the director”, and**
- (b) in paragraph (e) by striking out “prepared and submitted to the director respecting a supplementary report under section 3 (3) [emission reports] or a supplementary report under section 7 (3) [compliance reports]” and substituting “referred to in section 3 (8) [emission reports] or 7 (8) [compliance reports] prepared and submitted to the director”.**

43 Section 50 is amended

- (a) in paragraph (b) by repealing subparagraphs (i) and (ii) and substituting the following:**
 - (i) respecting accounts that may or must be included in the registry in addition to the accounts required under section 13 (2) [registry], including, without limitation, the circumstances in which a regulated operation, an operator of a regulated operation, an accepted emission offset project, a project proponent of an accepted emission offset project or other person may or must hold a type of account,
 - (i.1) authorizing the director to authorize a person, other than the operator of a regulated operation or a project proponent, to hold a holding account to which compliance units may be credited, and establishing restrictions on the person’s participation in the registry,
 - (i.2) respecting the information that must be provided, and the requirements that must be met, by a person referred to in subparagraph (i.1) in order to hold a holding account,
 - (i.3) respecting transactions through the registry, including, without limitation, respecting
 - (A) the tracking of transactions, and
 - (B) the assignment of identifiers to compliance units,
 - (i.4) respecting the tracking of monetary payments made by operators of regulated operations,
 - (i.5) respecting the closing of registry accounts,
 - (ii) respecting the fees and other charges that may be established and collected by the registry administrator in relation to registry services if the registry is operated by the minister,

CLAUSE 43: *[Greenhouse Gas Industrial Reporting and Control Act, section 50 – continued]*

CLAUSE 44: *[Greenhouse Gas Industrial Reporting and Control Act, section 51]* adds and amends regulation-making authority in relation to administrative penalties, including regulations

- prescribing penalties, schedules of penalties and the manner of calculating penalties,
- providing for different automatic penalties in different circumstances, and
- providing for refunds and compliance units to be issued in certain circumstances.

(ii.1) if the registry is operated outside of government, authorizing the registry administrator, in accordance with the administrative agreement, to establish and collect fees and other charges in relation to registry services, ,

(b) by repealing paragraph (c) and substituting the following:

(c) requiring account holders to report information relating to compliance units and their activities in the registry, including, without limitation, information respecting the price associated with, and purpose of, registry transactions;

(c.1) respecting to whom reports under paragraph (c) are to be submitted and the timing, form, content and manner of submission of the reports; , **and**

(c) by adding the following paragraph:

(d.1) respecting the removal of information from the registry; .

44 Section 51 is amended

(a) by repealing paragraph (a) and substituting the following:

(a) prescribing the administrative penalties, schedules of administrative penalties and manner of calculating administrative penalties to which an operator of a regulated operation is subject under section 23 [*automatic administrative penalties: failure to meet compliance obligation*], which may include either or both

(i) a monetary amount to be paid to the government, and

(ii) an obligation to make compliance units available in a compliance account; ,

(b) by adding the following paragraphs:

(a.1) in relation to administrative penalties under section 23, providing for different administrative penalties in different circumstances;

(g.1) providing for refunds or compliance units to be issued in relation to an administrative penalty under section 23 that has been satisfied and respecting the circumstances in which a refund or compliance unit is to be issued; , **and**

(c) in paragraph (b) by striking out “24 or”.

CLAUSE 45: ***[Greenhouse Gas Industrial Reporting and Control Act, section 53]*** adds regulation-making authority to authorize the minister to require a person to provide specified information to the minister for the purposes of conducting research, creating greenhouse gas emission inventories and developing policies and programs for the reduction of greenhouse gases.

CLAUSE 46: ***[Greenhouse Gas Industrial Reporting and Control Act, Schedule]*** repeals and replaces the Schedule to set the monetary amount of a regulated operation's compliance obligation for the compliance periods of 2024 to 2030 as a dollar amount per tonne of excess greenhouse gas emissions.

CLAUSE 47: ***[Greenhouse Gas Industrial Reporting and Control Amendment Act, 2016]*** is consequential to amendments made by this Bill to the *Greenhouse Gas Industrial Reporting and Control Act*.

45 Section 53 (1) is amended by adding the following paragraph:

- (c.1) authorizing the minister to require any person to provide to the minister the information specified by the minister for the purposes of conducting research, creating greenhouse gas emission inventories and developing policies and programs for the reduction of greenhouse gases, including, without limitation, information respecting
 - (i) sources of greenhouse gas emissions,
 - (ii) equipment that may be a source of greenhouse gas emissions, and
 - (iii) carbon capture, utilization, sequestration and storage; .

46 The Schedule of Regulated Operations and Emission Limits is repealed and the following substituted:

SCHEDULE

COMPLIANCE CHARGE RATES

Item	Column 1 Compliance Charge Rate (Dollars per tonne of excess greenhouse gas emissions, on a carbon dioxide equivalent basis)	Column 2 Compliance Period
1	80	2024 calendar year
2	95	2025 calendar year
3	110	2026 calendar year
4	125	2027 calendar year
5	140	2028 calendar year
6	155	2029 calendar year
7	170	2030 calendar year

Greenhouse Gas Industrial Reporting and Control Amendment Act, 2016

47 Sections 1 (b), (c), (e) and (f), 2, 5, 9, 10 and 15 of the Greenhouse Gas Industrial Reporting and Control Amendment Act, 2016, S.B.C. 2016, c. 15, are repealed.

CLAUSE 48: ***[Home Owner Grant Act, section 13.1]*** repeals provisions relating to the use and sharing of different categories of confidential information, consequential to amendments made by this Bill to the Act.

CLAUSE 49: ***[Home Owner Grant Act, section 17.22]*** is consequential to amendments made by this Bill to the Act.

CLAUSE 50: ***[Home Owner Grant Act, sections 17.261, 17.262 and 17.35]***

- replaces provisions relating to the use and sharing of confidential information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes, including by
 - treating all categories of confidential information in the same way, and
 - adding provisions relating to offences involving confidential information.

Home Owner Grant Act

48 *Section 13.1 of the Home Owner Grant Act, R.S.B.C. 1996, c. 194, is repealed.*

49 *Section 17.22 (11) is amended by striking out “Despite section 13.1 [access to and disclosure of records], the” and substituting “The”.*

50 *The following sections are added:*

Information sharing

17.261 (1) In this section:

“**authorized person**” means,

- (a) in subsection (5) (k), an authorized person as defined in section 13.1 of the *Assessment Act*,
- (b) in subsection (5) (l), a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the Land Title and Survey Authority of British Columbia, to assist in carrying out the provisions of the *Land Title and Survey Authority Act*, and
- (c) in any other case, a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out the provisions of this Act;

“**confidential information**” means information of any kind and in any form, relating to one or more persons,

- (a) that is obtained for the purposes of this Act by or on behalf of the minister, or
 - (b) that is prepared from information referred to in paragraph (a),
- but does not include information that does not directly or indirectly reveal the identity of the person to whom the information relates;

“**designated person**” has the same meaning as in section 241 (10) of the *Income Tax Act* (Canada);

“**official**” means any person

- (a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or
- (b) who was formerly so employed or engaged or formerly occupied such a position,

and, for the purposes of subsections (2) and (3), “**official**” includes a designated person;

“**police officer**” means a police officer as defined in section 462.48 (17) of the *Criminal Code*.

CLAUSE 50: *[Home Owner Grant Act, sections 17.261, 17.262 and 17.35 – continued]*

- (2) Despite any other enactment or law, except as authorized by this section or section 17.22 (11) [*disclosure of amount of lien*], an official must not
 - (a) knowingly provide, or knowingly allow to be provided, any confidential information to any person,
 - (b) knowingly allow any person to have access to any confidential information, or
 - (c) knowingly use any confidential information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.
- (3) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any confidential information.
- (4) Subsections (2) and (3) do not apply in relation to the following:
 - (a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;
 - (b) any legal proceedings relating to the administration or enforcement of
 - (i) any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax or duty, or
 - (ii) the *Land Tax Deferment Act*.
- (5) Subject to subsection (6), an official may do one or more of the following:
 - (a) provide to any person confidential information that can reasonably be considered necessary for the purposes of the administration or enforcement of this Act, solely for those purposes;
 - (b) provide to any person confidential information that can reasonably be considered necessary for the purposes of determining
 - (i) any amount that is or may become payable by the person under this Act,
 - (ii) any grant or refund to which the person is or may become entitled under this Act, or
 - (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);
 - (c) provide confidential information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;

CLAUSE 50: *[Home Owner Grant Act, sections 17.261, 17.262 and 17.35 – continued]*

- (iii) to an official of the ministry of the minister, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (iv) to an official solely for the purposes of the administration or enforcement of the *Land Tax Deferment Act* or an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
 - (v) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or an enactment of another province, that provides for the imposition or collection of a tax or duty;
 - (vi) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
 - (vii) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;
- (d) provide confidential information, or allow inspection of or access to confidential information, as the case may be, under, and solely for the purposes of,
- (i) sections 44 (1) [*powers of commissioner in conducting investigations, audits or inquiries*] and 61 (1) [*powers, duties and protections of adjudicator*] of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15 [*staff in government or government organizations*], 16 [*access to information, documents or things*] and 17 [*summons and requests*] of the *Auditor General Act*;
- (e) provide confidential information relating to a person, other than information that may be requested from the grant administrator under section 17.22 (11),
- (i) to the person, and
 - (ii) with the consent of the person, to any other person;
- (f) use confidential information to compile information in a form that does not directly or indirectly reveal the identity of the person to whom the information relates;
- (g) provide confidential information solely for the purposes of sections 17 [*write off of assets and uncollectable debts*], 18 [*extinguishment of debts*] and 19 [*remissions*] of the *Financial Administration Act*;

CLAUSE 50: *[Home Owner Grant Act, sections 17.261, 17.262 and 17.35 – continued]*

- (h) use, or provide to any person, confidential information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;
 - (i) provide confidential information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the confidential information can reasonably be considered necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,
 - (ii) the official was or is engaged in the administration or enforcement of this Act, and
 - (iii) the offence can reasonably be considered to be related to the administration or enforcement of this Act;
 - (j) provide confidential information to, or allow inspection of or access to confidential information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information;
 - (k) provide confidential information to, or allow inspection of or access to confidential information by, an authorized person, solely for the purposes of the administration or enforcement of the *Assessment Act*;
 - (l) provide confidential information to, or allow inspection of or access to confidential information by, an authorized person, solely for the purposes set out in section 4 (1) (a) [*purposes of authority*] of the *Land Title and Survey Authority Act*.
- (6) Except in accordance with an information-sharing agreement entered into under section 17.262, an official must not, under subsection (5) (a) to (c) and (g) to (l) of this section, provide confidential information to, or allow inspection of or access to confidential information by,
- (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry of the minister,
 - (b) an official of the government of Canada, or
 - (c) an official of the government of another province.

CLAUSE 50: *[Home Owner Grant Act, sections 17.261, 17.262 and 17.35 – continued]*

- (7) An official may provide to appropriate persons any confidential information relating to imminent danger of death or physical injury to any individual.
- (8) The person who presides at a legal proceeding in relation to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that confidential information is not used or provided to any person for any purpose unrelated to the proceeding, including
 - (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the confidential information,
 - (c) an order to conceal the identity of the person to whom the confidential information relates, and
 - (d) an order sealing the records of the proceeding.
- (9) To the extent of any inconsistency or conflict with section 32 [*use of personal information*] or 33 [*disclosure of personal information*] of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

Information-sharing agreements

17.262 (1) In this section:

“**confidential information**” has the same meaning as in section 17.261;

“**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 17.261 (5).

- (2) The minister may enter into an information-sharing agreement with
 - (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,
 - (b) the government of Canada or an agency of that government, or
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government.
- (3) Subject to subsection (4), confidential information obtained by the minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.
- (4) Subsection (3) does not prevent
 - (a) any confidential information obtained by the minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing
 - (i) an enactment administered by the minister that provides for the imposition or collection of a tax or duty, or
 - (ii) the *Land Tax Deferment Act*, or

CLAUSE 50: *[Home Owner Grant Act, sections 17.261, 17.262 and 17.35 – continued]*

CLAUSE 51: *[Home Owner Grant Act, sections 18 and 18.1]* is consequential to amendments made by this Bill to the Act.

CLAUSE 52: *[Income Tax Act, section 1]* updates the name of the Canada Revenue Agency.

CLAUSE 53: *[Income Tax Act, section 1]* ensures that references to Canada in the *Income Tax Act* (Canada) that apply for the purposes of the *Income Tax Act* (British Columbia) remain as references to Canada.

- (b) any confidential information obtained by the minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the minister.
- (6) For the purposes of section 17.261 (6), an information-sharing agreement entered into before the coming into force of this section is considered to be an information-sharing agreement entered into by the minister under this section.

Offences – confidential information

- 17.35** (1) Without limiting section 5 [*general offence*] of the *Offence Act* as it applies for the purposes of this Act, a person commits an offence if the person
- (a) contravenes section 17.261 (2) [*information sharing*], or
 - (b) knowingly contravenes an order made under section 17.261 (8).
- (2) A person commits an offence if
- (a) the person has been provided with confidential information for a particular purpose under section 17.261 (5) (a) to (d), (g), (h) or (j) to (l), and
 - (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.
- (3) A person who commits an offence under subsection (1) or (2) is liable to one or both of the following:
- (a) a fine of not more than \$5 000;
 - (b) imprisonment for not more than 12 months.

51 *Sections 18 (2) (h) and 18.1 (8) are repealed.*

Income Tax Act

52 *Section 1 (7) (i) of the Income Tax Act, R.S.B.C. 1996, c. 215, is amended in column 1 of the table by striking out “Canada Customs and Revenue Agency” and substituting “Canada Revenue Agency”.*

53 *Section 1 (8) is amended by adding the following paragraph:*

- (c.01) the definition of “source individual” in section 120.4 of the federal Act as that definition applies for the purposes of section 4.84 of this Act; .

- CLAUSE 54: **[Income Tax Act, section 1]** adds a reference to section 8.3 of the Act, as added by this Bill, in respect of references in the *Income Tax Act* (Canada).
- CLAUSE 55: **[Income Tax Act, section 1]** ensures that references to Canada in the *Income Tax Act* (Canada) that apply for the purposes of the *Income Tax Act* (British Columbia) remain as references to Canada.
- CLAUSE 56: **[Income Tax Act, section 4.51]** provides that section 64.01 of the *Income Tax Act* (Canada) applies for the purposes of section 4.51 (3) of the *Income Tax Act* (British Columbia).
- CLAUSE 57: **[Income Tax Act, section 4.52]** adds a reference to section 8.3 of the Act, as added by this Bill, in respect of indexing.
- CLAUSE 58: **[Income Tax Act, section 4.52]** is consequential to amendments made by this Bill to section 8.1 of the Act.
- CLAUSE 59: **[Income Tax Act, section 4.71]** removes a reference to section 110 (1) (j) of the *Income Tax Act* (Canada), consequential to the repeal of that provision.
- CLAUSE 60: **[Income Tax Act, section 4.71]** adds a reference to section 110 (1) (e) of the *Income Tax Act* (Canada).
- CLAUSE 61: **[Income Tax Act, section 4.721]** extends from 24 months to 36 months the period to incur renounceable expenses for the purposes of the BC mining flow-through share tax credit in respect of flow-through share agreements entered into after February 2018 and before 2021.
- CLAUSE 62: **[Income Tax Act, section 8.1]** replaces specified amounts with amounts prescribed by regulation.

- 54 **Section 1 (8) (c.2) and (d.2) is amended by striking out “sections 8.1 and 8.2” and substituting “sections 8.1, 8.2 and 8.3”.**
- 55 **Section 1 (8) is amended by adding the following paragraph:**
(d.11) section 231.6; .
- 56 **Section 4.51 is amended by adding the following subsection:**
(3.1) For greater certainty, section 64.01 of the federal Act applies for the purposes of subsection (3) of this section.
- 57 **Section 4.52 (1) is amended by adding the following paragraph:**
(e.1) except in respect of the 2023 taxation year, section 8.3 (6) [*renter’s tax credit*]; .
- 58 **Section 4.52 (1) (f) is repealed.**
- 59 **Section 4.71 (2) (b) (ii) is amended by striking out “(f), (g) or (j)” and substituting “(f) or (g)”.**
- 60 **Section 4.71 (2) (b) (ii) is amended by striking out “section 110 (1) (d) to (d.3), (f) or (g)” and substituting “section 110 (1) (d) to (g)”.**
- 61 **Section 4.721 is amended by adding the following subsection:**
(1.2) For greater certainty, section 66 (12.6001) of the federal Act applies for the purposes of paragraphs (f) and (g) of the definition of “BC flow-through mining expenditure” in subsection (1) of this section.
- 62 **Section 8.1 (3) is amended**
(a) in paragraph (a) of the description of “deduction” by striking out “\$30 000” and substituting “the prescribed amount”, and
(b) in paragraph (b) of the description of “deduction” by striking out “\$35 000” and substituting “the prescribed amount”.

CLAUSE 63: *[Income Tax Act, section 8.3]* adds a provision to establish the renter's tax credit for certain renters.

63 *The following section is added:*

Renter's tax credit

8.3 (1) In this section:

“adjusted income”, in relation to an eligible individual for a taxation year, means the total of all amounts each of which would be the income for the year of the individual or the individual's cohabiting spouse or common-law partner if, in computing that income,

- (a) no amount were included in respect of a gain described in section 40 (3.21) [*deemed capital gain under section 180.01*] of the federal Act,
- (b) no amount were included in respect of any gain from a disposition of property to which section 79 [*surrender of property by debtor*] of the federal Act applies,
- (c) no amount were included under section 56 (6) [*universal child care benefit*] of the federal Act,
- (d) no amount were deductible under section 60 (y) [*repayment of universal child care benefit*] of the federal Act,
- (e) no amount were included under section 56 (1) (q.1) [*registered disability savings plan payments*] of the federal Act, and
- (f) no amount were deductible under section 60 (z) [*repayment under the Canada Disability Savings Act*] of the federal Act;

“cohabiting spouse or common-law partner” has the same meaning as in section 122.6 of the federal Act;

“eligible individual” has the same meaning as in section 8 (1) [*refundable sales tax credit*] of this Act;

“eligible rental unit” means a living accommodation in British Columbia but does not include prescribed rental units;

“eligible tenant” means an eligible individual who

- (a) occupies an eligible rental unit under a tenancy agreement, licence, sublease agreement or similar arrangement for at least 6 one-month periods in the taxation year, and
- (b) paid rent, or had rent paid on their behalf, to occupy the eligible rental unit;

“rent” does not include the following payments:

- (a) a payment to a person who is not at arm's length as described in section 251 (1) of the federal Act;
- (b) a payment in respect of a capital lease;
- (c) a payment in respect of an amount that is not included in computing the income of the taxpayer under section 6 (6) (a) of the federal Act;

CLAUSE 63: *[Income Tax Act, section 8.3 – continued]*

- (d) a payment in respect of a campsite, moorage or a manufactured home site as defined in the *Manufactured Home Park Tenancy Act*;
 - (e) a prescribed payment.
- (2) Despite the definition of “eligible tenant” in subsection (1), a person is not an eligible tenant for a taxation year if the person
- (a) dies before the end of the year,
 - (b) is, at the end of the year, a person described in section 149 (1) (a) or (b) of the federal Act, or
 - (c) is, at the end of the year, confined to a prison or similar institution and has been confined for a period of, or periods the total of which in the year was, more than 6 months.
- (3) Section 122.5 (6.2) [*non-residents and part-year residents*] and (7) [*effect of bankruptcy*] of the federal Act applies for the purposes of this section.
- (4) An individual is deemed to have paid an amount determined under subsections (5) and (6) on December 31 of the taxation year on account of the individual’s tax payable under this Act for a taxation year if
- (a) the individual is an eligible tenant, and
 - (b) the individual files, with the individual’s return of income under section 29 for the taxation year, a form provided by the minister that contains the information necessary to establish the individual’s claim for the tax credit under this section.
- (5) The amount that an individual is deemed to have paid under subsection (4) is, subject to subsection (6), \$400 in respect of the individual.
- (6) The amount determined under subsection (5) is reduced by 2% of the amount by which the adjusted income of the individual claiming the tax credit under this section exceeds \$60 000 in respect of the individual.
- (7) Despite subsection (4), if, on December 31 of the taxation year, an individual is the cohabiting spouse or common-law partner of another individual and both individuals are eligible tenants, only the individual designated by the minister is eligible for the tax credit under this section.
- (8) Without limiting section 48 (1) and (2) [*power to make regulations*], the Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing rental units or classes of rental units for the purposes of the definition of “eligible rental unit” in subsection (1) of this section;
 - (b) prescribing types of payments for the purposes of the definition of “rent” in subsection (1) of this section.
- (9) Regulations made under subsection (8) may be made retroactive to January 1, 2023 or a later date, and if made retroactive are deemed to have come into force on the date specified in the regulation.

CLAUSE 64: *[Income Tax Act, section 13.092]*

- provides for increased payments under the BC family benefit;
- provides a supplement of \$500 for single parents in the case of an amount determined under section 13.092 (2) (a) of the Act, as amended by this Bill.

CLAUSE 65: *[Income Tax Act, section 20.1]* extends by 3 years the farmers' food donation tax credit.

64 Section 13.092 (2) is amended

(a) in paragraph (a) in the formula by striking out “benefit” and substituting “benefit + conditional supplement”,

(b) in paragraph (a) by repealing the description of “benefit” and substituting the following:

benefit = the amount based on the number of qualified dependants in respect of whom the individual was an eligible individual at the beginning of the month, as follows:

- (i) for one qualified dependant, \$1 750;
- (ii) for 2 qualified dependants, \$2 850;
- (iii) for 3 or more qualified dependants, the amount determined by the following formula:
$$\$2\,850 + [\$900 \times (\text{number of qualified dependants} - 2)]; ,$$

(c) in paragraph (a) by adding the following description immediately after the description of “benefit”:

conditional supplement = one of the following amounts:

- (i) if, at the beginning of the month, the individual is an eligible individual in respect of at least one qualified dependant and is not the cohabiting spouse or common-law partner of another individual, \$500;
- (ii) in any other case, nil; , **and**

(d) in paragraph (b) by repealing the description of “benefit” and substituting the following:

benefit = the amount based on the number of qualified dependants in respect of whom the individual was an eligible individual at the beginning of the month, as follows:

- (i) for one qualified dependant, \$775;
- (ii) for 2 qualified dependants, \$1 525;
- (iii) for 3 or more qualified dependants, the amount determined by the following formula:
$$\$1\,525 + [\$725 \times (\text{number of qualified dependants} - 2)]; .$$

65 Section 20.1 (2) (c) is amended by striking out “January 1, 2024” and substituting “January 1, 2027”.

- CLAUSE 66: **[Income Tax Act, section 25.1]** excludes, for the purposes of the mining exploration tax credit, expenses that are renounced for the purposes of the BC mining flow-through share tax credit in respect of flow-through share agreements entered into after February 2018 and before 2021.
- CLAUSE 67: **[Income Tax Act, section 29]** adds a reference to section 8.3 of the Act, as added by this Bill, in respect of the application of a provision of the *Income Tax Act* (Canada).
- CLAUSE 68: **[Income Tax Act, section 29]** adds a reference to section 276 of the Act, consequential to the addition of Part 16 to the Act by the *Budget Measures Implementation Act, 2022*.
- CLAUSE 69: **[Income Tax Act, section 29]**
- is consequential to amendments made to the *Income Tax Act* (Canada);
 - renumbers a paragraph read into section 152 (4.01) of the *Income Tax Act* (Canada), consequential to amendments to that section of that Act.
- CLAUSE 70: **[Income Tax Act, section 29]** is consequential to amendments made to the *Income Tax Act* (Canada).
- CLAUSE 71: **[Income Tax Act, section 29]** is consequential to amendments made to the *Income Tax Act* (Canada).
- CLAUSE 72: **[Income Tax Act, section 33]** amends the referenced text, consequential to an amendment made to the *Income Tax Act* (Canada).
- CLAUSE 73: **[Income Tax Act, section 33]** adds a reference to section 276 of the Act, consequential to the addition of Part 16 to the Act by the *Budget Measures Implementation Act, 2022*.
- CLAUSE 74: **[Income Tax Act, section 38]** renumbers paragraphs read into section 163 (2) of the *Income Tax Act* (Canada), consequential to the addition of paragraphs to that section of that Act.

66 Section 25.1 is amended by adding the following subsection:

(1.1) For greater certainty, section 66 (12.6001) of the federal Act applies for the purposes of paragraph (f.2) of the definition of “excluded expense” in subsection (1) of this section.

67 Section 29 is amended

(a) in subsection (2) (b) by adding the following subparagraph:

(i.3) section 8.3 (4) [*renter’s tax credit*]; , **and**

(b) in subsection (3) (b) (i) by adding the following clause:

(A.3) section 8.3 (4); .

68 Section 29 (2) (b) is amended by adding the following subparagraph:

(xi) section 276 [*clean buildings tax credit*].

69 Section 29 (2.2) is amended

(a) by striking out “the reference in that section to “paragraph (4) (a), (b) or (c)” must be read as “paragraph (4) (a), (b), (c) or (e)” and” **and substituting** “the reference in that section to “paragraph (4) (a), (b), (b.1) or (c)” must be read as “paragraph (4) (a), (b), (b.1), (c) or (e)” and”, **and**

(b) by renumbering paragraph (c) as paragraph (e).

70 Section 29 (2.2) is amended by striking out “the reference in that section to “paragraph (4) (a), (b), (b.1) or (c)” must be read as “paragraph (4) (a), (b), (b.1), (c) or (e)” and” **and substituting** “the reference in that section to “paragraph (4) (a), (b), (b.1), (b.3) or (c)” must be read as “paragraph (4) (a), (b), (b.1), (b.3), (c) or (e)” and”.

71 Section 29 (2.2) is amended by striking out “the reference in that section to “paragraph (4) (a), (b), (b.1), (b.3) or (c)” must be read as “paragraph (4) (a), (b), (b.1), (b.3), (c) or (e)” and” **and substituting** “the reference in that section to “paragraph (4) (a), (b), (b.1), (b.3), (b.4) or (c)” must be read as “paragraph (4) (a), (b), (b.1), (b.3), (b.4), (c) or (e)” and”.

72 Section 33 (3) is amended by adding “, 125.6 (2) or (2.1)” after “125.5 (3)”.

73 Section 33 (3) is amended by striking out “or 135 of this Act” and substituting “, 135 or 276 of this Act”.

74 Section 38 (1.01) is amended

(a) by renumbering paragraph (h) as paragraph (m), and

(b) by renumbering paragraph (i) as paragraph (n).

- CLAUSE 75: **[Income Tax Act, section 38]** renumbers a paragraph read into section 163 (2) of the *Income Tax Act* (Canada), consequential to the addition of paragraphs to that section of that Act.
- CLAUSE 76: **[Income Tax Act, section 40]** provides that section 164 (1.6) and (1.61) of the *Income Tax Act* (Canada), added to that Act on the date this clause comes into force, does not apply for the purposes of the *Income Tax Act* (British Columbia).
- CLAUSE 77: **[Income Tax Act, section 42]** adds a reference to section 8.3 of the Act, as added by this Bill, in respect of circumstances in which an appeal may be taken under the Act.
- CLAUSE 78: **[Income Tax Act, section 47]** adds a reference to section 281 (2) of the Act, consequential to the addition of Part 16 to the Act by the *Budget Measures Implementation Act, 2022*.
- CLAUSE 79: **[Income Tax Act, section 59]** provides that section 231.8 of the *Income Tax Act* (Canada) applies for the purposes of the *Income Tax Act* (British Columbia).
- CLAUSE 80: **[Income Tax Act, section 59]** provides that section 231.6 of the *Income Tax Act* (Canada) applies for the purposes of the *Income Tax Act* (British Columbia).
- CLAUSE 81: **[Income Tax Act, section 64]** is consequential to amendments made by this Bill to the *Home Owner Grant Act* and the *Land Tax Deferral Act*.
- CLAUSE 82: **[Income Tax Act, section 68]** updates the name of the Canada Revenue Agency.
- CLAUSE 83: **[Income Tax Act, section 77]** requires a public body to provide, without charge, information on the written request of specified persons.
- CLAUSE 84: **[Income Tax Act, section 77.2]** clarifies the relationship between section 77.2 of the Act and section 77 of the Act as amended by this Bill.

- 75 *Section 38 (1.01) is amended by renumbering paragraph (j) as paragraph (o).*
- 76 *Section 40 (1.1) is repealed and the following substituted:*
(1.1) Section 164 (1) (b), (1.1) to (1.31), (1.5) to (1.53) and (1.7) to (7) of the federal Act applies for the purposes of this Act.
- 77 *Section 42 (2) (a) is amended by striking out “or” at the end of subparagraph (ii.2) and by adding the following subparagraph:*
(ii.3) the amount that, under section 8.3 (5) and (6), the individual is deemed to have paid on account of the individual’s tax payable under this Act for a taxation year, or .
- 78 *Section 47 (3) is amended by striking out “and 138 (2) of this Act” and substituting “, 138 (2) and 281 (2) of this Act”.*
- 79 *Section 59 is amended by adding “, 231.8” after “231.7”.*
- 80 *Section 59 is amended by striking out “Sections 231 to 231.5, 231.7, 231.8” and substituting “Sections 231 to 231.8”.*
- 81 *Section 64 (5) (c) (iii.3) and (iii.4) is amended by striking out “, including for greater certainty a purpose set out in section 13.1 (3) (b) or (c) of that Act”.*
- 82 *Section 68 (6) is amended by striking out “Canada Customs and Revenue Agency” and substituting “Canada Revenue Agency”.*
- 83 *Section 77 is repealed and the following substituted:*
- Duty of public bodies to provide information**
- 77 (1) In this section, “**public body**” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*.
- (2) A public body must, on the written request of any of the following persons, provide without charge the information the person considers necessary for the purpose of administering and enforcing the Act:
- (a) the deputy head;
 - (b) the Commissioner of Income Tax;
 - (c) an officer authorized by the deputy head.
- 84 *Section 77.2 is amended by striking out “The British Columbia Assessment Authority must” and substituting “Without limiting section 77, the British Columbia Assessment Authority must”.*

CLAUSE 85: *[Income Tax Act, section 79]* allows a corporation that first incurs an accredited BC labour expenditure between July 1, 2020 and February 22, 2022 to claim up to 120 days of accredited BC labour expenditures for the purposes of a production services tax credit.

CLAUSE 86: *[Income Tax Act, section 134]* extends by 5 years the availability of the interactive digital media tax credit.

CLAUSE 87: *[Insurance Premium Tax Act, section 1]* is consequential to amendments made by this Bill to the Act.

CLAUSE 88: *[Insurance Premium Tax Act, section 2]* provides for a 30-day period to register with the commissioner after beginning an insurance business in British Columbia or to notify the commissioner after ceasing to be a taxable insurer.

85 Section 79 (1) is amended by repealing paragraph (b) (iv) of the definition of “accredited qualified BC labour expenditure” and substituting the following:

- (iv) if the corporation first incurs on or after July 1, 2020 and before February 22, 2022 an amount that is an accredited BC labour expenditure in respect of the production, all amounts of the accredited BC labour expenditure of the corporation in respect of the production that are incurred more than 120 days before the date on which the corporation gives notice under section 84.1, unless the corporation’s eligibility certificate issued under section 86 in respect of the production is revoked and notice is given on or before the day that is 30 days after the revocation date;
- (v) if the corporation first incurs on or after February 22, 2022 an amount that is an accredited BC labour expenditure in respect of the production, all amounts of the accredited BC labour expenditure of the corporation in respect of the production that are incurred before the date on which the corporation gives notice under section 84.1, unless notice is given on or before the later of the following:
 - (A) the day that is 120 days after the corporation first incurs an amount that is an accredited BC labour expenditure in respect of the production;
 - (B) if the corporation’s eligibility certificate issued under section 86 in respect of the production is revoked, the day that is 30 days after the revocation date; .

86 Section 134 (2) is amended in paragraph (b) (iii) of the description of “eligible salary and wages” by striking out “September 1, 2023” and substituting “September 1, 2028”.

Insurance Premium Tax Act

87 Section 1 (1) of the Insurance Premium Tax Act, R.S.B.C. 1996, c. 232, is amended in paragraph (b) of the definition of “amount owing” by striking out “section 15.1” and substituting “section 12.4 or 15.1”.

88 Section 2 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) A taxable insurer must register with the commissioner no later than 30 days after the date the taxable insurer begins to carry on insurance business in British Columbia. , **and**

CLAUSE 88: *[Insurance Premium Tax Act, section 2 – continued]*

CLAUSE 89: *[Insurance Premium Tax Act, section 6]* requires electronic filing of returns under the Act.

CLAUSE 90: *[Insurance Premium Tax Act, section 6]* is consequential to amendments made by this Bill to the Act.

CLAUSE 91: *[Insurance Premium Tax Act, section 7.2]* imposes an obligation to pay interest on any unpaid amount of a fee imposed under section 12.4 of the Act, as added by this Bill.

(b) by adding the following subsection:

- (1.1) A person who ceases to be a taxable insurer must notify the commissioner no later than 30 days after the date the person ceases to be a taxable insurer.

89 Section 6 is amended

(a) in subsection (1) by striking out “, in the form the commissioner determines,” and by striking out “, together with other information the commissioner requires”,

(b) in subsection (2) by striking out “must deliver to the commissioner a return in the form the commissioner determines, together with other information the commissioner requires” and substituting “must deliver a return to the commissioner”, and

(c) by adding the following subsections:

- (5) A return must be in the form and contain the information required by the commissioner.
- (6) A person required to deliver a return must
- (a) file the return electronically in the manner required by the commissioner, and
 - (b) file, with the return, any other information or records required by the commissioner.

90 Section 6 (4) is amended by striking out “any information or return” and substituting “any return”, by striking out “a further return or information” and substituting “a further return” and by striking out “demand the information or return” and substituting “demand the return”.

91 The following section is added:

**Interest on unpaid fee for attending location
outside British Columbia**

- 7.2** (1) If a taxpayer fails to pay a fee imposed under section 12.4, the taxpayer must pay to the government interest on the amount unpaid from the date of the first notice of assessment for that fee until the date of payment.
- (2) Interest payable under subsection (1) must be calculated at the rate and in the manner prescribed by the Lieutenant Governor in Council.

CLAUSE 92: *[Insurance Premium Tax Act, section 12.1]* prohibits interfering with the exercise of a power conferred on a person by section 12.1 of the Act.

CLAUSE 93: *[Insurance Premium Tax Act, section 12.2]* simplifies the requirements in relation to the provision of records.

CLAUSE 94: *[Insurance Premium Tax Act, section 12.3]* adds a general power to demand information or records.

92 Section 12.1 is amended by adding the following subsection:

- (6) A person must not
 - (a) interfere with, hinder or molest a person doing anything that the person is authorized to do under this section, or
 - (b) prevent or attempt to prevent a person from doing anything that the person is authorized to do under this section.

93 Section 12.2 is repealed and the following substituted:

Requirement to provide records

- 12.2** When required by the commissioner, a person must provide to the commissioner all records that the commissioner considers necessary to determine whether this Act and the regulations are being or have been complied with.

94 The following section is added:

Demand for information

- 12.3** (1) For any purpose related to the administration or enforcement of this Act or the regulations, the commissioner may, by giving a person a demand notice, require from the person
- (a) any information or additional information,
 - (b) the production of any records, or
 - (c) a written statement.
- (2) A demand notice under subsection (1)
- (a) must be given by
 - (i) leaving the demand notice with the person, or
 - (ii) mailing the demand notice to the person by registered mail addressed to the person's address as stated in the person's last return made under this Act or as last known to the commissioner,
 - (b) must specify a reasonable time by which the person must comply with the demand notice, and
 - (c) in relation to a requirement under subsection (1) (c), may require the written statement to be made by way of affidavit or statutory declaration.
- (3) A person to whom a demand notice is given under this section must comply with the notice within the time specified in the notice.

CLAUSE 94: *[Insurance Premium Tax Act, section 12.3 – continued]*

CLAUSE 95: *[Insurance Premium Tax Act, section 12.4]*

- authorizes the Commissioner of Income Tax to calculate and impose a fee for attending at a location outside British Columbia;
- provides rules for calculating the fee that may be imposed;
- establishes a limitation period for imposing the fee;
- authorizes the Lieutenant Governor in Council to make regulations respecting the calculation of the fee.

CLAUSE 96: *[Insurance Premium Tax Act, section 13]* is consequential to the addition by this Bill of section 14.1 to the Act.

- (4) The commissioner may issue a document certifying one or both of the following, and the document is proof of the facts certified in it:
 - (a) a demand notice was given to a person in accordance with subsection (2);
 - (b) a person has failed to comply with subsection (3) in respect of a demand notice given to the person under this section.

95 *The following section is added:*

Fee for attending at location outside British Columbia

- 12.4** (1) If the commissioner is satisfied that it is necessary to attend at a location outside British Columbia for the purpose of determining whether a person is complying with or has complied with this Act and the regulations, the commissioner may impose on the person a fee payable to the government in an amount not exceeding the amount calculated under subsection (2) in respect of attending at that location.
- (2) Subject to the regulations, the commissioner may calculate the amount for the purposes of subsection (1) based on
 - (a) fees set by the commissioner, or
 - (b) a manner of calculating fees that is set by the commissioner.
 - (3) For the purposes of subsection (2), the fees and manner set by the commissioner may be different for different circumstances defined by the commissioner or for attending at different locations.
 - (4) In imposing a fee under subsection (1), the commissioner may not impose a fee in respect of attending at a location more than 4 years before the date of the first notice of assessment for that fee.
 - (5) The Lieutenant Governor in Council may make regulations for the purposes of subsection (2), respecting the calculation of an amount for the purposes of subsection (1), including, without limitation, respecting a maximum amount that may be calculated.

96 *Section 13 is amended*

- (a) *in subsection (2) by striking out “deliver notice” and substituting “give notice”, and*
- (b) *in subsection (3) by striking out “On delivery of the notice” and substituting “On the giving of the notice”.*

CLAUSE 97: *[Insurance Premium Tax Act, section 14]* is consequential to the addition by this Bill of section 14.1 to the Act.

CLAUSE 98: *[Insurance Premium Tax Act, section 14.1]*

- provides for electronic sending of notices of assessment under the Act;
- deems notices of assessment to have been given on the date of the notice.

CLAUSE 99: *[Insurance Premium Tax Act, section 16]* requires the Commissioner of Income Tax to assess a person for a fee imposed under section 12.4 of the Act, as added by this Bill.

CLAUSE 100: *[Insurance Premium Tax Act, section 17]* prohibits an appeal from an assessment of a fee imposed under section 12.4 of the Act, as added by this Bill.

CLAUSE 101: *[Insurance Premium Tax Act, section 27.2]* authorizes the Commissioner of Income Tax to waive all or part of a penalty.

CLAUSE 102: *[Insurance Premium Tax Act, sections 28 and 29]*

- establishes an administrative penalty, instead of an offence, for specified conduct;
- establishes a higher administrative penalty for specified conduct.

97 Section 14 is amended

(a) *in subsection (2) by striking out* “by mailing a notice, dated on the day of mailing, to the taxpayer’s last known address”, *and*

(b) *in subsection (3) by striking out* “the day on which the notice of assessment is issued” *and substituting* “the date of the notice of assessment”.

98 The following section is added:

Notice of assessment

14.1 (1) If a notice of assessment is sent by ordinary mail, registered mail or electronic mail, the notice, for the purposes of this Act, is deemed to have been given on the date of that notice.

(2) The date of a notice of assessment is the date stated on the notice.

99 Section 16 is amended by adding the following subsection:

(2.01) If the commissioner imposes a fee under section 12.4 on a person, the commissioner must assess the person for the amount of the fee payable under that section.

100 Section 17 (4) is amended by striking out “section 16 (2.1)” and substituting “section 16 (2.01) or (2.1)”.

101 The following section is added:

Waiver or cancellation of penalty

27.2 The commissioner may at any time waive or cancel all or part of any penalty otherwise payable by a person under this Act.

102 Sections 28 and 29 are repealed and the following substituted:

Penalty for failure to register with or notify commissioner

28 A person who fails to comply with either of the following provisions is liable to a penalty equal to \$500:

(a) section 2 (1);

(b) section 2 (1.1).

CLAUSE 102: *[Insurance Premium Tax Act, sections 28 and 29 – continued]*

CLAUSE 103: *[Insurance Premium Tax Act, sections 29.1 and 29.2]* establishes administrative penalties for specified conduct.

Penalty for failure to deliver return

29 A taxpayer who fails to deliver a return under section 6 (1) or (2) in respect of a calendar year or contract, within the time required under this Act, is liable to a penalty equal to the total of

- (a) 5% of the amount remaining unpaid of the taxpayer's tax payable under this Act in respect of the calendar year or contract on the date the return was required to be delivered, and
- (b) the amount determined by the following formula:

$$\text{amount} = 1\% \times A \times B$$

where

A = the amount remaining unpaid of the taxpayer's tax payable under this Act in respect of the calendar year or contract on the date the return was required to be delivered;

B = the number of months, not exceeding 12 and rounded down to the nearest whole number, in the period beginning on the date the return was required to be delivered and ending on the earlier of

- (i) the date the return was delivered, and
- (ii) the date a penalty is imposed under this section on the taxpayer.

103 *The following sections are added:*

Penalty for repeated failure to deliver return

29.1 If all of the following apply:

- (a) a taxpayer fails to deliver a return under section 6 (1) or (2) in respect of a calendar year or contract within the time required under the Act;
- (b) the taxpayer subsequently fails to furnish or deliver a return under section 6 (4) in respect of the calendar year or contract within the time required under the Act;
- (c) a penalty was imposed on the taxpayer under section 29 in respect of a failure to deliver a return referred to in that section for any of the 3 preceding calendar years,

the taxpayer is liable to a penalty equal to the total of

- (d) 10% of the amount remaining unpaid of the taxpayer's tax payable under this Act in respect of the calendar year or contract on the date the return referred to in paragraph (a) was required to be delivered, and

CLAUSE 103: *[Insurance Premium Tax Act, sections 29.1 and 29.2 – continued]*

CLAUSE 104: *[Insurance Premium Tax Act, section 30]* establishes an administrative penalty for specified conduct.

CLAUSE 105: *[Insurance Premium Tax Act, sections 30.1 to 30.3]* establishes administrative penalties for specified conduct.

(e) the amount determined by the following formula:

$$\text{amount} = 2\% \times A \times B$$

where

A = the amount remaining unpaid of the taxpayer's tax payable under this Act in respect of the calendar year or contract on the date the return referred to in paragraph (a) was required to be delivered;

B = the number of months, not exceeding 20 and rounded down to the nearest whole number, in the period beginning on the date the return referred to in paragraph (a) was required to be delivered and ending on the earlier of

- (i) the date the return was delivered, and
- (ii) the date a penalty is imposed under this section on the taxpayer.

Penalty for failure to provide required information

29.2 If a person who is required to deliver a return fails to include in the return any required information or fails to deliver with the return any other required information or records, the person is liable to a penalty of \$100 for each failure.

104 Section 30 is repealed and the following substituted:

Penalties respecting information and records

- 30** (1) A person who fails to comply with a provision specified in subsection (2) is liable, in respect of each failure, to a penalty equal to the greater of
- (a) \$100, and
 - (b) \$25 for each day during which the failure continues, to a maximum of \$2 500.
- (2) For the purposes of subsection (1), the following provisions are specified:
- (a) section 12.2;
 - (b) section 12.3 (3).

105 The following sections are added:

Penalty for interfering with investigation, inspection or audit

30.1 A person who contravenes section 12.1 (6) (a) or (b) is liable to a penalty of \$100 for each contravention.

CLAUSE 105: *[Insurance Premium Tax Act, sections 30.1 to 30.3 – continued]*

CLAUSE 106: *[Insurance Premium Tax Act, sections 31 and 32]* is consequential to amendments made by this Bill to the Act.

Gross negligence

- 30.2** (1) In this section, “**additional tax**” means the amount by which the tax payable under this Act in respect of a calendar year or contract, calculated on the basis of accurate and complete information, exceeds the tax payable in respect of the calendar year or contract, calculated on the basis of the false statement or omission described in subsection (2).
- (2) If a person knowingly, or under circumstances amounting to gross negligence, makes, or participates in, assents to or acquiesces in the making of, a false statement or an omission in a return, notice or other record delivered or supplied or in information supplied under this Act in respect of a calendar year or contract, the taxpayer is liable to a penalty equal to the greater of
- (a) \$100, and
 - (b) 50% of the additional tax.

Misrepresentation by third party

- 30.3** (1) Section 163.2 of the *Income Tax Act* (Canada) applies for the purposes of this Act with the changes the circumstances require for the purposes of this Act.
- (2) Without limiting subsection (1), in applying section 163.2 of the *Income Tax Act* (Canada) for the purposes of this Act, the following rules apply:
- (a) a reference in that section to the *Income Tax Act* (Canada) is to be read as a reference to this Act;
 - (b) a reference in that section to an assessment is to be read as a reference to an assessment under this Act;
 - (c) that section is to be read without reference to the definition of “excluded activity” in subsection (1) of that section and without reference to subsections (7) and (8) (b) (i) and (ii) of that section;
 - (d) subsection (5) of that section is to be read as if
 - (i) the reference to “subsection 163 (2)” were a reference to section 30.2 (2) of this Act, and
 - (ii) the reference to “return filed for the purposes of this Act” were a reference to “return, notice or other record delivered or supplied or in information supplied under this Act”;
 - (e) subsection (10) of that section must be read as if the reference to section 163 (3) were a reference to subsection (3) of this section;
 - (f) subsection (15) of that section must be read as if the reference to “or an employee engaged in an excluded activity” were excluded.
- (3) In an appeal to the Supreme Court under section 18 of this Act, the onus is on the minister to establish the facts justifying the assessment of a penalty to which a person is liable under this section.

106 *Sections 31 and 32 are repealed.*

CLAUSE 107: *[Insurance Premium Tax Act, sections 32.1 to 32.5]*

- disappplies section 5 of the *Offence Act*;
- establishes a general offence for specified conduct;
- establishes penalties for the general offence provision;
- establishes specific offences for the failure to provide records or information and for interference under the Act, and establishes penalties for those offences;
- replaces the provision relating to offences involving taxpayer information to harmonize the offence provisions with those in other provincial tax and revenue statutes, including by raising the maximum penalty for an offence.

107 The following sections are added:

Section 5 of Offence Act

32.1 Section 5 of the *Offence Act* does not apply to this Act or the regulations.

General offences

32.2 A person who does any of the following commits an offence:

- (a) makes, or participates in, assents to or acquiesces in the making of, a false or deceptive statement in a return, notice or other record required to be delivered or supplied under this Act;
- (b) destroys, alters, mutilates, hides or otherwise disposes of a record to evade payment of an amount to be paid to the government under this Act;
- (c) makes, or participates in, assents to or acquiesces in the making of, a false or deceptive entry in a record related to an amount to be paid to the government under this Act;
- (d) omits, or participates in, assents to or acquiesces in the omission of, a material particular in a record required to be kept under this Act;
- (e) makes or uses, or participates in, assents to or acquiesces in the making or use of, a record in a false or deceptive manner in order to obtain a tax benefit;
- (f) wilfully, in any manner, evades or attempts to evade payment of tax payable under this Act;
- (g) conspires with any person to do anything described in paragraphs (a) to (f).

Penalties

- 32.3** (1) An individual who commits an offence under section 32.2 is liable to
- (a) a fine of not less than 50% and not more than 200% of the amount of tax that was sought to be evaded,
 - (b) imprisonment for not more than 2 years, or
 - (c) both the fine and imprisonment referred to in paragraphs (a) and (b) of this subsection.
- (2) A corporation that commits an offence under section 32.2 is liable to a fine of not less than 50% and not more than 200% of the amount of tax that was sought to be evaded.

CLAUSE 107: *[Insurance Premium Tax Act, sections 32.1 to 32.5 – continued]*

CLAUSE 108: *[Insurance Premium Tax Act, section 33]* provides rules for offences committed by corporations, consistent with other tax Acts.

Offences for failure to provide records or information required by commissioner or for interference

- 32.4** (1) A person commits an offence if the person contravenes any of the following provisions:
- (a) section 12.1 (6) (a) or (b);
 - (b) section 12.2;
 - (c) section 12.3 (3).
- (2) An individual who commits an offence under subsection (1) is liable to
- (a) a fine of not more than \$100 000,
 - (b) imprisonment for not more than 12 months, or
 - (c) both the fine and imprisonment referred to in paragraphs (a) and (b) of this subsection.
- (3) A corporation that commits an offence under subsection (1) is liable to a fine of not more than \$100 000.

Offences in relation to taxpayer information

- 32.5** (1) A person commits an offence if the person
- (a) contravenes section 38 (2), or
 - (b) knowingly contravenes an order made under section 38 (8).
- (2) A person commits an offence if
- (a) the person has been provided with taxpayer information for a particular purpose under section 38 (5) (a) to (c), (e), (f), (i) to (k) or (m), and
 - (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.
- (3) A person who commits an offence under subsection (1) or (2) is liable to
- (a) a fine of not more than \$5 000,
 - (b) imprisonment for not more than 12 months, or
 - (c) both the fine and imprisonment referred to in paragraphs (a) and (b) of this subsection.

108 Section 33 is repealed and the following substituted:

Offence by corporation

- 33** (1) If a corporation commits an offence under this Act, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence also commits that offence, whether or not the corporation is prosecuted for the offence.

CLAUSE 108: *[Insurance Premium Tax Act, section 33 – continued]*

CLAUSE 109: *[Insurance Premium Tax Act, section 34]* is consequential to amendments made by this Bill to the Act.

CLAUSE 110: *[Insurance Premium Tax Act, section 37]* makes a housekeeping amendment.

CLAUSE 111: *[Insurance Premium Tax Act, sections 37.1 and 37.2]*

- requires electronic payment of amounts to be paid to the government under the Act;
- deems amounts to have been paid on the date they are received by the government.

CLAUSE 112: *[Insurance Premium Tax Act, sections 38 and 38.1]*

- repeals and replaces provisions relating to the use and sharing of taxpayer information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes.

- (2) In a prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee, officer, director or agent of the defendant, whether or not the employee, officer, director or agent is identified or has been prosecuted for the offence.
- (3) Subsection (2) does not apply if the defendant establishes that the defendant exercised due diligence to prevent the commission of the offence.

109 Section 34 is amended

(a) in subsection (1) by striking out “A notice, other than a notice of assessment,” and substituting “Subject to this section, a notice, other than a notice of assessment,”, and

(b) by adding the following subsection:

- (2.1) Subsections (1) (a) and (b) and (2) do not apply to a demand notice under section 12.3.

110 Section 37 is repealed.

111 The following sections are added:

Electronic payment

- 37.1** A person required to pay an amount to the government under this Act must pay the amount electronically in the manner required by the commissioner.

When payment is received

- 37.2** If, under this Act, an amount must or may be paid to the government, the amount is conclusively deemed to be paid on the date it is received by the government.

112 Section 38 is repealed and the following substituted:

Information sharing

- 38** (1) In this section:

“**authorized person**” means a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out the provisions of this Act;

“**official**” means any person

- (a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or
- (b) who was formerly so employed or engaged or formerly occupied such a position;

CLAUSE 112: *[Insurance Premium Tax Act, sections 38 and 38.1 – continued]*

“police officer” means a police officer as defined in section 462.48 (17) of the *Criminal Code*;

“taxpayer information” means information of any kind and in any form, relating to one or more taxpayers,

(a) that is obtained for the purposes of this Act by or on behalf of the minister, or

(b) that is prepared from information referred to in paragraph (a),

but does not include information that does not directly or indirectly reveal the identity of the taxpayer to whom the information relates;

“US state official” means any person

(a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of a state of the United States of America, or

(b) who was formerly so employed or engaged or formerly occupied such a position.

(2) Despite any other enactment or law, except as authorized by this section, an official must not

(a) knowingly provide, or knowingly allow to be provided, any taxpayer information to any person,

(b) knowingly allow any person to have access to any taxpayer information, or

(c) knowingly use any taxpayer information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.

(3) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any taxpayer information.

(4) Subsections (2) and (3) do not apply in relation to the following:

(a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;

(b) any legal proceedings relating to the administration or enforcement of any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax or duty.

(5) Subject to subsection (6), an official may do one or more of the following:

(a) provide to any person taxpayer information that can reasonably be considered necessary for the purposes of the administration or enforcement of this Act, solely for those purposes;

CLAUSE 112: *[Insurance Premium Tax Act, sections 38 and 38.1 – continued]*

- (b) provide to any person taxpayer information that can reasonably be considered necessary for the purposes of determining
 - (i) any tax, interest, penalty or other amount that is or may become payable by the person under this Act,
 - (ii) any refund to which the person is or may become entitled under this Act, or
 - (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);
- (c) provide taxpayer information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;
 - (iii) to an official of the ministry of the minister, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (iv) to an official solely for the purposes of the administration or enforcement of an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
 - (v) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or an enactment of another province, that provides for the imposition or collection of a tax or duty;
 - (vi) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
 - (vii) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;
- (d) provide taxpayer information to a US state official solely for the purposes of the administration or enforcement of an enactment of a state of the United States of America that provides for the imposition or collection of a tax or duty;
- (e) provide taxpayer information, or allow inspection of or access to taxpayer information, as the case may be, under, and solely for the purposes of,
 - (i) sections 44 (1) and 61 (1) of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15, 16 and 17 of the *Auditor General Act*;

CLAUSE 112: *[Insurance Premium Tax Act, sections 38 and 38.1 – continued]*

- (f) provide taxpayer information as provided for in, or ordered under, section 239 or 242 of the *Family Law Act* or section 8.2 or 9 of the *Family Maintenance Enforcement Act*;
- (g) provide taxpayer information relating to a taxpayer
 - (i) to the taxpayer, and
 - (ii) with the consent of the taxpayer, to any other person;
- (h) use taxpayer information to compile information in a form that does not directly or indirectly reveal the identity of the taxpayer to whom the information relates;
- (i) provide taxpayer information solely for the purposes of sections 17, 18 and 19 of the *Financial Administration Act*;
- (j) provide taxpayer information to the BC Financial Services Authority, established under section 2 of the *Financial Services Authority Act*, solely for the purposes of administering the *Financial Institutions Act* or another enactment under which the BC Financial Services Authority has administrative responsibilities;
- (k) use, or provide to any person, taxpayer information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;
- (l) provide taxpayer information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the taxpayer information can reasonably be considered necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,
 - (ii) the official was or is engaged in the administration or enforcement of this Act, and
 - (iii) the offence can reasonably be considered to be related to the administration or enforcement of this Act;
- (m) provide taxpayer information to, or allow inspection of or access to taxpayer information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information.

CLAUSE 112: *[Insurance Premium Tax Act, sections 38 and 38.1 – continued]*

- (6) Except in accordance with an information-sharing agreement entered into under section 38.1, an official must not, under subsection (5) (a) to (d) and (i) to (m) of this section, provide taxpayer information to, or allow inspection of or access to taxpayer information by,
 - (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry of the minister,
 - (b) an official of the government of Canada,
 - (c) an official of the government of another province, or
 - (d) a US state official.
- (7) An official may provide to appropriate persons any taxpayer information relating to imminent danger of death or physical injury to any individual.
- (8) The person who presides at a legal proceeding relating to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that taxpayer information is not used or provided to any person for any purpose unrelated to the proceeding, including
 - (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the taxpayer information,
 - (c) an order to conceal the identity of the taxpayer to whom the taxpayer information relates, and
 - (d) an order sealing the records of the proceeding.
- (9) To the extent of any inconsistency or conflict with section 32 or 33 of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

Information-sharing agreements

38.1 (1) In this section:

“**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 38 (5);

“**taxpayer information**” has the same meaning as in section 38.

- (2) The minister may enter into an information-sharing agreement with
 - (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,
 - (b) the government of Canada or an agency of that government,
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government, or
 - (d) the government of a state of the United States of America or an agency of that government.

CLAUSE 112: *[Insurance Premium Tax Act, sections 38 and 38.1 – continued]*

CLAUSE 113: *[Land Tax Deferment Act, section 13.1]* repeals provisions relating to the use and sharing of confidential information, consequential to amendments made by this Bill to the Act.

CLAUSE 114: *[Land Tax Deferment Act, sections 16.2, 16.3 and 17.1]*

- replaces provisions relating to the use and sharing of confidential information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes, including by adding provisions relating to offences involving confidential information.

- (3) Subject to subsection (4), taxpayer information obtained by the minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.
- (4) Subsection (3) does not prevent
 - (a) any taxpayer information obtained by the minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing an enactment administered by the minister that provides for the imposition or collection of a tax or duty, or
 - (b) any taxpayer information obtained by the minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the minister.
- (6) For the purposes of section 38 (6), an information-sharing agreement entered into before the coming into force of this section is considered to be an information-sharing agreement entered into by the minister under this section.

Land Tax Deferment Act

113 Section 13.1 of the Land Tax Deferment Act, R.S.B.C. 1996, c. 249, is repealed.

114 The following sections are added:

Information sharing

16.2 (1) In this section:

“**authorized person**” means,

- (a) in subsection (5) (k), an authorized person as defined in section 13.1 of the *Assessment Act*,
- (b) in subsection (5) (l), a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the Land Title and Survey Authority of British Columbia, to assist in carrying out the provisions of the *Land Title and Survey Authority Act*, and
- (c) in any other case, a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out the provisions of this Act;

CLAUSE 114: *[Land Tax Deferment Act, sections 16.2, 16.3 and 17.1 – continued]*

“confidential information” means information of any kind and in any form, relating to one or more persons,

(a) that is obtained for the purposes of this Act by or on behalf of the minister, or

(b) that is prepared from information referred to in paragraph (a),

but does not include information that does not directly or indirectly reveal the identity of the person to whom the information relates;

“designated person” has the same meaning as in section 241 (10) of the *Income Tax Act* (Canada);

“official” means any person

(a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or

(b) who was formerly so employed or engaged or formerly occupied such a position,

and, for the purposes of subsections (2) and (3), **“official”** includes a designated person;

“police officer” means a police officer as defined in section 462.48 (17) of the *Criminal Code*.

(2) Despite any other enactment or law, except as authorized by this section, an official must not

(a) knowingly provide, or knowingly allow to be provided, any confidential information to any person,

(b) knowingly allow any person to have access to any confidential information, or

(c) knowingly use any confidential information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.

(3) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any confidential information.

(4) Subsections (2) and (3) do not apply in relation to the following:

(a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;

(b) any legal proceedings relating to the administration or enforcement of

(i) any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax or duty, or

(ii) the *Home Owner Grant Act*.

CLAUSE 114: *[Land Tax Deferment Act, sections 16.2, 16.3 and 17.1 – continued]*

- (5) Subject to subsection (6), an official may do one or more of the following:
- (a) provide to any person confidential information that can reasonably be considered necessary for the purposes of the administration or enforcement of this Act, solely for those purposes;
 - (b) provide to any person confidential information that can reasonably be considered necessary for the purposes of determining
 - (i) any amount that is or may become payable by the person under this Act,
 - (ii) any refund to which the person is or may become entitled under this Act, or
 - (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);
 - (c) provide confidential information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;
 - (iii) to an official of the ministry of the minister, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (iv) to an official solely for the purposes of the administration or enforcement of the *Home Owner Grant Act* or an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
 - (v) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or an enactment of another province, that provides for the imposition or collection of a tax or duty;
 - (vi) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
 - (vii) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;
 - (d) provide confidential information, or allow inspection of or access to confidential information, as the case may be, under, and solely for the purposes of,
 - (i) sections 44 (1) and 61 (1) of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15, 16 and 17 of the *Auditor General Act*;

CLAUSE 114: *[Land Tax Deferment Act, sections 16.2, 16.3 and 17.1 – continued]*

- (e) provide confidential information relating to a person
 - (i) to the person, and
 - (ii) with the consent of the person, to any other person;
- (f) use confidential information to compile information in a form that does not directly or indirectly reveal the identity of the person to whom the information relates;
- (g) provide confidential information solely for the purposes of sections 17, 18 and 19 of the *Financial Administration Act*;
- (h) use, or provide to any person, confidential information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;
- (i) provide confidential information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the confidential information can reasonably be considered necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,
 - (ii) the official was or is engaged in the administration or enforcement of this Act, and
 - (iii) the offence can reasonably be considered to be related to the administration or enforcement of this Act;
- (j) provide confidential information to, or allow inspection of or access to confidential information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information;
- (k) provide confidential information to, or allow inspection of or access to confidential information by, an authorized person, solely for the purposes of the administration or enforcement of the *Assessment Act*;
- (l) provide confidential information to, or allow inspection of or access to confidential information by, an authorized person, solely for the purposes set out in section 4 (1) (a) of the *Land Title and Survey Authority Act*.

CLAUSE 114: *[Land Tax Deferment Act, sections 16.2, 16.3 and 17.1 – continued]*

- (6) Except in accordance with an information-sharing agreement entered into under section 16.3, an official must not, under subsection (5) (a) to (c) and (g) to (l) of this section, provide confidential information to, or allow inspection of or access to confidential information by,
 - (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry of the minister,
 - (b) an official of the government of Canada, or
 - (c) an official of the government of another province.
- (7) An official may provide to appropriate persons any confidential information relating to imminent danger of death or physical injury to any individual.
- (8) The person who presides at a legal proceeding in relation to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that confidential information is not used or provided to any person for any purpose unrelated to the proceeding, including
 - (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the confidential information,
 - (c) an order to conceal the identity of the person to whom the confidential information relates, and
 - (d) an order sealing the records of the proceeding.
- (9) To the extent of any inconsistency or conflict with section 32 or 33 of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

Information-sharing agreements

- 16.3** (1) In this section:
- “**confidential information**” has the same meaning as in section 16.2;
 - “**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 16.2 (5).
- (2) The minister may enter into an information-sharing agreement with
 - (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,
 - (b) the government of Canada or an agency of that government, or
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government.
 - (3) Subject to subsection (4), confidential information obtained by the minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.

CLAUSE 114: *[Land Tax Deferment Act, sections 16.2, 16.3 and 17.1 – continued]*

CLAUSE 115: *[Land Tax Deferment Act, section 18]* adds a regulation-making authority, consequential to the addition by this Bill of section 16.2 to the Act.

- (4) Subsection (3) does not prevent
 - (a) any confidential information obtained by the minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing
 - (i) an enactment administered by the minister that provides for the imposition or collection of a tax or duty, or
 - (ii) the *Home Owner Grant Act*, or
 - (b) any confidential information obtained by the minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the minister.
- (6) For the purposes of section 16.2 (6), an information-sharing agreement entered into before the coming into force of this section is considered to be an information-sharing agreement entered into by the minister under this section.

Offences – confidential information

- 17.1** (1) Without limiting section 5 of the *Offence Act* as it applies for the purposes of this Act, a person commits an offence if the person
- (a) contravenes section 16.2 (2), or
 - (b) knowingly contravenes an order made under section 16.2 (8).
- (2) A person commits an offence if
- (a) the person has been provided with confidential information for a particular purpose under section 16.2 (5) (a) to (d), (g), (h) or (j) to (l), and
 - (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.
- (3) A person who commits an offence under subsection (1) or (2) is liable on conviction to one or both of the following:
- (a) a fine of not more than \$5 000;
 - (b) imprisonment for not more than 12 months.

115 Section 18 (2) is amended by adding the following paragraph:

- (i) prescribing an enactment for the purposes of section 16.2 (5) (j).

CLAUSE 116: *[Logging Tax Act, section 1]* is consequential to amendments made by this Bill to the Act.

CLAUSE 117: *[Logging Tax Act, section 8]* is consequential to amendments made by this Bill to the Act.

CLAUSE 118: *[Logging Tax Act, section 8.1]* adds a general requirement to provide records.

CLAUSE 119: *[Logging Tax Act, section 10]* prohibits interfering with the exercise of a power conferred on a person by section 10 of the Act.

CLAUSE 120: *[Logging Tax Act, section 13]* updates the power to demand information or records.

Logging Tax Act

116 *Section 1 of the Logging Tax Act, R.S.B.C. 1996, c. 277, is amended in paragraph (b) of the definition of “amount owing” by striking out “section 21.1” and substituting “section 13.1 or 21.1”.*

117 *Section 8 is amended*

(a) in subsection (1) by striking out “information or” in both places, and

(b) by repealing subsection (2) and substituting the following:

(2) The person must deliver the return to the commissioner within the time specified in the demand under subsection (1).

118 *The following section is added:*

Requirement to provide records

8.1 When required by the commissioner, a person must provide to the commissioner all records that the commissioner considers necessary to determine whether this Act and the regulations are being or have been complied with.

119 *Section 10 is amended by adding the following subsection:*

(5) A person must not

(a) interfere with, hinder or molest a person in doing anything that the person is authorized to do under this section, or

(b) prevent or attempt to prevent a person from doing anything that the person is authorized to do under this section.

120 *Section 13 is repealed and the following substituted:*

Demand for information

13 (1) For any purpose related to the administration or enforcement of this Act or the regulations, the commissioner may, by giving a person a demand notice, require from the person

(a) any information or additional information,

(b) the production of any records, or

(c) a written statement.

(2) A demand notice under subsection (1)

(a) must be given by

(i) leaving the demand notice with the person, or

CLAUSE 120: *[Logging Tax Act, section 13 – continued]*

CLAUSE 121: *[Logging Tax Act, section 13.1]*

- authorizes the Commissioner of Income Tax to calculate and impose a fee for attending at a location outside British Columbia;
- provides rules for calculating the fee that may be imposed;
- establishes a limitation period for imposing the fee;
- authorizes the Lieutenant Governor in Council to make regulations respecting the calculation of the fee.

- (ii) mailing the demand notice to the person by registered mail addressed to the person's address as stated in the person's last return made under this Act or as last known to the commissioner,
 - (b) must specify a reasonable time by which the person must comply with the demand notice, and
 - (c) in relation to a requirement under subsection (1) (c), may require the written statement to be made by way of affidavit or statutory declaration.
- (3) A person to whom a demand notice is given under this section must comply with the notice within the time specified in the notice.
- (4) The commissioner may issue a document certifying one or both of the following, and the document is proof of the facts certified in it:
- (a) a demand notice was given to a person in accordance with subsection (2);
 - (b) a person has failed to comply with subsection (3) in respect of a demand notice given to the person under this section.

121 The following section is added:

Fee for attending at location outside British Columbia

- 13.1** (1) If the commissioner is satisfied that it is necessary to attend at a location outside British Columbia for the purpose of determining whether a person is complying with or has complied with this Act and the regulations, the commissioner may impose on the person a fee payable to the government in an amount not exceeding the amount calculated under subsection (2) in respect of attending at that location.
- (2) Subject to the regulations, the commissioner may calculate the amount for the purposes of subsection (1) based on
- (a) fees set by the commissioner, or
 - (b) a manner of calculating fees that is set by the commissioner.
- (3) For the purposes of subsection (2), the fees and manner set by the commissioner may be different for different circumstances defined by the commissioner or for attending at different locations.
- (4) In imposing a fee under subsection (1), the commissioner may not impose a fee in respect of attending at a location more than 4 years before the date of the first notice of assessment for that fee.
- (5) The Lieutenant Governor in Council may make regulations for the purposes of subsection (2), respecting the calculation of an amount for the purposes of subsection (1), including, without limitation, respecting a maximum amount that may be calculated.

CLAUSE 122: *[Logging Tax Act, sections 14 and 14.1]*

- repeals and replaces provisions relating to the use and sharing of taxpayer information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes.

122 Sections 14 and 14.1 are repealed and the following substituted:

Information sharing

14 (1) In this section:

“authorized person” means a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out the provisions of this Act;

“official” means any person

(a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or

(b) who was formerly so employed or engaged or formerly occupied such a position;

“police officer” means a police officer as defined in section 462.48 (17) of the *Criminal Code*;

“taxpayer information” means information of any kind and in any form, relating to one or more taxpayers,

(a) that is obtained for the purposes of this Act by or on behalf of the minister, or

(b) that is prepared from information referred to in paragraph (a), but does not include information that does not directly or indirectly reveal the identity of the taxpayer to whom the information relates;

“timber harvest information” means

(a) the name and address of a person who harvests timber in British Columbia,

(b) the number of the timber mark held by the person,

(c) the volume of timber harvested in British Columbia by the person, or

(d) any stumpage paid or payable to the government by the person.

(2) For certainty, timber harvest information is taxpayer information within the meaning of this section.

(3) Despite any other enactment or law, except as authorized by this section, an official must not

(a) knowingly provide, or knowingly allow to be provided, any taxpayer information to any person,

(b) knowingly allow any person to have access to any taxpayer information, or

(c) knowingly use any taxpayer information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.

CLAUSE 122: *[Logging Tax Act, sections 14 and 14.1 – continued]*

- (4) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any taxpayer information.
- (5) Subsections (3) and (4) do not apply in relation to the following:
 - (a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;
 - (b) any legal proceedings relating to the administration or enforcement of any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax or duty.
- (6) Subject to subsection (8), an official may do one or more of the following:
 - (a) provide to any person taxpayer information that can reasonably be considered necessary for the purposes of the administration or enforcement of this Act, solely for those purposes;
 - (b) provide to any person taxpayer information that can reasonably be considered necessary for the purposes of determining
 - (i) any tax, interest, penalty or other amount that is or may become payable by the person under this Act,
 - (ii) any refund to which the person is or may become entitled under this Act, or
 - (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);
 - (c) provide taxpayer information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;
 - (iii) to an official of the ministry of the minister, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (iv) to an official solely for the purposes of the administration or enforcement of an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
 - (v) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or an enactment of another province, that provides for the imposition or collection of a tax or duty;
 - (vi) to an official solely for the purposes of the administration or enforcement of Part 11.1 of the *Forest Act*;

CLAUSE 122: *[Logging Tax Act, sections 14 and 14.1 – continued]*

- (vii) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
- (viii) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;
- (d) provide taxpayer information, or allow inspection of or access to taxpayer information, as the case may be, under, and solely for the purposes of,
 - (i) sections 44 (1) and 61 (1) of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15, 16 and 17 of the *Auditor General Act*;
- (e) provide taxpayer information as provided for in, or ordered under, section 239 or 242 of the *Family Law Act* or section 8.2 or 9 of the *Family Maintenance Enforcement Act*;
- (f) provide taxpayer information relating to a taxpayer
 - (i) to the taxpayer, and
 - (ii) with the consent of the taxpayer, to any other person;
- (g) use taxpayer information to compile information in a form that does not directly or indirectly reveal the identity of the taxpayer to whom the information relates;
- (h) provide taxpayer information solely for the purposes of sections 17, 18 and 19 of the *Financial Administration Act*;
- (i) use, or provide to any person, taxpayer information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;
- (j) provide taxpayer information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the taxpayer information can reasonably be considered necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,

CLAUSE 122: *[Logging Tax Act, sections 14 and 14.1 – continued]*

- (ii) the official was or is engaged in the administration or enforcement of this Act, and
 - (iii) the offence can reasonably be considered to be related to the administration or enforcement of this Act;
 - (k) provide taxpayer information to, or allow inspection of or access to taxpayer information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information.
- (7) Without limiting any provision of this or any other enactment, an official of the ministry of the minister and an official of the ministry of the minister responsible for the administration of the *Forest Act* may
- (a) collect timber harvest information that is relevant to the administration and enforcement of this Act, and
 - (b) in accordance with an information-sharing agreement entered into under section 14.1 of this Act, provide to each other, or allow each other inspection of or access to, timber harvest information that can reasonably be considered necessary for the purposes of the administration and enforcement of this Act.
- (8) Except in accordance with an information-sharing agreement entered into under section 14.1, an official must not, under subsection (6) (a) to (c) and (h) to (k) of this section, provide taxpayer information to, or allow inspection of or access to taxpayer information by,
- (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry of the minister,
 - (b) an official of the government of Canada, or
 - (c) an official of the government of another province.
- (9) An official may provide to appropriate persons any taxpayer information relating to imminent danger of death or physical injury to any individual.
- (10) The person who presides at a legal proceeding relating to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that taxpayer information is not used or provided to any person for any purpose unrelated to the proceeding, including
- (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the taxpayer information,
 - (c) an order to conceal the identity of the taxpayer to whom the taxpayer information relates, and
 - (d) an order sealing the records of the proceeding.
- (11) To the extent of any inconsistency or conflict with section 32 or 33 of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

CLAUSE 122: *[Logging Tax Act, sections 14 and 14.1 – continued]*

Information-sharing agreements

14.1 (1) In this section:

“**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 14 (6) and (7);

“**taxpayer information**” has the same meaning as in section 14.

- (2) The minister may enter into an information-sharing agreement with
- (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,
 - (b) the government of Canada or an agency of that government, or
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government.
- (3) Subject to subsection (4), taxpayer information obtained by the minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.
- (4) Subsection (3) does not prevent
- (a) any taxpayer information obtained by the minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing
 - (i) an enactment administered by the minister that provides for the imposition or collection of a tax or duty, or
 - (ii) Part 11.1 of the *Forest Act*, or
 - (b) any taxpayer information obtained by the minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the minister.
- (6) For the purposes of section 14 (8), an information-sharing agreement entered into before the coming into force of this section is considered to be an information-sharing agreement entered into by the minister under this section.

CLAUSE 123: *[Logging Tax Act, section 15.12]* imposes an obligation to pay interest on any unpaid amount of a fee imposed under section 13.1 of the Act, as added by this Bill.

CLAUSE 124: *[Logging Tax Act, section 20]* requires the Commissioner of Income Tax to assess a person for a fee imposed under section 13.1 of the Act, as added by this Bill.

CLAUSE 125: *[Logging Tax Act, section 23]* prohibits an appeal from an assessment of a fee imposed under section 13.1 of the Act, as added by this Bill.

CLAUSE 126: *[Logging Tax Act, sections 35 and 36]* is consequential to amendments made by this Bill to the Act.

CLAUSE 127: *[Logging Tax Act, section 36.1]* authorizes the Commissioner of Income Tax to waive all or part of a penalty.

CLAUSE 128: *[Logging Tax Act, sections 36.2 to 36.9]*

- establishes new administrative penalties for specified conduct;
- establishes a higher administrative penalty for specified conduct.

123 The following section is added:

Interest on unpaid fee for attending location outside British Columbia

- 15.12** (1) If a taxpayer fails to pay a fee imposed under section 13.1, the taxpayer must pay to the government interest on the amount unpaid from the date of the first notice of assessment for that fee until the date of payment.
- (2) Interest payable under subsection (1) must be calculated at the rate and in the manner prescribed by the Lieutenant Governor in Council.

124 Section 20 is amended by adding the following subsection:

- (2.01) If the commissioner imposes a fee under section 13.1 on a person, the commissioner must assess the person for the amount of the fee payable under that section.

125 Section 23 (5) is amended by striking out “section 20 (2.1)” and substituting “section 20 (2.01) or (2.1)”.

126 Sections 35 and 36 are repealed.

127 The following section is added:

Waiver or cancellation of penalty

- 36.1** The commissioner may at any time waive or cancel all or part of any penalty otherwise payable by a person under this Act.

128 The following sections are added:

Penalty for failure to notify commissioner or failure of trustee to pay

- 36.2** A person who fails to comply with any of the following provisions is liable to a penalty equal to \$500:
- (a) section 4;
 - (b) section 5;
 - (c) section 16.

Penalty for failure to deliver return

- 36.3** A taxpayer who fails to deliver a return under section 6 (1) for a taxation year within the time required under this Act is liable to a penalty equal to the total of
- (a) 5% of the amount remaining unpaid of the taxpayer’s tax payable under this Act for the taxation year on the date the return was required to be delivered, and

CLAUSE 128: *[Logging Tax Act, sections 36.2 to 36.9 – continued]*

- (b) the amount determined by the following formula:

$$\text{amount} = 1\% \times A \times B$$

where

A = the amount remaining unpaid of the taxpayer's tax payable under this Act for the taxation year on the date the return was required to be delivered;

B = the number of months, not exceeding 12 and rounded down to the nearest whole number, in the period beginning on the date the return was required to be delivered and ending on the earlier of

- (i) the date the return was delivered, and
- (ii) the date a penalty is imposed under this section on the taxpayer.

Penalty for repeated failure to deliver return

36.4 If all of the following apply:

- (a) a taxpayer fails to deliver a return under section 6 (1) for a taxation year within the time required under the Act;
- (b) the taxpayer subsequently fails to deliver a return under section 8 (1) for the taxation year within the time required by section 8 (2);
- (c) a penalty was imposed on the taxpayer under section 36.3 in respect of a failure to deliver a return referred to in that section for any of the 3 preceding taxation years,

the taxpayer is liable to a penalty equal to the total of

- (d) 10% of the amount remaining unpaid of the taxpayer's tax payable under this Act for the taxation year on the date the return referred to in paragraph (a) was required to be delivered, and
- (e) the amount determined by the following formula:

$$\text{amount} = 2\% \times A \times B$$

where

A = the amount remaining unpaid of the taxpayer's tax payable under this Act for the taxation year on the date the return referred to in paragraph (a) was required to be delivered;

B = the number of months, not exceeding 20 and rounded down to the nearest whole number, in the period beginning on the date the return referred to in paragraph (a) was required to be delivered and ending on the earlier of

- (i) the date the return was delivered, and
- (ii) the date a penalty is imposed under this section on the taxpayer.

CLAUSE 128: *[Logging Tax Act, sections 36.2 to 36.9 – continued]*

Penalty for failure to provide required information

36.5 If a person who is required to deliver a return fails to include in the return any required information or fails to deliver with the return any other required information or records, the person is liable to a penalty of \$100 for each failure.

Penalties respecting information and records

- 36.6** (1) A person who fails to comply with a provision specified in subsection (2) is liable, in respect of each failure, to a penalty equal to the greater of
- (a) \$100, and
 - (b) \$25 for each day during which the failure continues, to a maximum of \$2 500.
- (2) For the purposes of subsection (1), the following provisions are specified:
- (a) section 8.1;
 - (b) section 13 (3).

Penalty for interfering with investigation, inspection or audit

36.7 A person who contravenes section 10 (5) (a) or (b) is liable to a penalty of \$100 for each contravention.

Gross negligence

- 36.8** (1) In this section, “**additional tax**” means the amount by which the tax payable under this Act for a taxation year, calculated on the basis of accurate and complete information, exceeds the tax payable for the taxation year, calculated on the basis of the false statement or omission described in subsection (2).
- (2) If a person knowingly, or under circumstances amounting to gross negligence, makes, or participates in, assents to or acquiesces in the making of, a false statement or an omission in a return, notice or other record delivered or supplied or in information supplied under this Act for a taxation year, the taxpayer is liable to a penalty equal to the greater of
- (a) \$100, and
 - (b) 50% of the additional tax.

Misrepresentation by third party

- 36.9** (1) Section 163.2 of the *Income Tax Act* (Canada) applies for the purposes of this Act with the changes the circumstances require for the purposes of this Act.
- (2) Without limiting subsection (1), in applying section 163.2 of the *Income Tax Act* (Canada) for the purposes of this Act, the following rules apply:
- (a) a reference in that section to the *Income Tax Act* (Canada) is to be read as a reference to this Act;

CLAUSE 128: *[Logging Tax Act, sections 36.2 to 36.9 – continued]*

CLAUSE 129: *[Logging Tax Act, section 37]* is consequential to amendments made by this Bill to the Act.

CLAUSE 130: *[Logging Tax Act, sections 37.1 to 37.5 and 38.1]*

- establishes a general offence for specified conduct;
- establishes penalties for the general offence provision;
- establishes specific offences for the failure to provide records or information and for interference under the Act, and establishes penalties for the offences;
- replaces the provision relating to offences involving taxpayer information to harmonize the offence provisions with those in other provincial tax and revenue statutes, including by raising the maximum penalty for an offence;
- provides rules for offences committed by corporations, consistent with other tax Acts;
- disapplies section 5 of the *Offence Act*.

- (b) a reference in that section to an assessment is to be read as a reference to an assessment under this Act;
 - (c) that section is to be read without reference to the definition of “excluded activity” in subsection (1) of that section and without reference to subsections (7) and (8) (b) (i) and (ii) of that section;
 - (d) subsection (5) of that section is to be read as if
 - (i) the reference to “subsection 163 (2)” were a reference to section 36.8 (2) of this Act, and
 - (ii) the reference to “return filed for the purposes of this Act” were a reference to “return, notice or other record delivered or supplied or in information supplied under this Act”;
 - (e) subsection (10) of that section must be read as if the reference to section 163 (3) were a reference to subsection (3) of this section;
 - (f) subsection (15) of that section must be read as if the reference to “or an employee engaged in an excluded activity” were excluded.
- (3) In an appeal to the Supreme Court under section 24 of this Act, the onus is on the minister to establish the facts justifying the assessment of a penalty to which a person is liable under this section.

129 *Section 37 is repealed.*

130 *The following sections are added:*

General offences

37.1 A person who does any of the following commits an offence:

- (a) makes, or participates in, assents to or acquiesces in the making of, a false or deceptive statement in a return, notice or other record required to be delivered or supplied under this Act;
- (b) destroys, alters, mutilates, hides or otherwise disposes of a record to evade payment of an amount to be paid to the government under this Act;
- (c) makes, or participates in, assents to or acquiesces in the making of, a false or deceptive entry in a record related to an amount to be paid to the government under this Act;
- (d) omits, or participates in, assents to or acquiesces in the omission of, a material particular in a record required to be kept under this Act;
- (e) makes or uses, or participates in, assents to or acquiesces in the making or use of, a record in a false or deceptive manner in order to obtain a tax benefit;

CLAUSE 130: *[Logging Tax Act, sections 37.1 to 37.5 and 38.1 – continued]*

- (f) wilfully, in any manner, evades or attempts to evade payment of tax payable under this Act;
- (g) conspires with any person to do anything described in paragraphs (a) to (f).

Penalties

- 37.2** (1) An individual who commits an offence under section 37.1 is liable to
- (a) a fine of not less than 50% and not more than 200% of the amount of tax that was sought to be evaded,
 - (b) imprisonment for not more than 2 years, or
 - (c) both the fine and imprisonment referred to in paragraphs (a) and (b) of this subsection.
- (2) A corporation that commits an offence under section 37.1 is liable to a fine of not less than 50% and not more than 200% of the amount of tax that was sought to be evaded.

Offences for failure to provide records or information required by commissioner or for interference

- 37.3** (1) A person commits an offence if the person contravenes any of the following provisions:
- (a) section 8.1;
 - (b) section 10 (5) (a) or (b);
 - (c) section 13 (3).
- (2) An individual who commits an offence under subsection (1) is liable to
- (a) a fine of not more than \$100 000,
 - (b) imprisonment for not more than 12 months, or
 - (c) both the fine and imprisonment referred to in paragraphs (a) and (b) of this subsection.
- (3) A corporation that commits an offence under subsection (1) is liable to a fine of not more than \$100 000.

Offences in relation to confidential information

- 37.4** (1) A person commits an offence if the person
- (a) contravenes section 14 (3), or
 - (b) knowingly contravenes an order made under section 14 (10).
- (2) A person commits an offence if
- (a) the person has been provided with taxpayer information for a particular purpose under section 14 (6) (a) to (e), (h), (i) or (k) or (7), and

CLAUSE 130: *[Logging Tax Act, sections 37.1 to 37.5 and 38.1 – continued]*

CLAUSE 131: *[Logging Tax Act, section 39]* is consequential to amendments made by this Bill to the Act.

CLAUSE 132: *[Mineral Land Tax Act, section 6]* is consequential to amendments made by this Bill to the Act.

CLAUSE 133: *[Mineral Land Tax Act, sections 19.1 to 19.3]*

- adds provisions relating to the use and sharing of confidential information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes;
- adds provisions relating to offences involving confidential information;
- harmonizes the offence provisions with those in other provincial tax and revenue statutes.

- (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.
- (3) A person who commits an offence under subsection (1) or (2) is liable to
 - (a) a fine of not more than \$5 000,
 - (b) imprisonment for not more than 12 months, or
 - (c) both the fine and imprisonment referred to in paragraphs (a) and (b) of this subsection.

Offence by corporation

- 37.5** (1) If a corporation commits an offence under this Act, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence also commits that offence, whether or not the corporation is prosecuted for the offence.
- (2) In a prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee, officer, director or agent of the defendant, whether or not the employee, officer, director or agent is identified or has been prosecuted for the offence.
- (3) Subsection (2) does not apply if the defendant establishes that the defendant exercised due diligence to prevent the commission of the offence.

Section 5 of Offence Act

38.1 Section 5 of the *Offence Act* does not apply to this Act or the regulations.

131 *Section 39 is amended by adding the following subsection:*

- (3.1) Subsections (2) and (3) do not apply to a demand notice under section 13.

Mineral Land Tax Act

132 *Section 6 (3) of the Mineral Land Tax Act, R.S.B.C. 1996, c. 290, is repealed.*

133 *The following sections are added:*

Information sharing

- 19.1** (1) In this section:
- “**authorized person**” means a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out the provisions of this Act;

CLAUSE 133: *[Mineral Land Tax Act, sections 19.1 to 19.3 – continued]*

“confidential information” means information of any kind and in any form, relating to one or more persons,

(a) that is obtained for the purposes of this Act by or on behalf of the minister, or

(b) that is prepared from information referred to in paragraph (a),

but does not include information that does not directly or indirectly reveal the identity of the person to whom the information relates;

“minister” means the minister responsible for the administration of the *Financial Administration Act*;

“official” means any person

(a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or

(b) who was formerly so employed or engaged or formerly occupied such a position;

“police officer” means a police officer as defined in section 462.48 (17) of the *Criminal Code*.

(2) Despite any other enactment or law, except as authorized by this section, an official must not

(a) knowingly provide, or knowingly allow to be provided, any confidential information to any person,

(b) knowingly allow any person to have access to any confidential information, or

(c) knowingly use any confidential information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.

(3) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any confidential information.

(4) Subsections (2) and (3) do not apply in relation to the following:

(a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;

(b) any legal proceedings relating to the administration or enforcement of any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax or duty.

CLAUSE 133: *[Mineral Land Tax Act, sections 19.1 to 19.3 – continued]*

- (5) Subject to subsection (6), an official may do one or more of the following:
- (a) provide to any person confidential information that can reasonably be considered necessary for the purposes of the administration or enforcement of this Act, solely for those purposes;
 - (b) provide to any person confidential information that can reasonably be considered necessary for the purposes of determining
 - (i) any tax, interest, penalty or other amount that is or may become payable by the person under this Act,
 - (ii) any exemption, refund or credit to which the person is or may become entitled under this Act, or
 - (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);
 - (c) provide confidential information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;
 - (iii) to an official of the ministry of the minister, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (iv) to an official of the ministry of the minister responsible for the administration of the *Ministry of Energy and Mines Act*, solely for the purposes of the formulation or evaluation of policy under this Act;
 - (v) to an official solely for the purposes of the administration or enforcement of an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
 - (vi) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or of an enactment of another province, that provides for the imposition or collection of a tax or duty;
 - (vii) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
 - (viii) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;
 - (ix) to an official solely for the purposes of the *Escheat Act*;

CLAUSE 133: *[Mineral Land Tax Act, sections 19.1 to 19.3 – continued]*

- (x) to an official solely for the purposes of the reversion, escheat or surrender to the government, or acquisition by the government, of a Crown granted 2 post claim referred to in section 26 of the *Mineral Tenure Act* or in section 3.1 of the *Mineral Tenure Act Regulation*, B.C. Reg. 529/2004;
- (d) provide confidential information, or allow inspection of or access to confidential information, as the case may be, under, and solely for the purposes of,
 - (i) sections 44 (1) and 61 (1) of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15, 16 and 17 of the *Auditor General Act*;
- (e) provide confidential information relating to a person
 - (i) to the person, and
 - (ii) with the consent of the person, to any other person;
- (f) use confidential information to compile information in a form that does not directly or indirectly reveal the identity of the person to whom the information relates;
- (g) provide confidential information solely for the purposes of sections 17, 18 and 19 of the *Financial Administration Act*;
- (h) use, or provide to any person, confidential information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;
- (i) provide confidential information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the confidential information can reasonably be considered necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,
 - (ii) the official was or is engaged in the administration or enforcement of this Act, and
 - (iii) the offence can reasonably be considered to be related to the administration or enforcement of this Act;

CLAUSE 133: *[Mineral Land Tax Act, sections 19.1 to 19.3 – continued]*

- (j) provide confidential information to, or allow inspection of or access to confidential information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information.
- (6) Except in accordance with an information-sharing agreement entered into under section 19.2, an official must not, under subsection (5) (a) to (c) and (g) to (j) of this section, provide confidential information to, or allow inspection of or access to confidential information by,
 - (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry of the minister or the ministry of the minister responsible for the administration of the *Ministry of Energy and Mines Act*,
 - (b) an official of the government of Canada, or
 - (c) an official of the government of another province.
- (7) An official may provide to appropriate persons any confidential information relating to imminent danger of death or physical injury to any individual.
- (8) The person who presides at a legal proceeding relating to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that confidential information is not used or provided to any person for any purpose unrelated to the proceeding, including
 - (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the confidential information,
 - (c) an order to conceal the identity of the person to whom the confidential information relates, and
 - (d) an order sealing the records of the proceeding.
- (9) To the extent of any inconsistency or conflict with section 32 or 33 of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

Information-sharing agreements

19.2 (1) In this section:

“**confidential information**” has the same meaning as in section 19.1;

“**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 19.1 (5);

“**minister**” has the same meaning as in section 19.1.

- (2) The minister may enter into an information-sharing agreement with
 - (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,

CLAUSE 133: *[Mineral Land Tax Act, sections 19.1 to 19.3 – continued]*

- (b) the government of Canada or an agency of that government, or
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government.
- (3) Subject to subsection (4), confidential information obtained by the minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.
- (4) Subsection (3) does not prevent
- (a) any confidential information obtained by the minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing an enactment administered by the minister that provides for the imposition or collection of a tax or duty, or
 - (b) any confidential information obtained by the minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the minister.
- (6) For the purposes of section 19.1 (6), an information-sharing agreement entered into before the coming into force of this section is considered to be an information-sharing agreement entered into by the minister under this section.

Offences in relation to confidential information

- 19.3** (1) A person commits an offence if the person
- (a) contravenes section 19.1 (2), or
 - (b) knowingly contravenes an order made under section 19.1 (8).
- (2) A person commits an offence if
- (a) the person has been provided with confidential information for a particular purpose under section 19.1 (5) (a) to (d), (g), (h) or (j), and
 - (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.
- (3) A person who commits an offence under subsection (1) or (2) is liable, on conviction, to one or both of the following:
- (a) a fine of not more than \$5 000;
 - (b) imprisonment for not more than 12 months.

CLAUSE 134: *[Mineral Tax Act, sections 30 and 30.1]*

- repeals and replaces provisions relating to the use and sharing of confidential information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes.

Mineral Tax Act

134 *Section 30 of the Mineral Tax Act, R.S.B.C. 1996, c. 291, is repealed and the following substituted:*

Information sharing

30 (1) In this section:

“**authorized person**” means a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out the provisions of this Act;

“**confidential information**” means information of any kind and in any form, relating to one or more persons,

(a) that is obtained for the purposes of this Act by or on behalf of the minister, or

(b) that is prepared from information referred to in paragraph (a),

but does not include information that does not directly or indirectly reveal the identity of the person to whom the information relates;

“**minister**” means the minister responsible for the administration of the *Financial Administration Act*;

“**official**” means any person

(a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or

(b) who was formerly so employed or engaged or formerly occupied such a position;

“**police officer**” means a police officer as defined in section 462.48 (17) of the *Criminal Code*.

(2) Despite any other enactment or law, except as authorized by this section, an official must not

(a) knowingly provide, or knowingly allow to be provided, any confidential information to any person,

(b) knowingly allow any person to have access to any confidential information, or

(c) knowingly use any confidential information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.

(3) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any confidential information.

CLAUSE 134: *[Mineral Tax Act, sections 30 and 30.1 – continued]*

- (4) Subsections (2) and (3) do not apply in relation to the following:
- (a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;
 - (b) any legal proceedings relating to the administration or enforcement of any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax or duty.
- (5) Subject to subsection (6), an official may do one or more of the following:
- (a) provide to any person confidential information that can reasonably be regarded as necessary for the purposes of the administration or enforcement of this Act, solely for those purposes;
 - (b) provide to any person confidential information that can reasonably be regarded as necessary for the purposes of determining
 - (i) any tax, interest, penalty or other amount that is or may become payable by the person under this Act,
 - (ii) any exemption, refund or tax credit to which the person is or may become entitled under this Act, or
 - (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);
 - (c) provide confidential information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;
 - (iii) to an official of the ministry of the minister, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (iv) to an official of the ministry of the minister responsible for the administration of the *Ministry of Energy and Mines Act*, solely for the purposes of the formulation or evaluation of policy under this Act;
 - (v) to an official solely for the purposes of the administration or enforcement of an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
 - (vi) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or of an enactment of another province, that provides for the imposition or collection of a tax, royalty or duty;

CLAUSE 134: *[Mineral Tax Act, sections 30 and 30.1 – continued]*

- (vii) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
- (viii) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;
- (d) provide confidential information, or allow inspection of or access to confidential information, as the case may be, under, and solely for the purposes of,
 - (i) sections 44 (1) and 61 (1) of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15, 16 and 17 of the *Auditor General Act*;
- (e) provide confidential information relating to a person
 - (i) to the person, and
 - (ii) with the consent of the person, to any other person;
- (f) use confidential information to compile information in a form that does not directly or indirectly reveal the identity of the person to whom the information relates;
- (g) provide confidential information solely for the purposes of sections 17, 18 and 19 of the *Financial Administration Act*;
- (h) use, or provide to any person, confidential information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;
- (i) provide confidential information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the confidential information can reasonably be regarded as necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,
 - (ii) the official was or is engaged in the administration or enforcement of this Act, and

CLAUSE 134: *[Mineral Tax Act, sections 30 and 30.1 – continued]*

- (iii) the offence can reasonably be regarded as related to the administration or enforcement of this Act;
 - (j) provide confidential information to, or allow inspection of or access to confidential information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information.
- (6) Except in accordance with an information-sharing agreement entered into under section 30.1, an official must not, under subsection (5) (a) to (c) and (g) to (j) of this section, provide confidential information to, or allow inspection of or access to confidential information by,
 - (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry of the minister or the ministry of the minister responsible for the administration of the *Ministry of Energy and Mines Act*,
 - (b) an official of the government of Canada, or
 - (c) an official of the government of another province.
- (7) An official may provide to appropriate persons any confidential information relating to imminent danger of death or physical injury to any individual.
- (8) The person who presides at a legal proceeding relating to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that confidential information is not used or provided to any person for any purpose unrelated to the proceeding, including
 - (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the confidential information,
 - (c) an order to conceal the identity of the person to whom the confidential information relates, and
 - (d) an order sealing the records of the proceeding.
- (9) An official may disclose confidential information relating to an operator if the disclosure is for the purposes of administering or implementing a resource revenue-sharing agreement between the government and a First Nation.
- (10) To the extent of any inconsistency or conflict with section 32 or 33 of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

CLAUSE 134: *[Mineral Tax Act, sections 30 and 30.1 – continued]*

CLAUSE 135: *[Mineral Tax Act, section 39]* is consequential to amendments made to the Act by this Bill.

Information-sharing agreements

- 30.1** (1) In this section:
- “**confidential information**” has the same meaning as in section 30;
 - “**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 30 (5);
 - “**minister**” has the same meaning as in section 30.
- (2) The minister may enter into an information-sharing agreement with
- (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,
 - (b) the government of Canada or an agency of that government, or
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government.
- (3) Subject to subsection (4), confidential information obtained by the minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.
- (4) Subsection (3) does not prevent
- (a) any confidential information obtained by the minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing an enactment administered by the minister that provides for the imposition or collection of a tax or duty, or
 - (b) any confidential information obtained by the minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the minister.
- (6) For the purposes of section 30 (6), an information-sharing agreement entered into before the coming into force of this section is to be regarded as an information-sharing agreement entered into by the minister under this section.

135 *Section 39 (4) is amended by striking out “section 12 (1), (1.1), (1.2) or (5), 13 or 30 (1)” and substituting “section 12 (1), (1.1), (1.2) or (5) or 13”.*

CLAUSE 136: *[Mineral Tax Act, section 40.1]*

- adds provisions relating to offences involving confidential information;
- harmonizes the offence provisions with those in other provincial tax and revenue statutes.

CLAUSE 137: *[Mineral Tax Act, section 44]* adds a regulation-making power, consequential to the amendment made by this Bill to section 30 of the Act.

CLAUSE 138: *[Motor Fuel Tax Act, section 57.1]* is consequential to amendments made by this Bill to the Act.

CLAUSE 139: *[Motor Fuel Tax Act, sections 62 and 62.1]*

- repeals and replaces provisions relating to the use and sharing of confidential information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes.

136 *The following section is added:*

Offences in relation to confidential information

- 40.1** (1) A person commits an offence if the person
- (a) contravenes section 30 (2), or
 - (b) knowingly contravenes an order made under section 30 (8).
- (2) A person commits an offence if
- (a) the person has, for a particular purpose, been provided with confidential information under section 30 (5) (a) to (d), (g), (h) or (j), and
 - (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.
- (3) A person who commits an offence under subsection (1) or (2) is liable to one or both of the following:
- (a) a fine of not more than \$5 000;
 - (b) imprisonment for not more than 12 months.

137 *Section 44 (2) is amended by adding the following paragraph:*

- (k) prescribing enactments for the purposes of section 30 (5) (j).

Motor Fuel Tax Act

138 *Section 57.1 (9) of the Motor Fuel Tax Act, R.S.B.C. 1996, c. 317, is amended by striking out “Despite section 62 (1), the” and substituting “The”.*

139 *Section 62 is repealed and the following substituted:*

Information sharing

- 62** (1) In this section:
- “**authorized person**” means a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out the provisions of this Act;
- “**confidential information**” means information of any kind and in any form, other than excluded information, relating to one or more persons,
- (a) that is obtained for the purposes of this Act by or on behalf of the minister, or
 - (b) that is prepared from information referred to in paragraph (a),
- but does not include information that does not directly or indirectly reveal the identity of the person to whom the information relates;

CLAUSE 139: *[Motor Fuel Tax Act, sections 62 and 62.1 – continued]*

“excluded information” means any of the following information:

- (a) the name and address of a collector;
- (b) whether a person’s appointment as a collector has been suspended or cancelled;
- (c) the name and address of a person authorized to sell coloured fuel;
- (d) whether a person’s authorization to sell coloured fuel has been suspended or cancelled;
- (e) in relation to a person who holds or held an exempt fuel retailer permit within the meaning of Part 3.2 of the Motor Fuel Tax Regulation, B.C. Reg. 414/85,
 - (i) the name and address of the person,
 - (ii) the specified fuel,
 - (iii) the percentage set by the director under section 51.71 of the Motor Fuel Tax Regulation in relation to the person, and
 - (iv) whether the person’s exempt fuel retailer permit has been suspended or cancelled;
- (f) in relation to a person who is or was a registered consumer,
 - (i) the name and address of the person,
 - (ii) the type or subcategory of a type of fuel specified in the person’s registered consumer certificate, and
 - (iii) whether the person’s registered consumer certificate has been suspended or cancelled;

“official” means any person

- (a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or
- (b) who was formerly so employed or engaged or formerly occupied such a position;

“police officer” means a police officer as defined in section 462.48 (17) of the *Criminal Code*;

“US state official” means any person

- (a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of a state of the United States of America, or
- (b) who was formerly so employed or engaged or formerly occupied such a position.

- (2) For the purposes of the definition of “excluded information”, a person’s name includes any name under which the person carries on business.

CLAUSE 139: *[Motor Fuel Tax Act, sections 62 and 62.1 – continued]*

- (3) Despite any other enactment or law, except as authorized by this section or section 57.1 (9), an official must not
 - (a) knowingly provide, or knowingly allow to be provided, any confidential information to any person,
 - (b) knowingly allow any person to have access to any confidential information, or
 - (c) knowingly use any confidential information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.
- (4) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any confidential information.
- (5) Subsections (3) and (4) do not apply in relation to the following:
 - (a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;
 - (b) any legal proceedings relating to the administration or enforcement of
 - (i) any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax or duty, or
 - (ii) Part 10 of the *Petroleum and Natural Gas Act* or the regulations made under that Part.
- (6) Subject to subsection (7), an official may do one or more of the following:
 - (a) provide to any person confidential information that can reasonably be considered necessary for the purposes of the administration or enforcement of this Act, solely for those purposes;
 - (b) provide to any person confidential information that can reasonably be considered necessary for the purposes of determining
 - (i) any tax, security, interest, penalty or other amount that is or may become payable by the person under this Act,
 - (ii) any exemption, deduction or refund to which the person is or may become entitled under this Act, or
 - (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);
 - (c) provide confidential information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;

CLAUSE 139: *[Motor Fuel Tax Act, sections 62 and 62.1 – continued]*

- (iii) to an official of the ministry of the minister, solely for the purposes of the formulation or evaluation of fiscal policy;
- (iv) to an official solely for the purposes of the administration or enforcement of an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
- (v) to an official solely for the purposes of the administration or enforcement of Part 10 of the *Petroleum and Natural Gas Act* or the regulations made under that Part;
- (vi) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or an enactment of another province, that provides for the imposition or collection of a tax or duty;
- (vii) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
- (viii) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;
- (d) provide confidential information to a US state official solely for the purposes of the administration or enforcement of an enactment of a state of the United States of America that provides for the imposition or collection of a tax or duty;
- (e) provide confidential information solely for the purposes of an agreement entered into under section 17 of this Act;
- (f) provide confidential information, or allow inspection of or access to confidential information, as the case may be, under, and solely for the purposes of,
 - (i) sections 44 (1) and 61 (1) of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15, 16 and 17 of the *Auditor General Act*;
- (g) provide confidential information as provided for in, or ordered under, section 239 or 242 of the *Family Law Act* or section 8.2 or 9 of the *Family Maintenance Enforcement Act*;
- (h) provide confidential information relating to a person, other than information that may be requested from the director under section 57.1 (9),
 - (i) to the person, and
 - (ii) with the consent of the person, to any other person;
- (i) use confidential information to compile information in a form that does not directly or indirectly reveal the identity of the person to whom the information relates;

CLAUSE 139: *[Motor Fuel Tax Act, sections 62 and 62.1 – continued]*

- (j) provide confidential information solely for the purposes of sections 17, 18 and 19 of the *Financial Administration Act*;
 - (k) use, or provide to any person, confidential information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;
 - (l) provide confidential information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the confidential information can reasonably be considered necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,
 - (ii) the official was or is engaged in the administration or enforcement of this Act, and
 - (iii) the offence can reasonably be considered to be related to the administration or enforcement of this Act;
 - (m) provide confidential information to, or allow inspection of or access to confidential information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information.
- (7) Except in accordance with an information-sharing agreement entered into under section 62.1, an official must not, under subsection (6) (a) to (d) and (j) to (m) of this section, provide confidential information to, or allow inspection of or access to confidential information by,
- (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry of the minister,
 - (b) an official of the government of Canada,
 - (c) an official of the government of another province, or
 - (d) a US state official.
- (8) An official may provide to appropriate persons any confidential information relating to imminent danger of death or physical injury to any individual.

CLAUSE 139: *[Motor Fuel Tax Act, sections 62 and 62.1 – continued]*

- (9) The person who presides at a legal proceeding relating to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that confidential information is not used or provided to any person for any purpose unrelated to the proceeding, including
 - (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the confidential information,
 - (c) an order to conceal the identity of the person to whom the confidential information relates, and
 - (d) an order sealing the records of the proceeding.
- (10) To the extent of any inconsistency or conflict with section 32 or 33 of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

Information-sharing agreements

- 62.1** (1) In this section:
- “**confidential information**” has the same meaning as in section 62;
 - “**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 62 (6).
- (2) The minister may enter into an information-sharing agreement with
 - (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,
 - (b) the government of Canada or an agency of that government,
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government, or
 - (d) the government of a state of the United States of America or an agency of that government.
 - (3) Subject to subsection (4), confidential information obtained by the minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.
 - (4) Subsection (3) does not prevent
 - (a) any confidential information obtained by the minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing
 - (i) an enactment administered by the minister that provides for the imposition or collection of a tax or duty, or
 - (ii) Part 10 of the *Petroleum and Natural Gas Act* or the regulations made under that Part, or

CLAUSE 139: *[Motor Fuel Tax Act, sections 62 and 62.1 – continued]*

CLAUSE 140: *[Motor Fuel Tax Act, section 64]* repeals a provision relating to offences involving confidential information.

CLAUSE 141: *[Motor Fuel Tax Act, section 64.1]*

- replaces the provision relating to offences involving confidential information;
- harmonizes the offence provisions with those in other provincial tax and revenue statutes, including by raising the maximum penalty.

- (b) any confidential information obtained by the minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the minister.
- (6) For the purposes of section 62 (7), an information-sharing agreement entered into before the coming into force of this section is considered to be an information-sharing agreement entered into by the minister under this section.

140 *Section 64 (3) is repealed.*

141 *The following section is added:*

Offences in relation to confidential information

- 64.1** (1) A person commits an offence if the person
- (a) contravenes section 62 (3), or
 - (b) knowingly contravenes an order made under section 62 (9).
- (2) A person commits an offence if
- (a) the person has been provided with confidential information for a particular purpose under section 62 (6) (a) to (c), (f), (g), (j), (k) or (m), and
 - (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.
- (3) A person who commits an offence under subsection (1) or (2) is liable to one or both of the following:
- (a) a fine of not more than \$5 000;
 - (b) imprisonment for not more than 12 months.

CLAUSE 142: *[Nisga'a Final Agreement Act, section 10.031]* authorizes the Nisga'a Lisims Government to make laws exempting Nisga'a citizens from certain real property taxes.

CLAUSE 143: *[Petroleum and Natural Gas Act, sections 122.1 and 122.2]*

- repeals and replaces provisions relating to the use and sharing of confidential information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes.

Nisga'a Final Agreement Act

142 *The Nisga'a Final Agreement Act, S.B.C. 1999, c. 2, is amended by adding the following section:*

Authority to provide real property tax exemptions

- 10.031** (1) The Nisga'a Lisims Government may, by law, provide exemptions for Nisga'a citizens from real property taxes imposed or collected by the government or by the Nisga'a Lisims Government in relation to the ownership or occupation of real property.
- (2) A law enacted under subsection (1) does not apply in respect of real property taxes imposed for a taxation year unless the law comes into force on or before October 31 in the preceding calendar year.

Petroleum and Natural Gas Act

143 *Section 122.1 of the Petroleum and Natural Gas Act, R.S.B.C. 1996, c. 361, is repealed and the following substituted:*

Information sharing

122.1 (1) In this section:

“**authorized person**” means a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out the provisions of this Act;

“**confidential information**” means information of any kind and in any form, relating to one or more persons,

(a) that is obtained, by or on behalf of the minister, for the purposes of Part 10 or 11 of this Act or the regulations referred to in section 133 (2) (i) of this Act, or

(b) that is prepared from information referred to in paragraph (a),

but does not include information that does not directly or indirectly reveal the identity of the person to whom the information relates;

“**minister**” means the minister responsible for the administration of the *Financial Administration Act*;

“**official**” means any person

(a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or

(b) who was formerly so employed or engaged or formerly occupied such a position;

CLAUSE 143: *[Petroleum and Natural Gas Act, sections 122.1 and 122.2 – continued]*

“**police officer**” means a police officer as defined in section 462.48 (17) of the *Criminal Code*.

- (2) Despite any other enactment or law, except as authorized by this section, an official must not
 - (a) knowingly provide, or knowingly allow to be provided, any confidential information to any person,
 - (b) knowingly allow any person to have access to any confidential information, or
 - (c) knowingly use any confidential information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.
- (3) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any confidential information.
- (4) Subsections (2) and (3) do not apply in relation to the following:
 - (a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;
 - (b) any legal proceedings relating to the administration or enforcement of
 - (i) any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax, royalty or duty, or
 - (ii) the *Oil and Gas Activities Act*.
- (5) Subject to subsection (6), an official may do one or more of the following:
 - (a) provide to any person confidential information that can reasonably be considered necessary for the purposes of the administration or enforcement of this Act, solely for those purposes;
 - (b) provide to any person confidential information that can reasonably be considered necessary for the purposes of determining
 - (i) any tax, royalty, interest, penalty or other amount that is or may become payable by the person under this Act,
 - (ii) any exemption, refund or credit to which the person is or may become entitled under this Act, or
 - (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);
 - (c) provide confidential information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;

CLAUSE 143: *[Petroleum and Natural Gas Act, sections 122.1 and 122.2 – continued]*

- (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;
 - (iii) to an official of the ministry of the minister, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (iv) to an official of the ministry of the minister responsible for the administration of the *Ministry of Energy and Mines Act*, solely for the purposes of the formulation or evaluation of policy under this Act;
 - (v) to an official solely for the purposes of the administration or enforcement of an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
 - (vi) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or of an enactment of another province, that provides for the imposition or collection of a tax, royalty or duty;
 - (vii) to an official solely as provided for in the regulations;
 - (viii) to an official solely for the purposes of the administration or enforcement of the *Oil and Gas Activities Act*;
 - (ix) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
 - (x) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;
- (d) provide confidential information, or allow inspection of or access to confidential information, as the case may be, under, and solely for the purposes of,
- (i) sections 44 (1) and 61 (1) of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15, 16 and 17 of the *Auditor General Act*;
- (e) provide confidential information relating to a person
- (i) to the person, and
 - (ii) with the consent of the person, to any other person;
- (f) use confidential information to compile information in a form that does not directly or indirectly reveal the identity of the person to whom the information relates;
- (g) provide confidential information solely for the purposes of sections 17, 18 and 19 of the *Financial Administration Act*;

CLAUSE 143: *[Petroleum and Natural Gas Act, sections 122.1 and 122.2 – continued]*

- (h) use, or provide to any person, confidential information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;
 - (i) provide confidential information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the confidential information can reasonably be considered necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,
 - (ii) the official was or is engaged in the administration or enforcement of this Act, and
 - (iii) the offence can reasonably be considered to be related to the administration or enforcement of this Act;
 - (j) provide confidential information to, or allow inspection of or access to confidential information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information.
- (6) Except in accordance with an information-sharing agreement entered into under section 122.2, an official must not, under subsection (5) (a) to (c) and (g) to (j) of this section, provide confidential information to, or allow inspection of or access to confidential information by,
- (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry of the minister or the ministry of the minister responsible for the administration of the *Ministry of Energy and Mines Act*,
 - (b) an official of the government of Canada, or
 - (c) an official of the government of another province.
- (7) An official may provide to appropriate persons any confidential information relating to imminent danger of death or physical injury to any individual.

CLAUSE 143: *[Petroleum and Natural Gas Act, sections 122.1 and 122.2 – continued]*

- (8) The person who presides at a legal proceeding relating to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that confidential information is not used or provided to any person for any purpose unrelated to the proceeding, including
 - (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the confidential information,
 - (c) an order to conceal the identity of the person to whom the confidential information relates, and
 - (d) an order sealing the records of the proceeding.
- (9) An official may disclose confidential information relating to an operator if the disclosure is for the purposes of administering or implementing a resource revenue-sharing agreement between the government and a First Nation.
- (10) To the extent of any inconsistency or conflict with section 32 or 33 of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

Information-sharing agreements

122.2 (1) In this section:

“**confidential information**” has the same meaning as in section 122.1;

“**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 122.1 (5);

“**minister**” has the same meaning as in section 122.1.

- (2) The minister may enter into an information-sharing agreement with
 - (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,
 - (b) the government of Canada or an agency of that government, or
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government.
- (3) Subject to subsection (4), confidential information obtained by the minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.
- (4) Subsection (3) does not prevent
 - (a) any confidential information obtained by the minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing
 - (i) an enactment administered by the minister that provides for the imposition or collection of a tax or duty, or

CLAUSE 143: *[Petroleum and Natural Gas Act, sections 122.1 and 122.2 – continued]*

CLAUSE 144: *[Petroleum and Natural Gas Act, sections 122.1 and 122.2]* is consequential to amendments made by the *Energy Statutes Amendment Act, 2022*.

CLAUSE 145: *[Petroleum and Natural Gas Act, section 133]* is consequential to amendments made by this Bill to the Act and adds a regulation-making power, consequential to the amendment made by this Bill to section 122.1 of the Act.

CLAUSE 146: *[Petroleum and Natural Gas Act, section 134]* is consequential to amendments made to the Act by this Bill.

CLAUSE 147: *[Petroleum and Natural Gas Act, section 134.1]*

- adds provisions relating to offences involving confidential information;
- harmonizes the offence provisions with those in other provincial tax and revenue statutes.

- (ii) the *Oil and Gas Activities Act*, or
 - (b) any confidential information obtained by the minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the minister.
- (6) For the purposes of section 122.1 (6), an information-sharing agreement entered into before the coming into force of this section is considered to be an information-sharing agreement entered into by the minister under this section.

144 *Sections 122.1 (4) (b) (ii) and (5) (c) (viii) and 122.2 (4) (a) (ii) are amended by striking out “Oil and Gas Activities Act” and substituting “Energy Resource Activities Act”.*

145 *Section 133 (2) is amended*

(a) in paragraph (j.1) by striking out “section 122.1 (c)” and substituting “section 122.1 (5) (c) (vii)”, and

(b) by adding the following paragraph:

(j.2) prescribing enactments for the purposes of section 122.1 (5) (j); .

146 *Section 134 (1) is amended by adding “, other than section 122.1,” after “a provision of this Act”.*

147 *The following section is added:*

Offences in relation to confidential information

- 134.1** (1) A person commits an offence if the person
- (a) contravenes section 122.1 (2), or
 - (b) knowingly contravenes an order made under section 122.1 (8).
- (2) A person commits an offence if
- (a) the person has been provided with confidential information for a particular purpose under section 122.1 (5) (a) to (d), (g), (h) or (j), and
 - (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.

CLAUSE 147: *[Petroleum and Natural Gas Act, section 134.1 – continued]*

CLAUSE 148: *[Property Transfer Tax Act, section 1]* is consequential to amendments made by this Bill to the Act.

CLAUSE 149: *[Property Transfer Tax Act, sections 10.1 to 10.6]*

- provides for an exemption or refund for tax payable in accordance with section 3 (1) (d) of the Act on residential property value over \$3 million if
 - the property that is the subject of the taxable transaction contains, on the registration date, a residential improvement,
 - all the apartments in the residential improvement will be rented or offered for rent only on a monthly or longer-term basis for a period of at least 10 years, and
 - other specified requirements are met;
- provides that the exemption or refund is limited to the portion of residential property value attributable to the residential improvement and specified land;
- imposes ongoing obligations on a transferee who obtains the exemption or refund;
- provides for the payment of tax in an amount equivalent to the amount of the exemption or refund, or a portion of that amount, in specified circumstances;
- provides for exceptions in which a transferee may retain the exemption or refund and conditions on those exceptions.

- (3) A person who commits an offence under subsection (1) or (2) is liable on conviction to one or both of the following:
- (a) a fine of not more than \$5 000;
 - (b) imprisonment for not more than 12 months.

Property Transfer Tax Act

148 *Section 1 (1) of the Property Transfer Tax Act, R.S.B.C. 1996, c. 378, is amended by repealing the definitions of “ministry person” and “personal information”.*

149 *The following sections are added:*

Definitions in relation to purpose-built rental program

10.1 (1) In this section and in sections 10.2 to 10.6:

“**apartment**” means a self-contained residential accommodation unit that has cooking, sleeping, bathroom and living room facilities;

“**eligible transaction**”, for the purposes of determining the eligibility of a transferee for an exemption or refund under sections 10.2 to 10.6, means a taxable transaction not referred to in paragraph (b), (c), (f) or (g) of the definition of “taxable transaction” in section 1 (1);

“**qualifying property**” means a parcel of land

- (a) that is the subject matter of an eligible transaction in respect of which the residential property value exceeds \$3 000 000, and
- (b) that, on the registration date, contains a residential improvement;

“**registration date**”, in respect of an eligible transaction, means the date on which the application for registration of the eligible transaction is made at a land title office;

“**residential improvement**” means an improvement in respect of which the following requirements are met:

- (a) the improvement is permanently affixed to land;
- (b) the improvement is designed or constructed for the purpose of providing rental accommodation;
- (c) the improvement is residential property because it is described as class 1 property in section 1 of the Prescribed Classes of Property Regulation, B.C. Reg. 438/81;
- (d) the improvement does not consist of strata lots;
- (e) the improvement contains at least 4 apartments;

“**residential property**” has the same meaning as in section 3.01 (1);

“**residential property value**” has the same meaning as in section 3.01 (1).

CLAUSE 149: *[Property Transfer Tax Act, sections 10.1 to 10.6 – continued]*

- (2) For the purposes of the definition of “qualifying property”, if the same residential improvement is located on more than one parcel, the parcels are deemed to be one parcel.

Purpose-built rental exemption

- 10.2** (1) Subject to subsection (2) and sections 10.3 to 10.6, a transferee who applies for registration, at a land title office, of an eligible transaction in respect of a qualifying property is exempt from the obligation to pay tax on the transaction in accordance with section 3 (1) (d) if
- (a) the residential improvement on the qualifying property
 - (i) was constructed or placed on the property, and
 - (ii) on the registration date, has not been used as a dwelling since the construction of the residential improvement began or since the residential improvement was placed on the property, as the case may be,
 - (b) the application is the first application for registration in respect of the qualifying property since the residential improvement was completed or since the residential improvement was placed on the property, as the case may be, and
 - (c) the transferee applies for an exemption under this section by tendering with the application for registration an application for exemption.
- (2) The exemption under subsection (1) is the amount of the tax payable in accordance with section 3 (1) (d)
- (a) in respect of that portion of residential property value that is applicable to the residential improvement used as required by section 10.4 (1), and
 - (b) in respect of that portion of the residential property value, not including improvements, that is applicable to the land that is part of the qualifying property and used in conjunction with the residential improvement.
- (3) An application for exemption under subsection (1) must be in the form required by the minister and must
- (a) include a declaration, in the form required by the minister, by which the transferee declares that the residential improvement contains at least 4 apartments,
 - (b) disclose that the property to which the eligible transaction relates is a qualifying property, and
 - (c) include a consent, in the form required by the minister, by which the transferee consents to the administrator conducting inquiries the administrator considers necessary to confirm that the requirements in section 10.4 (1) are met.

CLAUSE 149: *[Property Transfer Tax Act, sections 10.1 to 10.6 – continued]*

Purpose-built rental refund

- 10.3** (1) A transferee who is entitled to an exemption under section 10.2 in respect of an eligible transaction and who fails to apply for that exemption on the registration date may, within 18 months after that date, apply to the administrator for a refund of the tax paid in accordance with section 3 (1) (d) on the registration of the transaction by the transferee.
- (2) On receiving an application under subsection (1), the administrator,
- (a) if satisfied that the transferee would have qualified for an exemption under section 10.2 on the registration date, must pay out of the consolidated revenue fund a refund of the portion of the amount of tax paid by the transferee that is equivalent to the amount of the exemption to which the transferee would have been entitled had the application for the exemption been made on the registration date, or
 - (b) if not satisfied that the transferee would have qualified for an exemption under section 10.2 on the registration date, must refuse the application and provide the transferee with written notice under subsection (3) of the refusal.
- (3) If an application for a refund under subsection (1) is refused, the administrator must send a letter to the applicant stating the reason for the refusal, and the letter is deemed to be a notice of assessment for the purposes of allowing the applicant to give a notice of objection under section 19.

**Purpose-built rental program –
initial and continuing obligations of transferee**

- 10.4** (1) A transferee who has applied for an exemption under section 10.2 or a refund under section 10.3 must,
- (a) beginning on a date that is not more than 92 days after the registration date, and
 - (b) continuing to a date that is not earlier than the tenth anniversary of the registration date,
- rent or offer for rent, on a monthly or longer-term basis only, all of the apartments contained in the residential improvement on the qualifying property.
- (2) A transferee who has obtained an exemption under section 10.2 or a refund under section 10.3 must submit to the administrator written notice of
- (a) a failure to rent or offer for rent the apartments referred to in subsection (1) of this section as required by paragraph (a) of that provision, and
 - (b) the occurrence of an event described in section 10.5 (3) or (5) (a) to (e) that results in the transferee's liability to tax under section 10.5.

CLAUSE 149: *[Property Transfer Tax Act, sections 10.1 to 10.6 – continued]*

- (3) A notice under subsection (2) must be submitted to the administrator, in the form required by the minister, not more than 92 days after the date the event occurs.
- (4) A transferee who has obtained an exemption under section 10.2 or a refund under section 10.3 and who is not required to submit a notice under subsection (2) of this section must submit to the administrator a declaration, by which the transferee declares that
 - (a) the residential improvement on the qualifying property contained at least 4 apartments at all times between the registration date and the tenth anniversary of the registration date, and
 - (b) subject to an applicable exception set out in section 10.6, every apartment contained in the residential improvement on the qualifying property was rented or offered for rent only on a monthly or longer-term basis between the date referred to in subsection (1) (a) of this section and the tenth anniversary of the registration date.
- (5) A declaration under subsection (4) must be submitted to the administrator, in the form required by the minister, not more than 92 days after the tenth anniversary of the registration date.

Purpose-built rental program – when transferee is liable

- 10.5** (1) Subject to section 10.6, a transferee who has obtained an exemption under section 10.2 or a refund under section 10.3 is liable under subsection (2) of this section if and from the time that the transferee
- (a) fails or refuses to comply with section 10.2 (1) (c) or (3), or
 - (b) fails or refuses to rent or offer for rent the apartments referred to in section 10.4 (1) as required by paragraph (a) of that provision.
- (2) A transferee referred to in subsection (1) must pay to the administrator tax in an amount that is equivalent to the amount of the exemption or refund obtained.
- (3) Subject to subsection (8) and section 10.6, a transferee who has obtained an exemption under section 10.2 or a refund under section 10.3 is liable under subsection (4) of this section if, at any time before the tenth anniversary of the registration date of the eligible transaction in respect of which the exemption or refund was obtained, an interest in the qualifying property of any transferee who obtained the exemption or refund is subsequently transferred under a taxable transaction.

CLAUSE 149: *[Property Transfer Tax Act, sections 10.1 to 10.6 – continued]*

- (4) A transferee referred to in subsection (3) is liable from the time the application to register the subsequent transfer is made and must pay to the administrator tax in the amount calculated as follows:

$$\frac{VI}{VQP} \times \left(E \times \frac{(10 - Y)}{10} \right)$$

where

VI is the fair market value of the interest, in the qualifying property, transferred under the subsequent transfer, determined at the time of the subsequent transfer;

VQP is the fair market value of the qualifying property that was the subject matter of the eligible transaction, determined at the time of the subsequent transfer;

E is the amount of tax equivalent to the amount of the exemption or refund obtained;

Y is the number of years between the registration date of the eligible transaction and the date of the application to register the subsequent transfer.

- (5) Subject to section 10.6, a transferee who has obtained an exemption under section 10.2 or a refund under section 10.3 is liable under subsection (7) of this section if, at any time before the tenth anniversary of the registration date, any of the following occur:
- (a) an apartment contained in the residential improvement ceases to be rented or offered for rent only on a monthly or longer-term basis;
 - (b) an improvement that was, on the registration date, the residential improvement ceases to be classified, in whole or in part, under section 19 of the *Assessment Act* as property used for residential purposes;
 - (c) an improvement that was, on the registration date, the residential improvement ceases to contain at least 4 apartments;
 - (d) an improvement that was, on the registration date, the residential improvement is divided into strata lots;
 - (e) if the eligible transaction in respect of which the exemption or refund was obtained was a transaction referred to in paragraph (a) (iii) or (e) of the definition of “taxable transaction” in section 1 (1) of this Act, the applicable lease agreement is discharged.
- (6) A transferee referred to in subsection (5) is liable from the time an event described in paragraphs (a) to (e) of that subsection occurs.

CLAUSE 149: *[Property Transfer Tax Act, sections 10.1 to 10.6 – continued]*

- (7) Subject to subsection (9), a transferee referred to in subsection (5) must pay to the administrator tax in the amount calculated as follows:

$$E \times \frac{(10 - Y)}{10}$$

where

E is the amount of tax equivalent to the amount of the exemption or refund obtained;

Y is the number of years between the registration date of the eligible transaction in respect of which the exemption or refund was obtained and the date on which the applicable event described in subsection (5) (a) to (e) occurs.

- (8) A transferee is not liable under subsection (4) if, at the time of the subsequent transfer, the transferee is liable under subsection (7) in respect of the same exemption or refund.
- (9) Any tax payable by a transferee under subsection (7) in respect of an exemption or refund is reduced by an amount of tax payable under subsection (4) by the transferee in respect of the same exemption or refund.
- (10) A transferee not referred to in subsection (1), (3) or (5) who has obtained an exemption under section 10.2 or a refund under section 10.3 for an amount greater than the amount to which the transferee is entitled under this Act must pay to the administrator as a tax liability the amount by which the exemption or refund received exceeded the exemption or refund to which the transferee was entitled.

Purpose-built rental exemption or refund retained

- 10.6** (1) Section 10.5 (1) to (9) does not apply to a transferee who has obtained an exemption under section 10.2 or a refund under section 10.3 if the transferee does not rent or offer for rent the apartments referred to in section 10.4 (1) as required by paragraph (a) of that provision, or if an event described in section 10.5 (5) (a) or (c) occurs, only because of one of the following reasons:
- (a) an apartment contained in the residential improvement on the qualifying property is unavailable for rent because of circumstances beyond the reasonable control of the transferee or because it is undergoing reasonably required renovations or repairs;
 - (b) subject to subsection (2) of this section, an apartment contained in the residential improvement on the qualifying property is unavailable for rent because it is occupied by an owner of the residential improvement or by a person employed or engaged to manage the residential improvement;
 - (c) a prescribed reason.

CLAUSE 149: *[Property Transfer Tax Act, sections 10.1 to 10.6 – continued]*

CLAUSE 150: *[Property Transfer Tax Act, section 12]*

- provides for the payment of a penalty, in addition to tax owing, in specified circumstances, which include
 - the provision of a false or misleading declaration or notice, and
 - the failure to provide a notice or the provision of a late notice;
- provides for the refusal of a notice in specified circumstances;
- provides for the waiver or cancellation of all or part of a penalty imposed under specified provisions.

- (2) The exception under subsection (1) (b) applies only if
 - (a) no more than 2 apartments contained in the residential improvement are unavailable for rent for the reason set out in that subsection, and
 - (b) at least 4 other apartments contained in the residential improvement are rented or offered for rent only on a monthly or longer-term basis.
- (3) Section 10.5 (1) to (9) does not apply to a transferee who has obtained an exemption under section 10.2 or a refund under section 10.3 if an event described in section 10.5 (3) occurs only because of one of the following reasons:
 - (a) an interest in the qualifying property of any transferee is transferred under a taxable transaction to a person who is a transferee under the eligible transaction in respect of which the exemption or refund was obtained;
 - (b) subject to subsection (4), an interest in the qualifying property of any transferee is transferred under a taxable transaction in respect of which the transferee of the interest is exempt under section 14 (3) (h) or (q);
 - (c) an interest in the qualifying property of any transferee is transferred under a taxable transaction in respect of which the transferee of the interest is exempt under section 14 (4) (u) or (w);
 - (d) a prescribed reason.
- (4) The exception under subsection (3) (b) applies only if, immediately after the registration of the taxable transaction, a person who is a transferee under the eligible transaction in respect of which the exemption or refund was obtained holds a registered interest in the qualifying property.

150 Section 12 is amended

(a) by renumbering the section as section 12 (1), and

(b) by adding the following subsections:

- (2) If the administrator determines that a transferee who applies for an exemption under section 10.2 or a refund under section 10.3
 - (a) is not entitled under section 10.2 to receive an exemption from the obligation to pay tax in accordance with section 3 (1) (d) or to obtain a refund under section 10.3, and
 - (b) provided a declaration under section 10.2 (3) or an application under section 10.3 that is false or misleading,

the transferee must pay to the administrator, in addition to the amount of tax that the transferee is obliged to pay the administrator in accordance with section 3 (1) (d), a penalty in an amount equal to that amount of tax.

CLAUSE 150: *[Property Transfer Tax Act, section 12 – continued]*

- (3) If the administrator determines that a transferee who has obtained an exemption under section 10.2 or a refund under section 10.3
- (a) is, because of the occurrence of an event described in section 10.5 (3) or (5) (a) to (e), liable to tax under section 10.5, and
 - (b) provided a notice under section 10.4 (2) that is false or misleading with respect to the date the event occurred,
- the transferee must pay to the administrator, in addition to the amount of tax that the transferee is obliged to pay the administrator under section 10.5, a penalty in an amount equal to that amount of tax.
- (4) If the administrator determines that a transferee who has obtained an exemption under section 10.2 or a refund under section 10.3
- (a) is, because of the occurrence of an event described in section 10.5 (5) (a) to (e), liable to tax under section 10.5, and
 - (b) failed to provide a notice under section 10.4 (2),
- the transferee must pay to the administrator, in addition to the amount of tax that the transferee is obliged to pay the administrator under section 10.5, a penalty in an amount equal to that amount of tax.
- (5) If the administrator determines that a transferee who has obtained an exemption under section 10.2 or a refund under section 10.3
- (a) is, because of the occurrence of an event described in section 10.5 (5) (a) to (e), liable to tax under section 10.5, and
 - (b) provided a notice under section 10.4 (2) after the expiry of the period set out in section 10.4 (3),
- the transferee must pay to the administrator, in addition to the amount of tax that the transferee is obliged to pay the administrator under section 10.5, a penalty in an amount equal to 0.2% of that amount of tax for each week between the time the notice was required by section 10.4 (3) to be provided and the time the notice is received by the administrator.
- (6) If the administrator determines that a transferee who has obtained an exemption under section 10.2 or a refund under section 10.3 provided a declaration under section 10.4 (4) that is false or misleading with respect to a matter referred to in paragraph (a) or (b) of that provision, the transferee must pay to the administrator, in addition to the amount of tax that the transferee is obliged to pay the administrator under section 10.5, a penalty in an amount equal to that amount of tax.
- (7) The administrator may refuse to accept from a transferee a notice under section 10.4 (2) if the notice is provided after
- (a) the period of time set out in section 10.4 (3) has expired, and
 - (b) the administrator has issued a notice of assessment imposing on the transferee a penalty under subsection (4) of this section.

CLAUSE 150: *[Property Transfer Tax Act, section 12 – continued]*

CLAUSE 151: *[Property Transfer Tax Act, section 18]*

- establishes rules for issuing notices of assessment in relation to an exemption or refund under section 10.2 or 10.3 of the Act, as added by this Bill;
- makes amendments consequential to amendments made by this Bill to the Act.

CLAUSE 152: *[Property Transfer Tax Act, section 19]* establishes a time limit for filing a notice of objection in relation to a refusal to grant an exemption or refund under section 10.2 or 10.3 of the Act, as added by this Bill.

CLAUSE 153: *[Property Transfer Tax Act, sections 32, 32.1 and 32.2]*

- repeals and replaces provisions relating to the use and sharing of confidential information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes.

- (8) The administrator may at any time waive or cancel all or part of the penalty payable by a person under subsections (2) to (6).

151 Section 18 is amended

(a) by adding the following subsection:

(6.01) If an exemption has been applied for under section 10.2 or a refund has been applied for under section 10.3,

(a) the administrator may, at any time, issue the notice of assessment if the transferee has, in respect of the exemption or refund,

(i) failed to submit a notice under section 10.4 (2),

(ii) failed to submit a declaration under section 10.4 (4),

(iii) provided a notice under section 10.4 (2) that is false or misleading with respect to the date an event described in section 10.5 (3) or (5) (a) to (e) occurred, or

(iv) provided a declaration under section 10.4 (4) that is false or misleading with respect to a matter referred to in paragraph (a) or (b) of that provision, and

(b) the administrator must issue the notice of assessment within 6 years after the following, as applicable:

(i) the date a notice under section 10.4 (2) is received in respect of the exemption or refund;

(ii) the date a declaration under section 10.4 (4) is received in respect of the exemption or refund. , **and**

(b) in subsection (6.4) by striking out “subsection (5), (6), (6.1)” and substituting “subsection (5), (6), (6.01), (6.1)”.

152 Section 19 (2) is amended

(a) in paragraph (a) by striking out “section 5, 6, 12.02 or 12.03” and substituting “section 5, 6, 10.2, 12.02 or 12.03”, and

(b) in paragraph (b) by striking out “section 7, 12.04 or 12.06” and substituting “section 7, 10.3, 12.04 or 12.06”.

153 Sections 32, 32.1 and 32.2 are repealed and the following substituted:

Information sharing

32 (1) In this section:

“**authorized person**” means,

(a) in subsection (5) (k), an authorized person as defined in section 13.1 of the *Assessment Act*,

CLAUSE 153: *[Property Transfer Tax Act, sections 32, 32.1 and 32.2 – continued]*

- (b) in subsection (5) (1), a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the Land Title and Survey Authority of British Columbia, to assist in carrying out the provisions of the *Land Title and Survey Authority Act*, and
- (c) in any other case, a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out the provisions of this Act;

“confidential information” means information of any kind and in any form relating to one or more persons,

- (a) that is obtained for the purposes of this Act by or on behalf of the minister, or
- (b) that is prepared from information referred to in paragraph (a), but does not include information that does not directly or indirectly reveal the identity of the person to whom the information relates;

“designated person” has the same meaning as in section 241 (10) of the *Income Tax Act* (Canada);

“official” means any person

- (a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or
- (b) who was formerly so employed or engaged or formerly occupied such a position,

and, for the purposes of subsections (2) and (3), **“official”** includes a designated person;

“police officer” means a police officer as defined in section 462.48 (17) of the *Criminal Code*.

- (2) Despite any other enactment or law, except as authorized by this section, an official must not
 - (a) knowingly provide, or knowingly allow to be provided, any confidential information to any person,
 - (b) knowingly allow any person to have access to any confidential information, or
 - (c) knowingly use any confidential information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.
- (3) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any confidential information.

CLAUSE 153: *[Property Transfer Tax Act, sections 32, 32.1 and 32.2 – continued]*

- (4) Subsections (2) and (3) do not apply in relation to the following:
- (a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;
 - (b) any legal proceedings relating to the administration or enforcement of
 - (i) any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax or duty,
 - (ii) the *Home Owner Grant Act*, or
 - (iii) the *Land Tax Deferment Act*.
- (5) Subject to subsection (6), an official may do one or more of the following:
- (a) provide to any person confidential information that can reasonably be considered necessary for the purposes of the administration or enforcement of this Act, solely for those purposes;
 - (b) provide to any person confidential information that can reasonably be considered necessary for the purposes of determining
 - (i) any tax or other amount that is or may become payable by the person under this Act,
 - (ii) any refund to which the person is or may become entitled under this Act, or
 - (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);
 - (c) provide confidential information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;
 - (iii) to an official of the ministry, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (iv) to an official solely for the purposes of the administration or enforcement of an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
 - (v) to an official solely for the purposes of the administration or enforcement of the *Home Owner Grant Act*, the *Land Tax Deferment Act* or the *Real Estate Development Marketing Act*;
 - (vi) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or an enactment of another province, that provides for the imposition or collection of a tax or duty;

CLAUSE 153: *[Property Transfer Tax Act, sections 32, 32.1 and 32.2 – continued]*

- (vii) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
- (viii) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;
- (d) provide confidential information, or allow inspection of or access to confidential information, as the case may be, under, and solely for the purposes of,
 - (i) sections 44 (1) and 61 (1) of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15, 16 and 17 of the *Auditor General Act*;
- (e) provide confidential information relating to a person
 - (i) to the person, and
 - (ii) with the consent of the person, to any other person;
- (f) use confidential information to compile information in a form that does not directly or indirectly reveal the identity of the person to whom the information relates;
- (g) provide confidential information solely for the purposes of sections 17, 18 and 19 of the *Financial Administration Act*;
- (h) use, or provide to any person, confidential information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;
- (i) provide confidential information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the confidential information can reasonably be considered necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,
 - (ii) the official was or is engaged in the administration or enforcement of this Act, and

CLAUSE 153: *[Property Transfer Tax Act, sections 32, 32.1 and 32.2 – continued]*

- (iii) the offence can reasonably be considered to be related to the administration or enforcement of this Act;
 - (j) provide confidential information to, or allow inspection of or access to confidential information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information;
 - (k) provide confidential information to, or allow inspection of or access to confidential information by, an authorized person, solely for the purposes of the administration or enforcement of the *Assessment Act*;
 - (l) provide confidential information to, or allow inspection of or access to confidential information by, an authorized person, solely for the purposes set out in section 4 (1) (a) of the *Land Title and Survey Authority Act*.
- (6) Except in accordance with an information-sharing agreement entered into under section 32.1, an official must not, under subsection (5) (a) to (c) and (g) to (l) of this section, provide confidential information to, or allow inspection of or access to confidential information by,
 - (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry,
 - (b) an official of the government of Canada, or
 - (c) an official of the government of another province.
- (7) An official may provide to appropriate persons any confidential information relating to imminent danger of death or physical injury to any individual.
- (8) The person who presides at a legal proceeding in relation to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that confidential information is not used or provided to any person for any purpose unrelated to the proceeding, including
 - (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the confidential information,
 - (c) an order to conceal the identity of the person to whom the confidential information relates, and
 - (d) an order sealing the records of the proceeding.
- (9) To the extent of any inconsistency or conflict with section 32 or 33 of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

CLAUSE 153: *[Property Transfer Tax Act, sections 32, 32.1 and 32.2 – continued]*

Information-sharing agreements

- 32.1** (1) In this section:
- “**confidential information**” has the same meaning as in section 32;
 - “**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 32 (5).
- (2) The minister may enter into an information-sharing agreement with
- (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,
 - (b) the government of Canada or an agency of that government, or
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government.
- (3) Subject to subsection (4), confidential information obtained by the minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.
- (4) Subsection (3) does not prevent
- (a) any confidential information obtained by the minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing
 - (i) an enactment administered by the minister that provides for the imposition or collection of a tax or duty,
 - (ii) the *Home Owner Grant Act*, or
 - (iii) the *Land Tax Deferral Act*, or
 - (b) any confidential information obtained by the minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the minister.
- (6) For the purposes of section 32 (6), an information-sharing agreement entered into before the coming into force of this section is considered to be an information-sharing agreement entered into by the minister under this section.

CLAUSE 154: *[Property Transfer Tax Act, section 34.01]* adds provisions relating to offences involving confidential information to harmonize the offence provisions with those in other provincial tax and revenue statutes.

CLAUSE 155: *[Property Transfer Tax Act, section 37]* authorizes the Lieutenant Governor in Council to make regulations for the purposes of section 10.6 (1) (c) and (3) (d) of the Act, as added by this Bill.

CLAUSE 156: *[Provincial Sales Tax Act, section 1]*

- amends the definitions of “online marketplace facilitator”, “online marketplace seller”, “online marketplace service” and “use”;
- amends the definition of “vapour product” to exclude heated tobacco products.

154 The following section is added:

Offences in relation to confidential information

- 34.01** (1) A person commits an offence if the person
- (a) contravenes section 32 (2), or
 - (b) knowingly contravenes an order made under section 32 (8).
- (2) A person commits an offence if
- (a) the person has been provided with confidential information for a particular purpose under section 32 (5) (a) to (d), (g), (h) or (j) to (l), and
 - (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.
- (3) A person convicted of an offence under subsection (1) or (2) is liable to
- (a) a fine of not more than \$5 000,
 - (b) imprisonment for not more than 12 months, or
 - (c) both fine and imprisonment.

155 Section 37 (2) is amended by adding the following paragraph:

- (z) for the purposes of section 10.6 (1) (c) and (3) (d), respecting the reasons for which an exemption under section 10.2 or refund under section 10.3 may be retained and prescribing any conditions of retention.

Provincial Sales Tax Act

156 Section 1 of the Provincial Sales Tax Act, S.B.C. 2012, c. 35, is amended

- (a) in the definition of “online marketplace facilitator” by repealing paragraph (a) (ii) (B) and substituting the following:**
 - (B) retail sale or provision of software or services other than legal services, and ,
- (b) in the definition of “online marketplace seller” by repealing paragraph (b) and substituting the following:**
 - (b) sells or provides software or services other than legal services; ,
- (c) by repealing the definition of “online marketplace service” and substituting the following:**
 - “online marketplace service” means an online marketplace service described under section 6.1 [*online marketplace services*]; ,

CLAUSE 156: *[Provincial Sales Tax Act, section 1 – continued]*

CLAUSE 157: *[Provincial Sales Tax Act, section 6.1]* describes online marketplace services for the purposes of the *Provincial Sales Tax Act*.

(d) in the definition of “use” by repealing paragraph (g) (ii) and substituting the following:

- (ii) selling or providing software or services, other than legal services, through an online marketplace; , **and**

(e) by repealing the definition of “vapour product” and substituting the following:

“vapour product” means any of the following:

- (a) an e-vaping device;
- (b) an e-substance;
- (c) a cartridge, part or accessory for an e-vaping device,

but does not include a heated tobacco product, as defined in the *Tobacco Tax Act*; .

157 The following section is added:

Online marketplace services

6.1 (1) For the purposes of this Act, an online marketplace service is any service described in subsection (2) that is

- (a) provided by an online marketplace facilitator, or by an agent, partner, joint venturer or associated corporation of the online marketplace facilitator, to an online marketplace seller, and
- (b) related to

- (i) an online marketplace seller’s sale, provision or lease of tangible personal property, software or services, other than legal services, or

- (ii) an online marketplace seller’s offer to sell, provide or lease tangible personal property, software or services, other than legal services,

through an online marketplace operated, owned or controlled or jointly operated, owned or controlled by the online marketplace facilitator.

(2) For the purposes of subsection (1), the following services are online marketplace services:

- (a) the listing of tangible personal property, software or services, other than legal services, for sale, lease or provision, as applicable;
- (b) advertising or promotion;
- (c) customer service;
- (d) storage;
- (e) the fulfillment of orders or bookings;
- (f) the collection or facilitation of payment, either directly or indirectly, or transmission of the payment to the online marketplace seller;

CLAUSE 157: *[Provincial Sales Tax Act, section 6.1 – continued]*

CLAUSE 158: *[Provincial Sales Tax Act, section 10]* adds a subsection to exclude taxes imposed under the *Select Luxury Items Tax Act* (Canada) from the purchase price of tangible personal property.

CLAUSE 159: *[Provincial Sales Tax Act, section 10]* adds a subsection to exclude taxes imposed under the *Excise Tax Act* (Canada) from the purchase price of tangible personal property in certain circumstances.

CLAUSE 160: *[Provincial Sales Tax Act, section 13]* adds a subsection to exclude taxes imposed under the *Select Luxury Items Tax Act* (Canada) from the lease price of tangible personal property.

- (g) accepting or assisting with cancellations, changes, returns or exchanges of tangible personal property, software or services, other than legal services;
- (h) other services to facilitate an online marketplace seller’s sale, provision or lease of tangible personal property, or sale or provision of software or services, other than legal services.

158 Section 10 is amended

- (a) in subsection (1) by adding “and subject to this section” after “For the purposes of this Act”,**
- (b) in subsection (2) (f) by striking out “subject to subsection (3),”, and**
- (c) by adding the following subsection:**
 - (4) The purchase price of tangible personal property does not include taxes imposed under the *Select Luxury Items Tax Act* (Canada).

159 Section 10 is amended

- (a) in subsection (2) (f) by adding “subject to subsection (3),” before “if the tangible personal property”, and**
- (b) by adding the following subsection:**
 - (3) The purchase price of tangible personal property determined in accordance with subsection (2) (f) does not include taxes imposed under Part IX of the *Excise Tax Act*.

160 Section 13 is amended

- (a) in subsection (1) by adding “and subject to this section” after “For the purposes of this Act”,**
- (b) in subsection (2) (e) by striking out “subject to subsection (4),”, and**
- (c) by adding the following subsection:**
 - (5) The lease price of tangible personal property does not include taxes imposed under the *Select Luxury Items Tax Act* (Canada).

CLAUSE 161: *[Provincial Sales Tax Act, section 13]* adds a subsection to exclude taxes imposed under the *Excise Tax Act* (Canada) from the lease price of tangible personal property in certain circumstances.

CLAUSE 162: *[Provincial Sales Tax Act, section 134.3]*

- sets the tax rate for online marketplace services provided in certain circumstances;
- makes amendments consequential to amendments made by this Bill to the Act.

CLAUSE 163: *[Provincial Sales Tax Act, sections 172.4 and 174]* is consequential to amendments made by this Bill to section 134.3 of the Act.

CLAUSE 164: *[Provincial Sales Tax Act, section 173]* makes a housekeeping amendment.

161 Section 13 is amended

(a) in subsection (2) (e) by adding “subject to subsection (4),” before “if the tangible personal property”, and

(b) by adding the following subsection:

- (4) The lease price of tangible personal property determined in accordance with subsection (2) (e) does not include taxes imposed under Part IX of the *Excise Tax Act*.

162 Section 134.3 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

- (1) A purchaser of an online marketplace service provided or to be provided
- (a) to tangible personal property or in respect of storage of tangible personal property, if the tangible personal property is in British Columbia at the time the service is provided or to be provided,
 - (b) in respect of accommodation in British Columbia, or
 - (c) to a person in British Columbia, other than a person described in subsection (2), which service is not an online marketplace service provided or to be provided
 - (i) to tangible personal property,
 - (ii) in respect of storage of tangible personal property, or
 - (iii) in respect of accommodation

must pay to the government tax at the rate of 7% of the purchase price of the online marketplace service.

- (2) Subsection (1) (c) does not apply to a purchaser of an online marketplace service where the online marketplace service is provided or to be provided to a person who wholly uses the online marketplace service outside British Columbia. , **and**

(b) in subsections (3) and (4) by striking out “subsection (1) or (2)” wherever it appears and substituting “subsection (1)”.

163 Sections 172.4 (1) and 174 (4.5) are amended by striking out “under section 134.3 (1) or (2)” and substituting “under section 134.3 (1)”.

164 Section 173 (3) (g) is amended by striking out “or (i)”.

CLAUSE 165: *[Provincial Sales Tax Act, section 179.3]* makes amendments to disapply subsection (1) of section 179.3 of the Act, as amended by this Bill, in certain circumstances.

CLAUSE 166: *[Provincial Sales Tax Act, section 221]* is consequential to amendments made by this Bill to the Act.

CLAUSE 167: *[Provincial Sales Tax Act, sections 228 and 228.1]*

- repeals and replaces provisions relating to the use and sharing of confidential information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes.

165 Section 179.3 is amended

(a) *in subsection (1) by striking out* “an online marketplace seller’s sale, provision or lease through an online marketplace” *and substituting* “through an online marketplace an online marketplace seller’s sale, provision or lease, other than a retail sale, provision or lease of tangible personal property described in subsection (3)”, *and*

(b) *by adding the following subsection:*

- (3) Subsection (1) does not apply in relation to an online marketplace seller’s retail sale, provision or lease of tangible personal property if
- (a) the tangible personal property, at the time it is sold, provided or leased, is located outside Canada, and
 - (b) the sale, provision or lease is to a person in British Columbia for use or consumption in British Columbia, except in prescribed circumstances.

166 Section 221 (10) is amended by striking out “Despite section 228 [confidentiality], the” *and substituting* “The”.

167 Section 228 is repealed and the following substituted:

Information sharing

228 (1) In this section:

“**authorized person**” means a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out the provisions of this Act;

“**confidential information**” means information of any kind and in any form, other than excluded information, relating to one or more persons,

- (a) that is obtained for the purposes of this Act by or on behalf of the minister, or
- (b) that is prepared from information referred to in paragraph (a),

but does not include information that does not directly or indirectly reveal the identity of the person to whom the information relates;

“**excluded information**” means any of the following information:

- (a) a registrant’s name, including the name under which the registrant carries on business;
- (b) a registrant’s address;
- (c) whether a registrant’s registration has been suspended or cancelled;

CLAUSE 167: *[Provincial Sales Tax Act, sections 228 and 228.1 – continued]*

“official” means any person

- (a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or
- (b) who was formerly so employed or engaged or formerly occupied such a position;

“police officer” means a police officer as defined in section 462.48 (17) of the *Criminal Code*.

- (2) Despite any other enactment or law, except as authorized by this section or section 221 (10) [*disclosure of amount of lien*], an official must not
 - (a) knowingly provide, or knowingly allow to be provided, any confidential information to any person,
 - (b) knowingly allow any person to have access to any confidential information, or
 - (c) knowingly use any confidential information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.
- (3) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any confidential information.
- (4) Subsections (2) and (3) do not apply in relation to the following:
 - (a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;
 - (b) any legal proceedings relating to the administration or enforcement of any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax or duty.
- (5) Subject to subsection (6), an official may do one or more of the following:
 - (a) provide to any person confidential information that can reasonably be considered necessary for the purposes of the administration or enforcement of this Act, solely for those purposes;
 - (b) provide to any person confidential information that can reasonably be considered necessary for the purposes of determining
 - (i) any tax, interest, penalty or other amount that is or may become payable by the person under this Act,
 - (ii) any exemption, deduction, refund or credit to which the person is or may become entitled under this Act, or
 - (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);

CLAUSE 167: *[Provincial Sales Tax Act, sections 228 and 228.1 – continued]*

- (c) provide confidential information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;
 - (iii) to an official of the ministry of the minister, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (iv) to an official solely for the purposes of the administration or enforcement of an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
 - (v) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or an enactment of another province, that provides for the imposition or collection of a tax or duty;
 - (vi) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
 - (vii) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;
- (d) provide confidential information, or allow inspection of or access to confidential information, as the case may be, under, and solely for the purposes of,
 - (i) sections 44 (1) [*powers of commissioner in conducting investigations, audits or inquiries*] and 61 (1) [*powers, duties and protections of adjudicator*] of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15 [*staff in government or government organizations*], 16 [*access to information, documents or things*] and 17 [*summons and requests*] of the *Auditor General Act*;
- (e) provide confidential information as provided for in, or ordered under, section 239 [*requesting searchable information*] or 242 [*orders respecting searchable information*] of the *Family Law Act* or section 8.2 [*requesting searchable information*] or 9 [*orders respecting correspondence and searchable information*] of the *Family Maintenance Enforcement Act*;
- (f) provide confidential information solely for the purposes of a prorating agreement, as defined in section 68 [*definitions*];

CLAUSE 167: *[Provincial Sales Tax Act, sections 228 and 228.1 – continued]*

- (g) provide confidential information relating to a person, other than information that may be requested from the director under section 221 (10),
 - (i) to the person, and
 - (ii) with the consent of the person, to any other person;
- (h) use confidential information to compile information in a form that does not directly or indirectly reveal the identity of the person to whom the information relates;
- (i) provide confidential information solely for the purposes of sections 17 [*write off of assets and uncollectable debts*], 18 [*extinguishment of debts*] and 19 [*remissions*] of the *Financial Administration Act*;
- (j) use, or provide to any person, confidential information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;
- (k) provide confidential information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the confidential information can reasonably be considered necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,
 - (ii) the official was or is engaged in the administration or enforcement of this Act, and
 - (iii) the offence can reasonably be considered to be related to the administration or enforcement of this Act;
- (l) provide confidential information to, or allow inspection of or access to confidential information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information.

CLAUSE 167: *[Provincial Sales Tax Act, sections 228 and 228.1 – continued]*

- (6) Except in accordance with an information-sharing agreement entered into under section 228.1, an official must not, under subsection (5) (a) to (c) and (i) to (l) of this section, provide confidential information to, or allow inspection of or access to confidential information by,
 - (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry of the minister,
 - (b) an official of the government of Canada, or
 - (c) an official of the government of another province.
- (7) An official may provide to appropriate persons any confidential information relating to imminent danger of death or physical injury to any individual.
- (8) The person who presides at a legal proceeding in relation to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that confidential information is not used or provided to any person for any purpose unrelated to the proceeding, including
 - (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the confidential information,
 - (c) an order to conceal the identity of the person to whom the confidential information relates, and
 - (d) an order sealing the records of the proceeding.
- (9) To the extent of any inconsistency or conflict with section 32 [*use of personal information*] or 33 [*disclosure of personal information*] of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

Information-sharing agreements

- 228.1** (1) In this section:
- “**confidential information**” has the same meaning as in section 228;
 - “**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 228 (5).
- (2) The minister may enter into an information-sharing agreement with
 - (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,
 - (b) the government of Canada or an agency of that government, or
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government.
 - (3) Subject to subsection (4), confidential information obtained by the minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.

CLAUSE 167: *[Provincial Sales Tax Act, sections 228 and 228.1 – continued]*

CLAUSE 168: *[Provincial Sales Tax Act, section 230]* repeals a provision on offences involving confidential information, consequential to amendments made by this Bill to the Act.

CLAUSE 169: *[Provincial Sales Tax Act, section 230.1]*

- replaces a provision relating to offences involving confidential information;
- harmonizes the offence provisions with those in other provincial tax and revenue statutes, including by raising the maximum penalty.

- (4) Subsection (3) does not prevent
 - (a) any confidential information obtained by the minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing an enactment administered by the minister that provides for the imposition or collection of a tax or duty, or
 - (b) any confidential information obtained by the minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the minister.
- (6) For the purposes of section 228 (6), an information-sharing agreement entered into before the coming into force of this section is considered to be an information-sharing agreement entered into by the minister under this section.

168 *Section 230 (1) is repealed.*

169 *The following section is added:*

Offences in relation to confidential information

- 230.1**
- (1) A person commits an offence if the person
 - (a) contravenes section 228 (2) [*information sharing*], or
 - (b) knowingly contravenes an order made under section 228 (8).
 - (2) A person commits an offence if
 - (a) the person has been provided with confidential information for a particular purpose under section 228 (5) (a) to (e), (i), (j) or (l), and
 - (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.
 - (3) A person who commits an offence under subsection (1) or (2) is liable to one or both of the following:
 - (a) a fine of not more than \$5 000;
 - (b) imprisonment for not more than 12 months.

CLAUSE 170: *[Provincial Sales Tax Act, section 240.1]* amends regulation-making authority in relation to online marketplace facilitators and online marketplace sellers.

CLAUSE 171: *[Speculation and Vacancy Tax Act, section 3]*

- requires the appointment of a receiver of a corporation to be disregarded in determining who is a corporate interest holder in respect of the corporation;
- provides an interpretive rule for the purposes of section 3 of the Act, as amended by this Bill.

CLAUSE 172: *[Speculation and Vacancy Tax Act, section 120]* is consequential to amendments made by this Bill to the *Home Owner Grant Act* and the *Land Tax Deferment Act*.

170 *Section 240.1 is repealed and the following substituted:*

**Regulations in relation to online marketplace facilitators
and online marketplace sellers**

- 240.1** The Lieutenant Governor in Council may make regulations as follows:
- (a) specifying that certain persons are not online marketplace facilitators;
 - (b) specifying that certain persons are not online marketplace sellers;
 - (c) specifying that certain persons are not online marketplace facilitators in relation to prescribed sales, leases or provisions.

Speculation and Vacancy Tax Act

171 *Section 3 of the Speculation and Vacancy Tax Act, S.B.C. 2018, c. 46, is amended*

- (a) *in subsection (1) by striking out* “Subject to the exclusions, if any, in the regulations,” *and substituting* “Subject to this section and the exclusions, if any, in the regulations,” *and*
- (b) *by adding the following subsections:*
 - (3) A determination under this section about whether an individual is a corporate interest holder in respect of a corporation is to be made without regard to any appointment of a receiver of the corporation.
 - (4) For greater certainty, an individual is not a corporate interest holder in respect of a corporation in the individual’s capacity as
 - (a) a receiver of the corporation, or
 - (b) an agent of a corporation that is a receiver of the corporation.
 - (5) For the purposes of this section, a receiver includes a receiver manager.

172 *Section 120 is amended*

- (a) *in subsection (5) by striking out* “subsections (6) and (9)” *and substituting* “subsection (6)”, *and*
- (b) *by repealing subsection (9).*

CLAUSE 173: *[Taxation (Rural Area) Act, section 1]* is consequential to amendments made by this Bill to the Act.

CLAUSE 174: *[Taxation (Rural Area) Act, sections 3, 3.1 and 3.2]*

- repeals and replaces provisions relating to the use and sharing of confidential information and offences involving confidential information;
- harmonizes the information-sharing provisions with those in other provincial tax and revenue statutes, including by raising the penalty for offences involving confidential information.

Taxation (Rural Area) Act

173 *Section 1 of the Taxation (Rural Area) Act, R.S.B.C. 1996, c. 448, is amended by repealing the definitions of “ministry person” and “personal information”.*

174 *Sections 3, 3.1 and 3.2 are repealed and the following substituted:*

Information sharing

3 (1) In this section:

“**authorized person**” means,

- (a) in subsection (5) (l), an authorized person as defined in section 13.1 of the *Assessment Act*,
- (b) in subsection (5) (m), a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the Land Title and Survey Authority of British Columbia, to assist in carrying out the provisions of the *Land Title and Survey Authority Act*, and
- (c) in any other case, a person who is engaged or employed, or was formerly engaged or employed, by or on behalf of the government, to assist in carrying out the provisions of this Act;

“**confidential information**” means information of any kind and in any form, other than information set out in a taxation roll, relating to one or more persons,

- (a) that is obtained for the purposes of this Act by or on behalf of the minister, or
 - (b) that is prepared from information referred to in paragraph (a),
- but does not include information that does not directly or indirectly reveal the identity of the person to whom the information relates;

“**designated person**” has the same meaning as in section 241 (10) of the *Income Tax Act* (Canada);

“**official**” means any person

- (a) who is employed in the service of, is engaged by or on behalf of, or occupies a position of responsibility in the service of the government of British Columbia, another province or Canada, or
- (b) who was formerly so employed or engaged or formerly occupied such a position,

and, for the purposes of subsections (2) and (3), “**official**” includes a designated person;

“**police officer**” means a police officer as defined in section 462.48 (17) of the *Criminal Code*.

CLAUSE 174: *[Taxation (Rural Area) Act, sections 3, 3.1 and 3.2 – continued]*

- (2) Despite any other enactment or law, except as authorized by this section, an official must not
 - (a) knowingly provide, or knowingly allow to be provided, any confidential information to any person,
 - (b) knowingly allow any person to have access to any confidential information, or
 - (c) knowingly use any confidential information otherwise than in the course of the administration and enforcement of this Act or for a purpose for which it was provided under this section.
- (3) Despite any other enactment or law, an official must not be required, in connection with any legal proceedings, to give or produce evidence relating to any confidential information.
- (4) Subsections (2) and (3) do not apply in relation to the following:
 - (a) criminal proceedings that have been commenced by the laying of an information or the preferring of an indictment under an Act of the Parliament of Canada;
 - (b) any legal proceedings relating to the administration or enforcement of
 - (i) any enactment of British Columbia, another province or Canada that provides for the imposition or collection of a tax or duty,
 - (ii) the *Home Owner Grant Act*, or
 - (iii) the *Land Tax Deferment Act*.
- (5) Subject to subsection (6), an official may do one or more of the following:
 - (a) provide to any person confidential information that can reasonably be considered necessary for the purposes of the administration or enforcement of this Act, solely for those purposes;
 - (b) provide to any person confidential information that can reasonably be considered necessary for the purposes of determining
 - (i) any taxes or other amounts that are or may become payable by the person under this Act,
 - (ii) any refund to which the person is or may become entitled under this Act, or
 - (iii) any other amount that is relevant for the purposes of a determination under subparagraph (i) or (ii);
 - (c) provide confidential information as follows:
 - (i) to an official of the Department of Finance of the government of Canada, solely for the purposes of the formulation or evaluation of fiscal policy;
 - (ii) to an official solely for the purposes of the initial implementation of a fiscal policy;

CLAUSE 174: *[Taxation (Rural Area) Act, sections 3, 3.1 and 3.2 – continued]*

- (iii) to an official of the ministry, solely for the purposes of the formulation or evaluation of fiscal policy;
- (iv) to an official solely for the purposes of the administration or enforcement of an enactment of British Columbia that provides for the imposition or collection of a tax or duty;
- (v) to an official solely for the purposes of the administration or enforcement of the *Home Owner Grant Act*, the *Land Tax Deferment Act* or the *Real Estate Development Marketing Act*;
- (vi) to an official solely for the purposes of the administration or enforcement of an Act of the Parliament of Canada, or an enactment of another province, that provides for the imposition or collection of a tax or duty;
- (vii) to an official solely for the purposes of the compilation of statistical information by the government or the government of Canada, as the case may be;
- (viii) to an official solely for the purposes of setting off, against any sum of money that may be due or payable by the government, a debt due to the government;
- (d) provide confidential information, or allow inspection of or access to confidential information, as the case may be, under, and solely for the purposes of,
 - (i) sections 44 (1) and 61 (1) of the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) sections 15, 16 and 17 of the *Auditor General Act*;
- (e) provide confidential information as provided for in, or ordered under, section 239 or 242 of the *Family Law Act* or section 8.2 or 9 of the *Family Maintenance Enforcement Act*;
- (f) provide confidential information relating to a person
 - (i) to the person, and
 - (ii) with the consent of the person, to any other person;
- (g) use confidential information to compile information in a form that does not directly or indirectly reveal the identity of the person to whom the information relates;
- (h) provide confidential information solely for the purposes of sections 17, 18 and 19 of the *Financial Administration Act*;
- (i) use, or provide to any person, confidential information solely for a purpose relating to the supervision, evaluation or discipline of an authorized person by the government in respect of a period during which the authorized person was employed by, or engaged by or on behalf of, the government to assist in the administration or enforcement of this Act, to the extent that the information is relevant for the purpose;

CLAUSE 174: *[Taxation (Rural Area) Act, sections 3, 3.1 and 3.2 – continued]*

- (j) provide confidential information to a police officer, solely for the purposes of an investigation into whether an offence has been committed under the *Criminal Code*, or the laying of an information or the preferring of an indictment, if
 - (i) the confidential information can reasonably be considered necessary for the purpose of ascertaining, with respect to an official, or with respect to any person related to the official,
 - (A) the circumstances in which an offence under the *Criminal Code* may have been committed, or
 - (B) the identity of the person who may have committed an offence under the *Criminal Code*,
 - (ii) the official was or is engaged in the administration or enforcement of this Act, and
 - (iii) the offence can reasonably be considered to be related to the administration or enforcement of this Act;
 - (k) provide confidential information to, or allow inspection of or access to confidential information by, any person otherwise legally entitled to the information under a prescribed enactment of British Columbia, solely for the purposes for which the person is entitled to the information;
 - (l) provide confidential information to, or allow inspection of or access to confidential information by, an authorized person, solely for the purposes of the administration or enforcement of the *Assessment Act*;
 - (m) provide confidential information to, or allow inspection of or access to confidential information by, an authorized person, solely for the purposes set out in section 4 (1) (a) of the *Land Title and Survey Authority Act*.
- (6) Except in accordance with an information-sharing agreement entered into under section 3.1, an official must not, under subsection (5) (a) to (c) and (h) to (m) of this section, provide confidential information to, or allow inspection of or access to confidential information by,
- (a) an official of a public body, as defined in the *Freedom of Information and Protection of Privacy Act*, other than the ministry,
 - (b) an official of the government of Canada, or
 - (c) an official of the government of another province.
- (7) An official may provide to appropriate persons any confidential information relating to imminent danger of death or physical injury to any individual.

CLAUSE 174: *[Taxation (Rural Area) Act, sections 3, 3.1 and 3.2 – continued]*

- (8) The person who presides at a legal proceeding in relation to the supervision, evaluation or discipline of an authorized person may make orders necessary to ensure that confidential information is not used or provided to any person for any purpose unrelated to the proceeding, including
 - (a) an order that the proceeding be held in private,
 - (b) an order banning publication of the confidential information,
 - (c) an order to conceal the identity of the person to whom the confidential information relates, and
 - (d) an order sealing the records of the proceeding.
- (9) To the extent of any inconsistency or conflict with section 32 or 33 of the *Freedom of Information and Protection of Privacy Act*, this section applies despite that Act.

Information-sharing agreements

- 3.1 (1) In this section:
- “**confidential information**” has the same meaning as in section 3;
 - “**information-sharing agreement**” means an agreement or arrangement to exchange, by electronic data transmission, electronic data matching or any other means, information for a purpose described in section 3 (5).
- (2) The minister may enter into an information-sharing agreement with
 - (a) a public body as defined in the *Freedom of Information and Protection of Privacy Act*,
 - (b) the government of Canada or an agency of that government, or
 - (c) the government of a province or other jurisdiction in Canada or an agency of that government.
 - (3) Subject to subsection (4), confidential information obtained by the minister under an information-sharing agreement may be used or disclosed only for the purposes for which it was obtained under the applicable agreement.
 - (4) Subsection (3) does not prevent
 - (a) any confidential information obtained by the minister under an information-sharing agreement with the government of Canada or an agency of that government from being used or disclosed for the purpose of administering and enforcing
 - (i) an enactment administered by the minister that provides for the imposition or collection of a tax or duty,
 - (ii) the *Home Owner Grant Act*, or
 - (iii) the *Land Tax Deferral Act*, or

CLAUSE 174: *[Taxation (Rural Area) Act, sections 3, 3.1 and 3.2 – continued]*

CLAUSE 175: *[Taxation (Rural Area) Act, section 21]* is consequential to amendments made by this Bill to the Act.

CLAUSE 176: *[Taxation (Rural Area) Act, section 57]* adds a regulation-making power consequential to amendments made by this Bill to the Act.

- (b) any confidential information obtained by the minister under an information-sharing agreement from being used or disclosed for the purpose of administering and enforcing an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.
- (5) The Lieutenant Governor in Council may prescribe terms and conditions to be included in the information-sharing agreements entered into by the minister.
- (6) For the purposes of section 3 (6), an information-sharing agreement entered into before the coming into force of this section is considered to be an information-sharing agreement entered into by the minister under this section.

Offences – confidential information

- 3.2** (1) Without limiting section 5 of the *Offence Act* as it applies for the purposes of this Act, a person commits an offence if the person
- (a) contravenes section 3 (2), or
 - (b) knowingly contravenes an order made under section 3 (8).
- (2) A person commits an offence if
- (a) the person has been provided with confidential information for a particular purpose under section 3 (5) (a) to (e), (h), (i) or (k) to (m), and
 - (b) the person knowingly, for a purpose other than the purpose referred to in paragraph (a), uses the information, provides the information or allows the information to be provided to any person or allows any person to access the information.
- (3) A person who commits an offence under subsection (1) or (2) is liable to one or both of the following:
- (a) a fine of not more than \$5 000;
 - (b) imprisonment for not more than 12 months.

175 *Section 21 (8.1) (b) is amended by striking out “ministry person” and substituting “person who is employed in, or retained under a contract to perform services for, the ministry”.*

176 *Section 57 (2) is amended by adding the following paragraph:*

- (a.1) prescribing an enactment for the purposes of section 3 (5) (k); .

CLAUSE 177: *[Treaty First Nation Taxation Act, section 1]* is consequential to amendments made by this Bill to the Act.

CLAUSE 178: *[Treaty First Nation Taxation Act, section 4.3]* authorizes taxing treaty first nations to make laws exempting their members or constituents from certain property taxes.

CLAUSE 179: *[Treaty First Nation Taxation Act, section 7.1]* is consequential to amendments made by this Bill to the Act.

CLAUSE 180: *[Financial Administration Act transition – retroactive regulation-making power – motor fuel tax]* adds a retroactive regulation-making authority for regulations made under certain provisions of the *Financial Administration Act* in respect of interest rates and the manner of calculating interest in accordance with the International Fuel Tax Agreement.

CLAUSE 181: *[Greenhouse Gas Industrial Reporting and Control Act transition – regulations]*

- authorizes the Lieutenant Governor in Council to make transitional regulations for specified purposes;
- provides for the repeal of the regulation-making authority and any regulations made under it on April 1, 2026 or an earlier date that may be prescribed by the Lieutenant Governor in Council.

Treaty First Nation Taxation Act

177 *Section 1 of the Treaty First Nation Taxation Act, S.B.C. 2007, c. 38, is amended by repealing the definitions of “reserve”, “surrendered lands” and “transitional exemption lands”.*

178 *The following section is added:*

Authority to provide property tax exemptions

- 4.3** (1) A taxing treaty first nation may, by law, provide exemptions from property taxes imposed or collected by the government or by the taxing treaty first nation, in relation to the ownership or occupation of land or improvements within the treaty lands of the taxing treaty first nation, for treaty first nation members or treaty first nation constituents of the taxing treaty first nation.
- (2) A law enacted under subsection (1) does not apply in respect of property taxes imposed for a taxation year unless the law comes into force on or before October 31 in the preceding calendar year.

179 *Section 7.1 (3), (4), (5) and (6) is repealed.*

Transitional Provisions

***Financial Administration Act* transition – retroactive regulation-making power – motor fuel tax**

- 180** A regulation made on or before December 31, 2023 under section 27 or 88 of the *Financial Administration Act* respecting interest rates and the manner of calculating interest in accordance with the International Fuel Tax Agreement may be made retroactive to January 1, 2023 or a later date, and if made retroactive is deemed to have come into force on the specified date.

***Greenhouse Gas Industrial Reporting and Control Act* transition – regulations**

- 181** (1) Despite this Act and the *Greenhouse Gas Industrial Reporting and Control Act*, or any other Act, the Lieutenant Governor in Council may make regulations as follows:
- (a) respecting any matter that the Lieutenant Governor in Council considers is not provided for, or is not sufficiently provided for, in the amendments to the *Greenhouse Gas Industrial Reporting and Control Act* enacted by sections 15 to 22 and 30 of this Act;
 - (b) making provisions that the Lieutenant Governor in Council considers appropriate for the purpose of more effectively bringing into operation the amendments to the *Greenhouse Gas Industrial Reporting and Control Act* enacted by sections 15 to 22 and 30 of this Act;

CLAUSE 181: *[Greenhouse Gas Industrial Reporting and Control Act transition – regulations – continued]*

CLAUSE 182: *[Income Tax Act transition]* provides transition rules for various sections of the *Income Tax Act* as those sections are amended by this Bill.

- (c) making provisions that the Lieutenant Governor in Council considers appropriate for the purpose of preventing, minimizing or otherwise addressing any difficulties encountered in bringing into effect the amendments to the *Greenhouse Gas Industrial Reporting and Control Act* enacted by sections 15 to 22 and 30 of this Act, including, without limitation, provisions making an exception to or a modification of a provision in an enactment or providing for the application of an enactment;
 - (d) resolving any errors, inconsistencies or ambiguities arising in the amendments to the *Greenhouse Gas Industrial Reporting and Control Act* enacted by sections 15 to 22 and 30 of this Act.
- (2) A regulation under subsection (1) may be made retroactive to a specified date that is not earlier than the date this section comes into force and, if made retroactive, is deemed to have come into force on the specified date.
 - (3) To the extent of any conflict between a regulation under subsection (1) and the *Greenhouse Gas Industrial Reporting and Control Act* or another enactment, the regulation prevails.
 - (4) This section and any regulations made under it are repealed on April 1, 2026 or an earlier date prescribed by the Lieutenant Governor in Council.

Income Tax Act transition

- 182**
- (1) Section 1 (8) of the *Income Tax Act*, as amended by section 53 of this Act, applies only to taxation years that begin after 2017.
 - (2) Section 29 (2.2) of the *Income Tax Act*, as amended by section 69 of this Act, applies only to taxation years that end after March 20, 2013.
 - (3) Section 29 (2.2) of the *Income Tax Act*, as amended by section 70 of this Act, applies only to taxation years that end after October 2, 2016.
 - (4) Section 29 (2.2) of the *Income Tax Act* (British Columbia), as amended by section 71 of this Act, applies in relation to a taxation year if a reassessment of tax for the taxation year was required under section 152 (6) of the *Income Tax Act* (Canada), as that section applies for the purposes of the *Income Tax Act* (British Columbia), or would have been so required if the taxpayer had claimed an amount by filing the prescribed form referred to in that section on or before the day referred to in that section, in order to take into account a deduction claimed under section 111 of the *Income Tax Act* (Canada), as that section applies for the purposes of the *Income Tax Act* (British Columbia), in respect of a loss for a subsequent taxation year that ends after February 26, 2018.

CLAUSE 183: *[Motor Fuel Tax Act transition – retroactive regulation-making power – motor fuel tax]* adds a retroactive regulation-making authority for regulations made under certain provisions of the *Motor Fuel Tax Act* in respect of interest rates and the manner of calculating interest in accordance with the International Fuel Tax Agreement.

CLAUSE 184: *[Provincial Sales Tax Act transition – retroactive regulation-making power – automated external defibrillators]* adds a retroactive regulation-making authority for regulations made under the *Provincial Sales Tax Act* in relation to exemptions for automated external defibrillators, automated external defibrillator kits and pads for use with automated external defibrillators.

Motor Fuel Tax Act transition – retroactive regulation-making power – motor fuel tax

183 A regulation made on or before December 31, 2023 under section 71 of the *Motor Fuel Tax Act* respecting interest rates and the manner of calculating interest in accordance with the International Fuel Tax Agreement may be made retroactive to January 1, 2023 or a later date, and if made retroactive is deemed to have come into force on the specified date.

Provincial Sales Tax Act transition – retroactive regulation-making power – automated external defibrillators

184 A regulation made on or before December 31, 2023 under section 241 of the *Provincial Sales Tax Act* respecting automated external defibrillators, kits containing an automated external defibrillator or pads designed for use with automated external defibrillators may be made retroactive to March 1, 2023 or a later date, and if made retroactive is deemed to have come into force on the specified date.

Commencement

185 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 2	March 31, 2020
3	Section 3	March 31, 2023
4	Section 4	January 1, 2019
5	Section 5	April 1, 2023
6	Sections 11 and 12	April 1, 2023
7	Sections 15 to 47	By regulation of the Lieutenant Governor in Council
8	Section 53	June 21, 2018
9	Section 54	January 1, 2023
10	Section 55	June 29, 2021
11	Section 56	January 1, 2020
12	Section 57	January 1, 2023
13	Section 58	July 1, 2023
14	Section 59	January 1, 2018

Item	Column 1 Provisions of Act	Column 2 Commencement
15	Section 60	July 1, 2021
16	Section 61	June 29, 2021
17	Section 62	July 1, 2023
18	Section 63	January 1, 2023
19	Section 64	July 1, 2023
20	Section 66	June 29, 2021
21	Section 67	January 1, 2023
22	Section 68	February 23, 2022
23	Section 69	December 12, 2013
24	Section 70	December 14, 2017
25	Section 71	December 13, 2018
26	Section 72	January 1, 2019
27	Section 73	February 23, 2022
28	Section 74	January 1, 2019
29	Section 75	February 23, 2022
30	Section 76	April 11, 2020
31	Section 77	January 1, 2023
32	Section 78	February 23, 2022
33	Section 79	December 13, 2018
34	Section 80	June 29, 2021
35	Section 85	July 1, 2020
36	Section 87	By regulation of the Lieutenant Governor in Council
37	Section 89	January 1, 2024
38	Section 91	By regulation of the Lieutenant Governor in Council
39	Section 95	By regulation of the Lieutenant Governor in Council
40	Sections 96 to 98	January 1, 2024
41	Sections 99 and 100	By regulation of the Lieutenant Governor in Council
42	Section 101	March 15, 2020

Item	Column 1 Provisions of Act	Column 2 Commencement
43	Section 111	January 1, 2024
44	Section 116	By regulation of the Lieutenant Governor in Council
45	Section 121	By regulation of the Lieutenant Governor in Council
46	Sections 123 to 125	By regulation of the Lieutenant Governor in Council
47	Section 127	March 15, 2020
48	Section 144	The date of Royal Assent or the date that section 60 of the <i>Energy Statutes Amendment Act, 2022</i> , S.B.C. 2022, c. 42, comes into force, whichever is later.
49	Sections 149 to 152	January 1, 2024
50	Section 155	January 1, 2024
51	Sections 156 and 157	July 1, 2023
52	Section 158	September 1, 2022
53	Section 159	April 1, 2013
54	Section 160	September 1, 2022
55	Section 161	April 1, 2013
56	Sections 162 to 165	July 1, 2023
57	Section 170	July 1, 2023
58	Section 171	November 27, 2018
59	Section 177	January 1, 2024
60	Section 179	January 1, 2024
61	Section 180	January 1, 2023
62	Section 181	By regulation of the Lieutenant Governor in Council
63	Section 183	January 1, 2023