

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

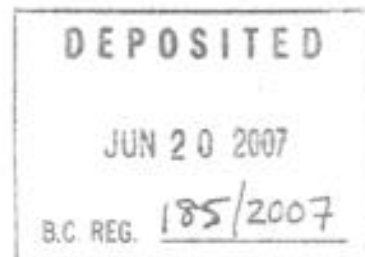
Order in Council No. 388, Approved and Ordered JUN 20 2007



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that sections 24 to 28 of the Public Safety Statutes Amendment Act, 2007 are brought into force.



Minister of Public Safety and Solicitor General



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Public Safety Statutes Amendment Act, 2007, section 32

Other (specify):

May 24, 2007

R/615/2007/48

Motion Picture Act

Section 1 of the Motion Picture Act, R.S.B.C. 1996, c. 314, is amended

(a) by adding the following definitions:

"**administrative agreement**", in relation to the administrative authority, means the agreement referred to in section 12.4;

"**administrative authority**" means the Business Practices and Consumer Protection Authority established under the *Business Practices and Consumer Protection Authority Act*; , **and**

(b) by repealing the definition of "director" and substituting the following:

"**director**" means, subject to the restrictions specified in a designation, the individual or administrative authority designated under section 12.1 as director; .

25 Section 12 (4) is repealed and the following substituted:

(4) Unless reconsideration has been requested under section 12.2, a film seized under subsection (2) or (3) becomes the property of the government and, no earlier than 60 days after the date of seizure, the government may have the film destroyed by the director.

26 Section 12.1 is repealed and the following substituted:

director and delegation

12.1 (1) The minister may designate as a director either or both of the following:

(a) an individual appointed under the *Public Service Act*;

(b) the administrative authority, if the Lieutenant Governor in Council has approved the administrative agreement.

(2) If the minister designates both an individual and the administrative authority as directors and both directors may perform or exercise powers, functions and duties under this Act at the same time, the minister must specify in each designation

(a) the powers, functions and duties that the individual or administrative authority may perform or exercise, and

(b) the restrictions to the performance or exercise of those powers, functions and duties.

(3) Subject to subsection (4), the director may delegate to a person or a class of persons any of the director's powers, functions or duties under this Act, including, without restriction, any power, function or duty referred to in sections 2 to 8, 12 and 12.2.

(4) The director's delegation must be in writing and may include any terms or conditions the director considers advisable.

27 The following sections are added:

Administrative agreement with administrative authority required

- 12.4 (1) Subject to the approval of the Lieutenant Governor in Council, the minister may enter into an administrative agreement with the administrative authority permitting the authority to perform or exercise some or all of the director's powers, functions and duties under this Act.
- (2) An administrative agreement must include provisions that specify all of the following:
- (a) the expected outcomes to be achieved by the authority in performing or exercising the director's powers, functions and duties under this Act;
 - (b) the performance objectives of the authority;
 - (c) the authority's acceptance of the responsibility to perform or exercise powers, functions and duties set out in the agreement;
 - (d) the terms for financial arrangements between the authority and the government, including the collection and payment of fees due to the authority or the government and any other financial transitional matters;
 - (e) the right of access of the authority to records created by the government and the right of access of the government to records created by the authority;
 - (f) the requirements for records management by the authority;
 - (g) the requirement that the authority report to the government any matters in respect of the powers, functions and duties the authority performs or exercises under this Act;
 - (h) the requirement that the authority carry adequate insurance;
 - (i) indemnification between the authority and the government;
 - (j) the obligations of the parties if the agreement is terminated;
 - (k) the time period of the agreement or the procedure for the review of the agreement by the authority and the government;
 - (l) procedures for the settlement of disputes;
 - (m) the liability of the authority arising out of its performance or exercise of the powers, functions and duties of the director under this Act.
- (3) The administrative authority must comply with the terms of the administrative agreement, and may not perform or exercise the powers, functions and duties of the director under this Act except in accordance with that agreement.
- (4) Subject to the approval of the Lieutenant Governor in Council, the minister may amend or revoke the administrative agreement without the consent of the administrative authority if the minister gives the authority prior written notice.

Designation does not make administrative authority an agent of the government

12.5 If the administrative authority is designated as a director under section 12.1, the authority is not an agent of the government for the purpose of that designation.

Power of administrative authority to set and retain fees

12.6 (1) Despite the power of the Lieutenant Governor in Council under section 14 (2) (i) [*power to make regulations prescribing fees*], but subject to subsection (2) of this section, if the administrative authority is designated as a director and is authorized to issue licences under this Act, to review motion pictures under section 5 (1) or to perform or exercise any other power, function or duty under this Act, the administrative authority may set the fees payable for those licences, for purposes of those reviews or in relation to those powers, functions and duties, as the case may be, including, without limitation, fees for any of the following:

- (a) applications for licences, licence amendments or exemptions from the requirement to be licensed, and for processing those applications;
- (b) decals, certificates or other evidence of approvals or classifications;
- (c) replacement, amendment or copying of a record described in paragraph (a) or (b) or of any other record;
- (d) administering reconsiderations under section 12.2.

(2) The administrative authority may not charge fees under subsection (1) unless they are approved by the minister.

(3) Fees set under this section may be different for different kinds of

- (a) motion pictures and their intended uses,
- (b) motion picture distributors, video distributors, video retailers and theatres, and
- (c) licences.

(4) Fees approved and payable pursuant to this section do not constitute public money under the *Financial Administration Act* and are to be collected and retained by the administrative authority and used to fund the operating costs and capital expenditures necessary to perform or exercise the powers, functions and duties that the authority is authorized to perform or exercise under this Act.

28 Section 14 is amended

(a) in subsection (2) (a) by striking out "retailers and video retailers" and substituting "retailers, video retailers and theatres",

(b) in subsection (2) (k) by striking out "motion picture exhibitors and video retailers" and substituting "video retailers and theatres", and

(c) by repealing subsection (3) and substituting the following:

(3) The fees prescribed under this Act may be different for different kinds of

(a) motion pictures and their intended uses,

(b) motion picture distributors, video distributors, video retailers and theatres, and

(c) licences.