

COMMISSIONER ON RESOURCES AND ENVIRONMENT ACT
[RSBC 1996] CHAPTER 59

Definition

1 In this Act, "commissioner" means the Commissioner on Resources and Environment appointed under section 2.

Appointment of the commissioner

2 (1) The Commissioner on Resources and Environment

(a) is to be appointed by the Lieutenant Governor in Council, and

(b) is a public officer reporting to the Executive Council.

(2) An appointment under subsection (1) is for a term of 5 years and reappointments may be made.

Commissioner's role

3 (1) The commissioner must advise the Executive Council in an independent manner on land use and related resource and environmental issues in British Columbia and on the need for legislation, policies and practices respecting these issues.

(2) If the commissioner considers that the public interest will be best served by making a report to the public on a land use and related resource or environmental issue in British Columbia or on the need for legislation, a policy or a practice respecting such an issue, the commissioner must make a report to the public in the manner the commissioner considers most appropriate.

Commissioner's mandate

4 (1) The commissioner must develop for public and government consideration a British Columbia wide strategy for land use and related resource and environmental management.

(2) The commissioner must facilitate the development and implementation, and must monitor the operation, of the following:

(a) regional planning processes to define the uses to which areas of British Columbia may be put;

(b) community based participatory processes to consider land use and related resource and environmental management issues;

(c) a dispute resolution system for land use and related resource and environmental issues in British Columbia.

(3) The commissioner must work to ensure effective and integrated management of the resources and environment of British Columbia by

(a) facilitating the coordination of initiatives within the government, and

(b) encouraging the participation of Aboriginal peoples in all processes affecting Aboriginal peoples that relate to the commissioner's mandate and by maintaining strong links with negotiations on Aboriginal treaties.

(4) The work of the commissioner and the participation of Aboriginal peoples under this Act is to be without prejudice to their Aboriginal rights and to treaty negotiations.

(5) In carrying out the mandate under this section, the commissioner must give due consideration to the following:

(a) economic, environmental and societal interests;

(b) local, Provincial and federal governmental responsibilities;

(c) the interests of Aboriginal peoples.

Representation

5 If the commissioner believes that a person or group will be significantly and directly affected by a land use issue or related resource or environmental issue under consideration by the

commissioner, the commissioner must inform that person or group and give that person or group an opportunity to make representations to the commissioner on the issue before the development of the recommendation or report.

Hearings

6 (1) The commissioner may conduct hearings for the purposes of this Act and determine the procedures to be followed for the purposes of these hearings.

(2) No person is entitled to a hearing by the commissioner under this Act except as provided by this Act.

(3) For the purposes of this section the commissioner has the powers, protection and privileges given under sections 12, 15 and 16 of the Inquiry Act to a commissioner appointed under Part 2 of that Act.

(4) The commissioner may receive or accept, under oath or otherwise, evidence whether or not it would be admissible in a court of law.

(5) At a hearing before the commissioner a person has the same privileges respecting the giving of information, the answering of questions or the production of documents or things as that person would have in a proceeding in a court.

(6) Evidence given by a person in a hearing before the commissioner is inadmissible, insofar as the laws of British Columbia apply, against the person at a later date in any court or proceeding of a judicial nature except in a prosecution of an offence under this Act or in an application for judicial review.

Commissioner as a witness

7 (1) The commissioner or a person appointed, engaged or retained under section 10 must not, insofar as the laws of British Columbia apply, give, or be compelled to give, evidence in a court or in proceedings of a judicial nature concerning knowledge gained in the exercise of a power or duty under this Act.

(2) Subsection (1) does not apply to an offence under section 13.

Immunity for acts or omissions in good faith

8 (1) No action for damages lies or may be brought against the commissioner or any person appointed, engaged or retained under section 10 because of anything done or omitted in good faith

(a) in the performance or intended performance of any duty under this Act, or

(b) in the exercise or intended exercise of any power under this Act.

(2) Subsection (1) does not absolve the government from vicarious liability for an act or omission for which it would be vicariously liable if this section were not in force.

Other terms and conditions of the commissioner's employment

9 (1) Subject to section 2 and this section, the Lieutenant Governor in Council may establish the remuneration and other terms and conditions of employment of the commissioner.

(2) The Pension (Public Service) Act applies to the commissioner as an employee.

(3) The commissioner has the status of a deputy minister.

Staff

10 (1) A deputy commissioner and other employees necessary to carry out the powers and duties of the commissioner may be appointed under the Public Service Act.

(2) The commissioner may engage or retain specialists or consultants that the commissioner considers necessary to carry out the powers and duties of the office and may determine their remuneration.

(3) The Public Service Act does not apply to the retention, engagement or remuneration of specialists or consultants referred to in subsection (2).

Delegation of the commissioner's powers or duties

11 (1) The commissioner may delegate any of the commissioner's powers or duties, except the power to delegate a power or duty under this section or to make a recommendation or report under this Act, to any person or class of persons appointed, engaged or retained under section 10.

(2) A person appointed, engaged or retained under section 10 has only those powers of the commissioner that are specified in the delegation under subsection (1), and the commissioner continues to have all the powers and duties that are delegated to others under this section.

(3) A delegation under subsection (1) must be in writing and is subject to the terms and conditions the commissioner specifies in the delegation.

(4) A delegation under subsection (1) does not cease only because the commissioner who made the delegation ceases to hold office.

(5) A person acting under a power or duty delegated under subsection (1) must, if so requested, show a copy of the written authority under which the delegation was made.

Yearly report to the Legislative Assembly

12 (1) Each year the commissioner must give to the Speaker a report to the Legislative Assembly concerning the commissioner's activities under this Act since the last report was made under this section.

(2) The Speaker must lay the report before the Legislative Assembly as soon as practicable.

Offences

13 (1) A person commits an offence if the person

(a) impedes the exercise of a power or the performance of a duty under this Act, or

(b) refuses or fails to comply with an order or summons under section 6 (3).

(2) If a corporation commits an offence under subsection (1), an employee, officer, director or agent of the corporation who authorizes, permits or acquiesces in the offence commits the same offence whether or not the corporation is convicted of the offence.