

Regulations - Forest Practices Code of BC Act
FOREST PRACTICES BOARD REGULATION

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PART 1 - DEFINITIONS

Definitions

1. In this regulation:

"Act" means the Forest Practices Code of British Columbia Act;

"party" has the same meaning as in section 175 of the Act;

"significant breach" means

(a) with respect to a party's level of compliance with the requirements of Parts 3 to 5 of the Act and the regulations and standards made in relation to those Parts, a breach of one or more of those requirements that has caused or is beginning to cause significant harm to persons or the environment, and

(b) with respect to the appropriateness of government enforcement under Part 6 of the Act, a breach of the government's enforcement duties under that Part that has caused or is beginning to cause significant harm to persons or the environment.

PART 2 - AUDITS

Audit standards

2. The board may develop standards for the purpose of the periodic independent audits required under section 176 of the Act.

Appointment of auditors

3. (1) In accordance with this section, the board must appoint auditors to carry out the periodic independent audits.

(2) The board must not engage or retain an auditor to carry out the periodic independent audits unless, in the opinion of the board, the auditor is

(a) familiar with the Act, the regulations and the standards established by the chief forester under section 8 of the Act,

(b) capable of assessing the environmental impact of forest practices,

(c) capable of performing the audits in accordance with the standards developed under section 2, and

(d) independent of the person being audited.

(3) If an audit is to be carried out

(a) by a single auditor, that auditor must be a member in good standing of an accredited professional body approved by the board, or

(b) by a team of auditors, at least one member of the team must be a member in good standing of an accredited professional body approved by the board.

Significant breaches

4. (1) If an auditor identifies a probable significant breach, the auditor must

(a) contact the person being audited, and

(b) conduct audit tests to

(i) ascertain the extent of the breach, and

(ii) address any information provided by the person being audited.

(2) If the auditor determines, after carrying out the requirements of subsection (1), that a significant breach has occurred, the auditor must immediately advise the following persons of the significant breach:

(a) the board;

(b) the person being audited;

(c) the ministers.

Release of final audit report

5. The board must make a final audit report available

(a) to any person within 90 days of its submission by the auditor, and

(b) to the person being audited at least 7 clear days before the report is made available under paragraph (a).

PART 3 - COMPLAINTS

Scope of complaints

6. The matters on which a person may make a complaint to the board under section 177 of the Act are the following:

(a) a party's compliance with the requirements of Parts 3 to 5 of the Act and the regulations and standards made in relation to those Parts;

(b) the appropriateness of government enforcement under Part 6 of the Act.

Notice of complaint

7. (1) A person who wishes to make a complaint to the board must deliver a written notice of complaint to the board.

(2) A notice of complaint must contain

(a) the name and address of the complainant, and the name of the person, if any, making the request on the complainant's behalf,

(b) the address for service of the complainant,

(c) the grounds for the complaint, and

(e) a statement describing the relief requested.

Deficient notice of complaint

8. If a notice of complaint does not comply with section 7, the board

(a) must deliver to the complainant written notice of the deficiencies, inviting the complainant, within the period specified in the notice, to submit further material remedying the deficiencies, and

(b) need not proceed with the complaint until an amended notice of complaint, with the deficiencies corrected, is delivered to the board.

Procedures following receipt of notice of complaint

9. (1) The board must acknowledge in writing any notice of complaint, or any amended notice of complaint with the deficiencies corrected.

(2) Within 60 days after receipt of the notice of complaint or of the amended notice of complaint, the chair must determine whether the complaint is to be investigated or if, in the opinion of the chair, any of the criteria referred to in section 177 (2) of the Act applies.

(3) The board may, at any time, consult with a party

(a) to attempt to settle the complaint, or

(b) for any other purpose related to a complaint or investigation.

Notice for complaint investigations

9.1 If the board investigates a complaint, the notification under section 181 of the Act must be in writing and must set out the nature of the complaint being investigated.

PART 4 - ANNUAL REPORT

Content

10. (1) By April 30 of each year, the chair must submit the annual report for the immediately preceding calendar year required by section 189 of the Act.

(2) The annual report referred to in subsection (1) must specify

(a) the number of audits initiated and completed during the year,

(b) the persons audited,

(c) the resources used in carrying out the audits,

(d) a summary of the results of audits completed during the year,

(e) the number of complaints received during the year,

(f) the number of special investigations carried out as a result of the complaints received during the year,

(g) a summary of the results of the complaints heard, and special investigations carried out during the year, and

(h) the resources used in carrying out the hearings and special investigations resulting from those complaints.

[Provisions of the Forest Practices Code of British Columbia Act relevant to the enactment of this regulation: Part 10]