

EMPLOYMENT AND ASSISTANCE ACT

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

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PART 1

INTRODUCTORY PROVISIONS

Interpretation

1. (1) In this Act:

"applicant" means the person in a family unit who applies under this Act for income assistance, hardship assistance or a supplement on behalf of the family unit, and includes

- (a) the person's spouse, if the spouse is a dependant, and
- (b) the person's adult dependants;

"business day" means a day other than Saturday or a holiday;

"chair" means the chair of the tribunal appointed under section 19 [*employment and assistance appeal tribunal*];

"child" means an unmarried person under 19 years of age;

"dependant", in relation to a person, means anyone who resides with the person and who

- (a) is the spouse of the person,
- (b) is a dependent child of the person, or
- (c) indicates a parental responsibility for the person's dependent child;

(B.C. Reg. 193/2006)

"dependent child", with respect to a parent, means a child, other than a child who is 18 years of age and is a person with disabilities, who resides in the parent's place of residence for more than 50% of each month and relies on that parent for the necessities of life, and includes a child in circumstances prescribed under subsection (2);

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"dependent youth" means a dependent child who has reached 16 years of age;

"employment plan" means a plan required under section 9 [*employment plan*] and includes an amended employment plan;

"family unit" means an applicant or a recipient and his or her dependants;

"former Act" means

- (a) the *BC Benefits (Income Assistance) Act*,
- (b) the *BC Benefits (Youth Works) Act*, or
- (c) the *BC Benefits (Appeals) Act*;

"hardship assistance" means an amount for shelter and support provided under section 5 (1) [*hardship assistance*];

"income assistance" means an amount for shelter and support provided under section 4 [*income assistance and supplements*];

"panel" means a panel, appointed under section 22 (1) [*panels of the tribunal to conduct appeals*], of the tribunal;

"person with disabilities" has the same meaning as in the *Employment and Assistance for Persons with Disabilities Act*;

"recipient" means the person in a family unit to or for whom income assistance, hardship assistance or a supplement is provided under this Act for the use or benefit of someone in the family unit, and includes

- (a) the person's spouse, if the spouse is a dependant, and
- (b) the person's adult dependants;

"spouse" has the meaning in section 1.1; (B.C. Reg. 193/2006)

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"supplement" means any form of assistance specified by regulation, other than income assistance, hardship assistance or financial assistance provided under section 6 [*financial assistance to service or program providers*] and, without limitation, includes access to programs established or funded under this Act;

"tribunal" means the Employment and Assistance Appeal Tribunal established under section 19 [*Employment and Assistance Appeal Tribunal*].

- (2) The Lieutenant Governor in Council may prescribe other circumstances in which a child is a dependent child of a parent for the purposes of this Act.
- (3) For the purpose of the definition of "dependant", spouses do not reside apart by reason only that a spouse is employed or self-employed in a position that requires the spouse to be away from the residence of the family unit for periods longer than a day. (B.C. Reg. 193/2006)

Meaning of "spouse"

- 1.1** (1) Two persons, including persons of the same gender, are spouses of each other for the purposes of this Act if
- (a) they are married to each other, or
 - (b) they acknowledge to the minister that they are residing together in a marriage-like relationship.
- (2) Two persons who reside together, including persons of the same gender, are spouses of each other for the purposes of this Act if
- (a) they have resided together for at least
 - (i) the previous 3 consecutive months, or
 - (ii) 9 of the previous 12 months, and
 - (b) the minister is satisfied that the relationship demonstrates
 - (i) financial dependence or interdependence, and
 - (ii) social and familial interdependence,
- consistent with a marriage-like relationship.

(B.C. Reg. 193/2006)

Eligibility of family unit

- 2.** For the purposes of this Act, a family unit is eligible, in relation to income assistance, hardship assistance or a supplement, if
- (a) each person in the family unit on whose account the income assistance,

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hardship assistance or supplement is provided satisfies the initial and continuing conditions of eligibility established under this Act and the regulations, and

- (b) the family unit has not been declared ineligible for the income assistance, hardship assistance or supplement under this Act or the regulations.

Act does not apply to persons with disabilities

- 3. A family unit that includes a person with disabilities is not eligible for income assistance or hardship assistance under this Act.

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PART 2

ASSISTANCE

Income assistance and supplements

4. Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

Hardship assistance

5. (1) Subject to the regulations, the minister may provide hardship assistance to or for a family unit that
- (a) is eligible for it, and
 - (b) is not eligible for income assistance.
- (2) If hardship assistance is repayable, before providing it the minister may specify and require a particular type of security for repayment.

Financial assistance to service or program providers

6. The minister may provide financial assistance to a person who, or group of persons that, undertakes to provide a service or program that, in the minister's opinion, will promote the purposes of this Act.

Employment-related programs

7. The minister may establish or fund employment-related programs for applicants, recipients or dependent youths who have difficulty finding or maintaining employment.

Requirement for 2 years employment

8. (1) For a family unit to be eligible for income assistance, at least one applicant in the family unit must have
- (a) been employed for remuneration for at least the prescribed number of hours in each of two consecutive years,
 - (b) earned remuneration for employment in at least the prescribed amount in each of two consecutive years, or
 - (c) been employed for remuneration for a portion of two consecutive years and for the balance of those years either

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- (i) served a waiting period in respect of, or received benefits under, a claim under the *Employment Insurance Act* (Canada), or
 - (ii) received income under a public or private income replacement program or plan.
- (2) The Lieutenant Governor in Council may prescribe categories of applicants to whose family units this section does not apply.

Employment plan

9. (1) For a family unit to be eligible for income assistance or hardship assistance, each applicant or recipient in the family unit, when required to do so by the minister, must
- (a) enter into an employment plan, and
 - (b) comply with the conditions in the employment plan.
- (2) A dependent youth, when required to do so by the minister, must
- (a) enter into an employment plan, and
 - (b) comply with the conditions in the employment plan.
- (3) The minister may specify the conditions in an employment plan including, without limitation, a condition requiring the applicant, recipient or dependent youth to participate in a specific employment-related program that, in the minister's opinion, will assist the applicant, recipient or dependent youth to
- (a) find employment, or
 - (b) become more employable.
- (4) If an employment plan includes a condition requiring an applicant, a recipient or a dependent youth to participate in a specific employment-related program, that condition is not met if the person
- (a) fails to demonstrate reasonable efforts to participate in the program, or
 - (b) ceases, except for medical reasons, to participate in the program.
- (5) If a dependent youth fails to comply with subsection (2), the minister may reduce the amount of income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.
- (6) The minister may amend, suspend or cancel an employment plan.

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- (7) A decision under this section
- (a) requiring a person to enter into an employment plan,
 - (b) amending, suspending or canceling an employment plan, or
 - (c) specifying the conditions of an employment plan

is final and conclusive and is not open to review by a court on any ground or to appeal under section 17 (3) [*reconsideration and appeal rights*].

Information and verification

10. (1) For the purposes of
- (a) determining whether a person wanting to apply for income assistance or hardship assistance is eligible to apply for it,
 - (b) determining or auditing eligibility for income assistance, hardship assistance or a supplement,
 - (c) assessing employability and skills for the purposes of an employment plan, or
 - (d) assessing compliance with the conditions of an employment plan,
- the minister may do one or more of the following:
- (e) direct a person referred to in paragraph (a), an applicant or a recipient to supply the minister with information within the time and in the manner specified by the minister;
 - (f) seek verification of any information supplied to the minister by a person referred to in paragraph (a), an applicant or a recipient;
 - (g) direct a person referred to in paragraph (a), an applicant or a recipient to supply verification of any information he or she supplied to the minister.
- (2) The minister may direct an applicant or a recipient to supply verification of information received by the minister if that information relates to the eligibility of the family unit for income assistance, hardship assistance or a supplement.
- (3) Subsection (1) (e) to (g) applies with respect to a dependent youth for a purpose referred to in subsection (1) (c) or (d).
- (4) If an applicant or a recipient fails to comply with a direction under this section, the minister may declare the family unit ineligible for income assistance, hardship assistance or a supplement for the prescribed period.

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- (5) If a dependent youth fails to comply with a direction under this section, the minister may reduce the amount of income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.

Reporting obligations

- 11.** (1) For a family unit to be eligible for income assistance, a recipient, in the manner and within the time specified by regulation, must
- (a) submit to the minister a report that
 - (i) is in the form prescribed by the minister, and
 - (ii) contains the prescribed information, and (B.C. Reg. 263/2002)
 - (b) notify the minister of any change in circumstances or information that
 - (i) may affect the eligibility of the family unit, and
 - (ii) was previously provided to the minister.
- (2) A report under subsection (1) (a) is deemed not to have been submitted unless the accuracy of the information provided in it is affirmed by the signature of each recipient.

Not in Force

- 12.** [Not in Force.]

Consequences of not meeting employment-related obligations

- 13.** (1) Subject to the conditions of an employment plan, the family unit of an applicant or a recipient is subject to the consequence described in subsection (2) for a family unit matching the applicant's or recipient's family unit if
- (a) at any time while a recipient in the family unit is receiving income assistance or hardship assistance or within 60 days before an applicant in the family unit applies for income assistance, the applicant or recipient has
 - (i) failed to accept suitable employment,
 - (ii) voluntarily left employment without just cause, or
 - (iii) been dismissed from employment for just cause, or
 - (b) at any time while a recipient in the family unit is receiving income assistance or hardship assistance, the recipient fails to demonstrate

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reasonable efforts to search for employment. (B.C. Reg. 263/2002)

- (2) For the purposes of subsection (1),
 - (a) if a family unit includes dependent children, the income assistance or hardship assistance provided to or for the family unit must be reduced by the prescribed amount for the prescribed period, and
 - (b) if a family unit does not include dependent children, the family unit is not eligible for income assistance for the prescribed period.
- (3) The Lieutenant Governor in Council may specify by regulation categories of applicants or recipients to whose family units this section does not apply.

Consequences of not accepting or disposing of property

14. (1) The minister may take action under subsection (3) if, within 2 years before the date of application for income assistance or hardship assistance or at any time while income assistance or hardship assistance is being provided, an applicant or a recipient has done either of the following:
 - (a) failed to accept or pursue income, assets or other means of support that would, in the minister's opinion, enable the applicant or recipient to be completely or partly independent of income assistance, hardship assistance or supplements;
 - (b) disposed of real or personal property for consideration that, in the minister's opinion, is inadequate.
- (2) A family unit is not eligible for income assistance for the prescribed period if, within 2 years before the date of application for income assistance or hardship assistance or at any time while income assistance or hardship assistance is being provided, an applicant or a recipient has done either of the following:
 - (a) disposed of real or personal property to reduce assets;
 - (b) [Not in Force.]
- (3) In the circumstances described in subsection (1), the minister may
 - (a) reduce the amount of income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period, or
 - (b) declare the family unit of the person ineligible for income assistance or hardship assistance for the prescribed period.

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Consequences for conviction or judgment in relation to Act (B.C. Reg. 193/2006)

15. (1) A family unit that includes a person who is convicted of an offence under the *Criminal Code* in relation to obtaining money, under this Act or the *Employment and Assistance for Persons with Disabilities Act*, by fraud or false or misleading representation is subject to the consequence described in subsection (5) for a family unit that matches the person's family unit for the lifetime of the person, beginning with the first calendar month following the date of the conviction.
- (2) A family unit that includes a person who is convicted of an offence under this Act or the *Employment and Assistance for Persons with Disabilities Act* is subject to the consequence described in subsection (5) for a family unit that matches the person's family unit, beginning with the first calendar month following the date of conviction,
- (a) after a first conviction, for a period of 12 consecutive months,
 - (b) after a second conviction, for a period of 24 consecutive months, and
 - (c) after a third conviction, for the lifetime of the person.
- (3) If
- (a) Repealed (B.C. Reg. 193/2006)
 - (b) a court has given judgment in favour of the government in an action for debt against a person for obtaining income assistance, hardship assistance or a supplement under this Act, or disability assistance, hardship assistance or a supplement under the *Employment and Assistance for Persons with Disabilities Act*, for which he or she was not eligible,
- unless the income assistance, hardship assistance, disability assistance or supplement was provided to or for the person in error, the minister may declare that the person's family unit is subject to the consequence described in subsection (5) for a family unit that matches the person's family unit for the prescribed period, beginning with the first calendar month following the date of the judgment. (B.C. Reg. 193/2006)
- (4) The periods prescribed for the purpose of subsection (3) may vary with the number of applicable judgments. (B.C. Reg. 193/2006)
- (5) If a family unit includes
- (a) only persons described in subsection (1) or (2), or subsection (3) if the minister has made a declaration under that subsection, the family unit is not eligible for income assistance for the applicable period, and

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- (b) one or more persons described in subsection (1) or (2), or subsection (3) if the minister has made a declaration under that subsection, and at least one other person, the amount of income assistance, hardship assistance or a supplement provided to or for the family unit must be reduced by the prescribed amount for the applicable period.

Consequences for providing inaccurate or incomplete information

- 15.1** (1) The minister may take action under subsection (2) if the minister determines that
- (a) income assistance, hardship assistance or a supplement was provided to or for a family unit that was not eligible for it,
 - (b) the income assistance, hardship assistance or supplement was provided to or for the family unit on the basis of inaccurate or incomplete information provided by the applicant or recipient
 - (i) under section 10 (1) (e) [*information and verification*], or
 - (ii) in a report under section 11 (1) [*reporting obligations*], and
 - (c) in the minister's opinion the applicant or recipient failed to take the necessary steps to ensure the accuracy or completeness of the information before providing it to the minister.
- (2) In the circumstances described in subsection (1), the minister may reduce the income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.
- (3) The periods prescribed for the purposes of subsection (2) may vary with the number of determinations made under subsection (1) in relation to a family unit.
- (4) If a family unit that is subject to a reduction under section 14.1 of the *Employment and Assistance for Persons with Disabilities Act* qualifies for income assistance or hardship assistance under this Act before the period prescribed for the purposes of section 14.1 (2) of that Act expires, the reduction is deemed to have been imposed under subsection (2) of this section. (B.C. Reg. 193/2006)

Applying periods of ineligibility and reduction

- 16.** (1) If a family unit is ineligible for income assistance or hardship assistance for a month for more than one reason or on account of more than one person, the month counts towards the period of ineligibility applicable for each reason and on account of each person.
- (2) If a family unit is ineligible for income assistance or hardship assistance for a period that overlaps with a period when the income assistance, hardship assistance or a supplement provided to or for the family unit are subject to a reduction, the

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period of the reduction is reduced by the period of the overlap.

- (3) If the income assistance, hardship assistance or a supplement provided to or for the family unit are subject to a reduction for more than one reason or on account of more than one person in the family unit for a month, the income assistance, hardship assistance or a supplement provided to or for the family unit for the month must be reduced for each reason and for each person.

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PART 3

APPEALS

Reconsideration and appeal rights

17. (1) Subject to section 18, a person may request the minister to reconsider any of the following decisions made under this Act or the regulations:
- (a) a decision that results in a refusal to provide income assistance, hardship assistance or a supplement to or for someone in the person's family unit;
 - (b) a decision that results in a discontinuance of income assistance or a supplement provided to or for someone in the person's family unit;
 - (c) a decision that results in a reduction of income assistance or a supplement provided to or for someone in the person's family unit;
 - (d) a decision in respect of the amount of a supplement provided to or for someone in the person's family unit if that amount is less than the lesser of
 - (i) the maximum amount of the supplement under the regulations, and
 - (ii) the cost of the least expensive and appropriate manner of providing the supplement;
 - (e) a decision respecting the conditions of an employment plan under section 9 [*employment plan*].
- (2) A request under subsection (1) must be made, and the decision reconsidered, within the time limits and in accordance with any rules specified by regulation.
- (3) Subject to a regulation under subsection (5) and to sections 9 (7) [*employment plan*], 18 and 27 (2) [*overpayments*], a person who is dissatisfied with the outcome of a request for a reconsideration under subsection (1) (a) to (d) may appeal the decision that is the outcome of the request to the tribunal.
- (4) A right of appeal given under subsection (3) is subject to the time limits and other requirements set out in this Act and the regulations.

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- (5) The Lieutenant Governor in Council may designate by regulation
- (a) categories of supplements that are not appealable to the tribunal, and
 - (b) circumstances in which a decision to refuse to provide income assistance, hardship assistance or a supplement is not appealable to the tribunal.

No appeal from decision based on same circumstances

- 18.** (1) If a person reapplies for income assistance, hardship assistance or a supplement after
- (a) the eligibility of the person's family unit for the income assistance, hardship assistance or supplement has been determined under this Act,
 - (b) a right of appeal under section 17 (3) has been exercised in respect of the determination referred to in paragraph (a), and
 - (c) the decision of the tribunal in respect of the appeal referred to in paragraph (b) has been implemented,

no right of reconsideration or appeal exists in respect of the second or a subsequent application unless there has been a change in circumstances relevant to the determination referred to in paragraph (a).

Employment and Assistance Appeal Tribunal

- 19.** (1) The Employment and Assistance Appeal Tribunal is established to determine appeals of decisions that are appealable under
- (a) section 17 (3) [*reconsideration and appeal rights*] of this Act,
 - (b) section 16 (3) [*applying periods of ineligibility and reduction*] of the *Employment and Assistance for Persons with Disabilities Act*, and
 - (c) section 6 (3) [*financial assistance to service or program providers*] of the *Child Care Subsidy Act*.
- (2) The tribunal consists of
- (a) a chair and at least one vice chair, each appointed by the Lieutenant Governor in Council, and
 - (b) the members appointed by the minister.
- (3) To be eligible for an appointment under subsection (2) (a) or (b), a person must have the prescribed qualifications.

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- (4) The chair and vice chair may be paid the remuneration specified by the Lieutenant Governor in Council in accordance with general directives of Treasury Board. (B.C. Reg. 425/2004)
- (5) A member of the tribunal, other than the chair or vice chair, may be paid remuneration in the time and manner and at the rates prescribed by the Lieutenant Governor in Council in accordance with general directives of Treasury Board.

Application of *Administrative Tribunals Act*

- 19.1** (1) Sections 1 to 6, 7 (1) and (2), 8, 9, 30, 44, 55, 56, 58 and 61 of the *Administrative Tribunals Act* apply to the tribunal. (B.C. Reg. 425/2004)

Maintenance of order at hearings

- 19.2** (1) At an oral hearing, the chair of a panel of the tribunal may make any orders or give any directions considered necessary for the maintenance of order at the hearing, and, if any person disobeys or fails to comply with any order or direction, the chair of the panel may call on the assistance of any peace officer to enforce the order or direction. (B.C. Reg. 425/2004)
- (2) A peace officer called on under subsection (1) may take any action that is necessary to enforce the order or direction and may use any force that is reasonably required for that purpose. (B.C. Reg. 425/2004)
- (3) Without limiting subsection (1), the chair of a panel of the tribunal, by order, may impose restrictions on the continued participation in or attendance of a person in a proceeding. (B.C. Reg. 425/2004)

Time limit for judicial review

- 19.3** (1) An application for judicial review of a final decision of the tribunal must be commenced within 60 days of the date the decision is issued. (B.C. Reg. 425/2004)
- (2) Despite subsection (1), either before or after expiration of the time, the court may extend the time for making the application, on terms the court considers proper, if it is satisfied that there are serious grounds for relief, there is a reasonable explanation for the delay and no substantial prejudice or hardship will result to a person affected by the delay. (B.C. Reg. 425/2004)

Powers and duties of the chair

- 20.** (1) The chair must submit to the minister an annual report concerning the tribunal's activities. Repealed. (B.C. Reg. 425/2004)
- (2) The chair may

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- (a) establish practices and procedures not inconsistent with the regulations for the tribunal, and
- (b) Repealed. (B.C. Reg. 425/2004)
- (3) The chair may terminate an appointment to a panel and may fill a vacancy on a panel before a hearing starts.
- (4) Employees may be appointed under the *Public Service Act* as required to enable the tribunal, the chair or vice chairs to exercise their powers or perform their duties.

Commencing an appeal

- 21.**
- (1) A person who has a right of appeal to the tribunal must commence the appeal in the prescribed manner within 7 business days of the date the person receives notice of the decision being appealed.
 - (2) If a person who has a right of appeal to the tribunal does not commence an appeal within the period specified under subsection (1),
 - (a) the person is deemed to have accepted the minister's decision, and
 - (b) the minister's decision is final and conclusive and is not open to review in a court on any ground or to appeal to the tribunal.

Panels of the tribunal to conduct appeals

- 22.**
- (1) If a person commences an appeal in accordance with section 21 (1), the chair must appoint a panel **consisting of up to 3 members of the** tribunal to hear and determine the appeal. (B.C. Reg. 160/2007)
 - (2) **If a panel consists of more than one member, the chair must designate a chair of the panel from among the members of the panel, and if a panel consists of one member, that member is the chair of the panel.** (B.C. Reg. 160/2007)
 - (3) A panel must conduct a hearing into the decision being appealed within the prescribed period either
 - (a) orally, or
 - (b) with the consent of the parties, in writing.
 - (4) In a hearing referred to in subsection (3), a panel may admit as evidence only
 - (a) the information and records that were before the minister when the decision being appealed was made, and
 - (b) oral or written testimony in support of the information and records referred to in paragraph (a).

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- (5) Evidence referred to in subsection (4) may be admitted whether or not it would be admissible as evidence in a court of law.
- (6) The panel chair is responsible for deciding any question of practice or procedure that arises during a hearing and is not provided for in the regulations or in the practices and procedures of the chair under section 20 (2) (a) [*powers and duties of the chair*].

Dismissal of appeal

23. (1) If at any time before a panel makes a decision under section 24 [*decision of panel*], both parties to the appeal consent to the dismissal of the appeal by each signing the form specified by the minister,
- (a) if the hearing required by section 22 (3) has not started,
 - (i) the minister must notify the chair of the consent to dismiss,
 - (ii) the chair must withdraw the appeal from the panel, and
 - (iii) no remuneration under section 19 (5) [*employment and assistance appeal tribunal*] may be paid in respect of the appeal, and
 - (b) if the hearing required by section 22 (3) [*panels of the tribunal to conduct appeals*] has started,
 - (i) the minister must notify the chair of the consent to dismiss,
 - (ii) the chair must advise the panel of the consent, and
 - (iii) the panel must dismiss the appeal.
- (2) A panel may dismiss an appeal if it considers that the appeal is frivolous, vexatious or trivial or is not brought in good faith.

Decision of panel

24. (1) After holding the hearing required under section 22 (3) [*panels of the tribunal to conduct appeals*], the panel must determine whether the decision being appealed is, as applicable,
- (a) reasonably supported by the evidence, or
 - (b) a reasonable application of the applicable enactment in the circumstances of the person appealing the decision.
- (2) For a decision referred to in subsection (1), the panel must
- (a) confirm the decision if the panel finds that the decision being appealed

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is reasonably supported by the evidence or is a reasonable application of the applicable enactment in the circumstances of the person appealing the decision, and

- (b) otherwise, rescind the decision, and if the decision of the tribunal cannot be implemented without a further decision as to amount, refer the further decision back to the minister.
- (3) The panel must provide written reasons for its decision under subsection (2).
- (4) Notice of the decision and reasons of the panel must be given in accordance with the regulations.
- (5) A decision of a majority of a panel is the decision of the tribunal. (B.C. Reg. 425/2004)
- (6) The tribunal has exclusive jurisdiction to inquire into, hear and determine all those matters and questions of fact, law and discretion arising or required to be determined in an appeal under section 19 and make any order permitted to be made. (B.C. Reg. 425/2004)
- (7) A decision or order of the tribunal under this Act on a matter in respect of which the tribunal has exclusive jurisdiction is final and conclusive and is not open to question or review in any court. (B.C. Reg. 425/2004)

Vexatious proceedings

25. If, on application by the minister, the Supreme Court is satisfied that a person has habitually, persistently and without reasonable grounds, instituted vexatious appeals to the tribunal, the court, after hearing that person or giving him or her an opportunity to be heard, may order that an appeal to the tribunal must not, without leave of the court, be instituted by that person.

Immunity from action

26. Repealed. (B.C. Reg. 425/2004)

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PART 4

GENERAL PROVISIONS

Overpayments

27. (1) If income assistance, hardship assistance or a supplement is provided to or for a family unit that is not eligible for it, recipients who are members of the family unit during the period for which the overpayment is provided are liable to repay to the government the amount or value of the overpayment provided for that period.
- (2) The minister's decision about the amount a person is liable to repay under subsection (1) is not appealable under section 17 (3) [*reconsideration and appeal rights*].

Liability for and recovery of debts under Act

28. (1) An amount that a person is liable to repay under this Act or the regulations is a debt due to the government that may be
- (a) recovered in a court that has jurisdiction, or
 - (b) deducted in accordance with the regulations, from any subsequent income assistance, hardship assistance or supplement for which the person's family unit is eligible or from an amount payable to the person by the government under a prescribed enactment.
- (2) Subject to the regulations, the minister may enter into an agreement, or accept any right assigned, for the repayment of an amount referred to in subsection (1).
- (3) An agreement under subsection (2) may be entered into before or after the income assistance, hardship assistance or supplement to which it relates is provided.
- (4) A person is jointly and separately liable for a debt referred to under subsection (1) that accrued in respect of a family unit while the person was a recipient in the family unit.

No garnishment, attachment, execution or seizure

29. (1) Income assistance, hardship assistance and supplements are exempt from garnishment, attachment, execution or seizure under any Act.

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- (2) Subsection (1) does not prevent income assistance, hardship assistance or a supplement being retained by way of a deduction or set off under this Act, the *Financial Administration Act* or a prescribed enactment.

Agreements

- 30.** (1) Subject to subsections (2) and (2.1), the minister may enter into an agreement with any person or group of persons.
- (2) With the prior approval of the Lieutenant Governor in Council, the minister may enter into an agreement, including an information-sharing agreement, on behalf of the government of British Columbia with any of the following:
- (a) the government of Canada or an agency of the government of Canada;
 - (b) the government of a province or another jurisdiction in Canada or an agency of the government of a province or other jurisdiction;
 - (c) the government of a state of the United States or an agency of that government.
- (2.1) With the prior approval of the Lieutenant Governor in Council, 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, or
 - (b) a legal entity representing an aboriginal community.
- (2.2) Prior approval is not required under subsection (2.1) if the information-sharing agreement is for the purpose of the administration or enforcement of this Act, the *Employment and Assistance for Persons with Disabilities Act* or another enactment.
- (2.3) An information-sharing agreement under this section is not required for the purpose of sharing for research purposes personal information collected under this Act if the personal information is disclosed in accordance with section 35 of the *Freedom of Information and Protection of Privacy Act*.
- (3) An information-sharing agreement may be entered into under subsection (2) or (2.1) only for
- (a) the purposes of the administration or enforcement of
 - (i) this Act,
 - (ii) the *Income Tax Act* or the *Income Tax Act* (Canada),
 - (iii) the *Immigration and Refugee Protection Act* (Canada),

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- (iv) a social benefit program operated by a government, an agency, a public body or a legal entity referred to in subsection (2) or (2.1), or
- (b) a purpose for which the minister is authorized under the *Freedom of Information and Protection of Privacy Act* to disclose personal information in the jurisdiction of the government, agency, public body or entity with which the agreement is made.
- (4) In this section, "**information-sharing agreement**" includes a data-matching agreement.

(B.C Reg. 193/2006)

Offence of supplying false or misleading information

- 31.**
- (1) A person commits an offence who supplies, in an application under this Act or when directed or required under section 10 (1), (2) or (3) [*information and verification*], section 11 [*reporting obligations*] or the regulations, information that is false or misleading with respect to a material fact.
 - (2) A person does not commit an offence under subsection (1) if, at the time the information was supplied, the person did not know that it was false or misleading and, with the exercise of reasonable diligence, could not have known that it was false or misleading.
 - (3) A person who commits an offence under this section is liable on conviction to a fine of not more than \$2 000 or to imprisonment for not more than 6 months or to both.
 - (4) If a person is convicted of an offence under this section, in addition to a penalty that may be imposed under subsection (3), the court may order the person to repay the government all or part of any amount that person received under this Act as a result of committing the offence.
 - (5) If the court makes an order under subsection (4) and the amount ordered to be paid is not paid immediately, the government may file the order with a court in British Columbia that has jurisdiction.
 - (6) An order filed under subsection (5) may be enforced in the same manner, as applicable, as if it were
 - (a) a judgment of the Supreme Court, or
 - (b) a payment order of the Provincial Court.

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Other provisions relating to offences

32. (1) Section 5 of the *Offence Act* does not apply to this Act or the regulations.
- (2) The time limit for laying an information for an offence under this Act is 12 months after the facts on which the information is based first came to the minister's attention.
- (3) A document purporting to have been issued by the minister, certifying the date on which the minister became aware of the facts on which the information is based,
- (a) is admissible without proof of the signature or official character of the person appearing to have signed the certificate, and
 - (b) is proof of the certified facts unless there is evidence to the contrary.

Minister's powers

33. (1) For the purposes of this Act, the minister may acquire and dispose of real or personal property.
- (2) The minister may conduct surveys and research activities for the purposes of program evaluation.
- (3) The minister may
- (a) prescribe forms for use under this Act, and
 - (b) specify forms for use under this Act.

Delegation of minister's powers and duties

34. (1) Subject to the regulations, the minister may delegate to any person or category of persons any or all of the minister's powers, duties or functions under this Act except
- (a) the power to prescribe forms,
 - (b) the power to appoint members to the tribunal, and
 - (c) the power to enter into an agreement under section 30 (2) or (2.1) unless section 30 (2.2) applies in relation to the agreement.
(B.C. Reg. 193/2006)
- (2) A delegation of the powers, duties or functions of the minister must be in writing and may include any limits or conditions the minister considers advisable.

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Power to make regulations

35. (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) specifying forms of assistance for the purpose of the definition of "supplement";
 - (b) prescribing categories of income assistance, hardship assistance and supplements which, without limitation, may relate to the purpose, duration or frequency of the income assistance, hardship assistance or supplement or the category of person who, or family unit that, is eligible for it;
 - (c) establishing conditions that persons must satisfy to be eligible to apply for income assistance or hardship assistance and the information, authorizations and verifications that must be provided in order to demonstrate that those conditions are satisfied;
 - (d) respecting applications for income assistance, hardship assistance and supplements and the information, authorizations and verifications that must be provided in support of those applications;
 - (e) defining persons or categories of persons who, or family units or categories of family units that, qualify for categories of income assistance, hardship assistance and supplements;
 - (f) governing eligibility for income assistance, hardship assistance or a supplement;
 - (g) prescribing rules for determining the income and assets of a family unit;
 - (h) prescribing rules for determining the rate or amount of income assistance, hardship assistance or a supplement;
 - (i) regulating the time and manner of providing income assistance, hardship assistance and supplements;

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- (j) specifying conditions on which income assistance, hardship assistance or a supplement may be provided, including a condition that the income assistance, hardship assistance or supplement be provided on a repayable basis, and the consequences of failing to comply with those conditions;
 - (k) respecting the duties of persons who administer income assistance, hardship assistance or a supplement received by them for others;
 - (l) respecting the information, authorizations and verifications that must be provided for the purposes of entering into, amending, suspending, cancelling or auditing compliance with an employment plan;
 - (m) and (n) [Not in Force.]
 - (o) prescribing the periods for which a family unit may be declared ineligible under section 10 (4) [*information and verification*], section 14 (3) (b) [*consequences of not accepting or disposing of property*] or the regulations;
 - (p) prescribing periods of ineligibility for the purposes of sections 13 (2) (b) [*consequences of not meeting employment-related obligations*] and 14 (2) [*consequences of not accepting or disposing of property*];
 - (q) prescribing the amount of a reduction under section 15 (5) (b) [*consequences for conviction, acknowledgment or judgment in relation to Act*].
- (3) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) specifying the amounts and duration of a reduction under section 9 (5) [*employment plan*], section 10 (5) [*information and verification*], section 13 (2) (a) [*consequences of not meeting employment-related obligations*], section 14 (3) (a) [*consequences of not accepting or disposing of property*] or the regulations;
 - (b) prescribing periods for the purpose of section 15 (3) [*consequences for conviction, acknowledgment or judgment in relation to Act*];
 - (b.1) prescribing amounts and periods for the purpose of section 15.1 (2); (B.C. Reg. 193/2006)
 - (c) prescribing additional circumstances in which the minister may declare a family unit ineligible for, or may reduce, income assistance, hardship assistance and supplements;

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- (d) governing investigations and audits to determine eligibility for income assistance, hardship assistance and supplements and to ensure compliance with this Act and the regulations;
- (e) prescribing, for the purpose of section 28 (2) [*liability for and recovery of debts under Act*], the circumstances in which repayment agreements may be entered into or assignments accepted, and the terms to be included in those agreements or assignments;
- (f) prescribing enactments for the purpose of sections 28 (1) (b) [*liability for and recovery of debts under Act*] and 29 (2) [*no garnishment, attachment, execution or seizure*];
- (g) specifying time limits and other rules for the purpose of a reconsideration under section 17 [*reconsideration and appeal rights*];
- (h) governing qualifications and criteria for appointment to the tribunal of
 - (i) the chair,
 - (ii) a vice chair, and
 - (iii) other members;
- (i) specifying time limits and other requirements for the purposes of commencing or conducting an appeal under Part 3 [*appeals*];
- (j) respecting the functions of the chair or vice chairs;
- (k) respecting reinstatement of income assistance and supplements pending a reconsideration or an appeal;
- (l) prescribing the period within which a hearing must be conducted for the purpose of section 22 (3) [*panels of the tribunal to conduct appeals*];
- (m) respecting the consolidation of 2 or more appeals to be heard at a single appeal hearing;
- (n) prescribing the practices and procedures of a panel;
- (o) respecting functions of a panel chair;

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- (p) respecting consequences of non compliance with rules governing appeals;
 - (q) defining a quorum of a panel;
 - (r) respecting the confidentiality of documents submitted to, and decisions made by, a panel;
 - (s) respecting the withdrawal or replacement of panel members in the course of a hearing under section 22 [*panels of the tribunal to conduct appeals*];
 - (t) respecting service and delivery of documents or the giving of notice under this Act or the regulations;
 - (u) respecting terms or conditions that are to be included in information-sharing agreements under section 30 (2) or (2.1) [*agreements*]; (B.C. Reg. 193/2006)
 - (v) respecting the delegation of the powers, duties and functions of the minister;
 - (w) prescribing the manner and minimum amount of a deduction under section 28 (1) (b) [*liability for and recovery of debts under Act*];
 - (x) respecting any matter that, by this Act, is to be prescribed, determined or regulated by regulation;
 - (y) defining any word or expression used in this Act or the regulations.
- (4) In making regulations under this Act, the Lieutenant Governor in Council may do one or more of the following:
- (a) delegate a matter to a person;
 - (b) confer a discretion on a person;
 - (c) make different regulations for different groups or categories of persons or family units.

Regulations respecting time-limited income assistance

36. (1) The Lieutenant Governor in Council may make regulations for the purpose of providing income assistance on a time-limited basis only and, for that purpose, may make the following regulations:
- (a) providing that income assistance is to be provided on a time-limited basis in accordance with the regulations under this section unless the family unit is exempted by a regulation under paragraph (f);

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- (b) establishing a time-limited income assistance cycle and prescribing the maximum proportion of that cycle for which a family unit is eligible, as applicable, for
 - (i) income assistance, if regulations under paragraph (c) apply, or
 - (ii) income assistance unreduced by regulations under this section, if regulations under paragraph (d) apply;
 - (c) prescribing categories of persons whose family units are not eligible for income assistance for the remainder of the cycle when the maximum under paragraph (b) has been reached;
 - (d) prescribing categories of persons whose family units' income assistance must be reduced for the remainder of the cycle when the maximum under paragraph (b) has been reached;
 - (e) prescribing the amount of a reduction under paragraph (d);
 - (f) exempting the family units of specified categories of recipients from a regulation under paragraph (a);
 - (g) prescribing periods of time that must not be included for the purpose of calculating whether the maximum under paragraph (b) has been reached.
- (2) In making regulations under this section, the Lieutenant Governor in Council may provide that, for the greater portion of an income assistance cycle established under subsection (1) (b), income assistance
- (a) must not be provided, or
 - (b) must be reduced.
- (3) Regulations under this section may be made retroactive to April 1, 2002 and, if so, are retroactive to the extent necessary to give them effect on and after that date.

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Regulations respecting eligibility and assignment of maintenance rights

37. (1) The Lieutenant Governor in Council may make regulations governing the assignment of maintenance rights and the recovery of the amount of income assistance and hardship assistance provided in place of maintenance, including the following regulations:
- (a) prescribing categories of persons whose family units are not eligible for income assistance or hardship assistance unless they and their dependants assign to the minister any maintenance rights that
 - (i) they have respecting maintenance for themselves or a dependent child, and
 - (ii) are specified under paragraph (b);
 - (b) specifying maintenance rights that are to be assigned to the minister, including, but not limited to, any of the following rights:
 - (i) to make an application under an enactment of British Columbia for a maintenance order;
 - (ii) to enter into a maintenance agreement;
 - (iii) to make or defend an application for variation of a maintenance order or maintenance agreement;
 - (iv) to receive payment under
 - (A) a maintenance order made under the *Divorce Act* (Canada) or otherwise, or
 - (B) a maintenance agreement;
 - (v) to enforce a maintenance order or maintenance agreement;
 - (vi) to file a maintenance order or maintenance agreement under the *Family Maintenance Enforcement Act*;
 - (c) governing how and to whom notice of an assignment of maintenance rights must be given;
 - (d) governing how long an assignment of maintenance rights remains in effect for different categories of maintenance rights;

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- (e) prescribing terms that are to be included in an assignment of maintenance rights and the consequences of failure to comply with those terms;
 - (f) determining the amounts that may
 - (i) be deducted from maintenance payments received under an assignment of maintenance rights, and
 - (ii) be retained by the governmentto recover the amount of income assistance or hardship assistance provided in place of maintenance while the assignment is in effect;
 - (g) respecting the method of accounting to a recipient for payments received under an assignment of maintenance rights and for deductions made from those payments.
- (2) A regulation under subsection (1) (b) (iv) may specify that the minister be assigned the right to receive arrears of maintenance that are paid while the assignment is in effect, even though the arrears accrued before
- (a) the regulation came into force, or
 - (b) income assistance or hardship assistance was provided to or for the family unit that becomes eligible as a result of the assignment.
- (3) A regulation under subsection (1) (d) may provide that an assignment of maintenance rights remains in effect for a specified period after the family unit that became eligible for income assistance or hardship assistance as a result of the assignment ceases to receive either income assistance or hardship assistance.
- (4) While an assignment of maintenance rights is in effect, the minister
- (a) may make an application or bring a proceeding relating to the assigned rights in the name of the government or in the name of the person who made the assignment, and
 - (b) has the same right to be notified and to participate in any proceedings relating to the assigned rights that, but for that assignment, the person who made the assignment would have had.
- (5) While an assignment of maintenance rights is in effect, the person who made the assignment is not entitled to exercise any of the assigned rights
- (a) except to the extent authorized in writing by the minister, and
 - (b) subject to any terms or conditions specified in the authorization.

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Regulations prescribing ineligibility in relation to former or other Act

38. The Lieutenant Governor in Council may make regulations prescribing consequences for a family unit, including periods of ineligibility for income assistance or hardship assistance under this Act, for any of the following:
- (a) a conviction of a person in the family unit under the *Criminal Code* in relation to obtaining money by fraud or false or misleading representation under a former Act or the *Disability Benefits Program Act*;
 - (b) a conviction of a person in the family unit for an offence under a former Act or the *Disability Benefits Program Act*;
 - (c) a written acknowledgment by a person in the family unit of receiving income assistance, a youth allowance, hardship assistance or a benefit under a former Act, or a disability allowance or benefit under the *Disability Benefits Program Act*, to which the person was not eligible and that was not paid or provided in error;
 - (d) a judgment obtained by the government in an action for debt against a person in the family unit for obtaining income assistance, a youth allowance, hardship assistance or a benefit under a former Act, or a disability allowance or benefit under the *Disability Benefits Program Act*, to which the person was not eligible and that was not paid or provided in error.

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PART 5

TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

Application of sections 35 and 36 of the *Interpretation Act*

39. Subject to sections 41, 42, 43, 44 and 45 and to regulations made under section 40 of this Act, sections 35 and 36 (1) of the *Interpretation Act* apply to all matters affected by the repeal of a former Act and its replacement by this Act.

Transitional regulations

40. The Lieutenant Governor in Council may make regulations considered necessary or advisable to more effectively bring this Act into operation and to facilitate the transition from the operation of any of the following Acts to the operation of this Act:

- (a) *BC Benefits (Appeals) Act*;
- (b) *BC Benefits (Income Assistance) Act*;
- (c) *BC Benefits (Youth Works) Act*;
- (d) *Disability Benefits Program Act*.

Recipients under former Act deemed recipients under this Act

41. (1) On the date this section comes into force, a recipient of income assistance, a youth allowance or benefits under a former Act
- (a) is deemed to have applied for and be in receipt of income assistance or supplements under this Act, and
 - (b) in order to continue receiving income assistance or the supplement, must satisfy the initial and continuing conditions of eligibility established under this Act that apply in respect of the income assistance or supplement.
- (2) On the date this section comes into force, a recipient of hardship assistance under the *BC Benefits (Income Assistance) Act*, other than a person with disabilities,
- (a) is deemed to have applied for and received hardship assistance under this Act, and

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- (b) in order to receive further hardship assistance, must satisfy the conditions of eligibility established under this Act for hardship assistance.
- (3) Despite a final decision of a tribunal, or the BC Benefits Appeal Board, under the *BC Benefits (Appeals) Act*, the minister may
 - (a) adjust an amount of income assistance, youth allowance, hardship assistance or a benefit,
 - (b) alter a category of income assistance, youth allowance, hardship assistance or a benefit provided to or for a recipient referred to in subsections (1) and (2) and his or her dependants, and
 - (c) alter the category of person of the recipient or his or her dependants to equal the amounts or categories of income assistance, hardship assistance or supplements the recipient and his or her dependants are eligible for under this Act.
- (4) An adjustment or alteration referred to in subsection (3) (a) or (b) may be, as applicable,
 - (a) an increase, a decrease or a discontinuance of an amount, or
 - (b) a change in, or a discontinuance or an addition of, a category of income assistance, hardship assistance or supplements.

Indebtedness under former Act

- 42.** On the date this section comes into force, a person
- (a) whose family unit does not include a person with disabilities, and
 - (b) who is indebted to the government under a former Act or the *Guaranteed Available Income for Need Act*, R.S.B.C. 1979, c. 158,
- continues to be liable on the same terms to the government for the amount of indebtedness outstanding on that date and the debt is deemed to have been incurred and to be owing under this Act.

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Assignment of maintenance rights deemed made under this Act

43. An assignment of maintenance rights that
- (a) was made or continued under the regulations to a former Act, and
 - (b) is in effect on the date this section comes into force,
- for a person to whom this Act applies, is deemed to have been made, and continues in force, under and subject to the regulations to this Act.

Transitional -- disqualification under former Act

44. The family unit of a person who, on the date this Act comes into force, is not eligible for income assistance, a youth allowance or hardship assistance under a former Act or a disability allowance under the *Disability Benefits Program Act* because of a period of disqualification imposed under the former Act or the *Disability Benefits Program Act* is not eligible for income assistance or hardship assistance under this Act, as applicable, until the imposed period of disqualification expires, and that period is deemed to have been imposed under this Act.

Transitional -- appeals

45. (1) If, on the date this section comes into force, a person has requested a reconsideration of a decision under a former Act,
- (a) the reconsideration must be conducted in accordance with the procedures under this Act and this Act applies to the decision being reconsidered,
 - (b) if the decision that is reconsidered is a decision that is appealable under this Act, an appeal to the tribunal appointed under section 19 [*employment and assistance appeal tribunal*] of this Act may be commenced in accordance with this Act and this Act applies to the decision being appealed, and
 - (c) if the decision that is reconsidered is a decision that is not appealable under this Act, the decision of the minister on the reconsideration is final and conclusive and is not open to review in a court on any ground or to appeal to any tribunal.

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- (2) If, on the date this section comes into force, an appeal to a tribunal has been commenced under the *BC Benefits (Appeals) Act*,
- (a) if a tribunal has been appointed under that Act
 - (i) the appeal must be to that tribunal and this Act applies to the decision being appealed,
 - (ii) for the purposes of the appeal, that tribunal has the same jurisdiction as, and is deemed to be a panel of, the tribunal under this Act, and
 - (iii) the decision of that tribunal is final and conclusive and is not open to review in a court except on a question of law or excess of jurisdiction or to appeal to any body, and
 - (b) if a tribunal has not been appointed under the *BC Benefits (Appeals) Act*,
 - (i) the appeal must be to the tribunal under, and conducted in accordance with, this Act, and
 - (ii) this Act applies to the decision being appealed.
- (3) If, on the date this section comes into force, an appeal to the BC Benefits Appeal Board has been commenced under the *BC Benefits (Appeals) Act*, despite the repeal of that Act,
- (a) subject to section 46 [*transitional appeal board*], the appeal must be conducted in accordance with the procedures under the *BC Benefits (Appeals) Act*,
 - (b) this Act applies to the decision being appealed, and
 - (c) the decision of the appeal board is final and conclusive and is not open to review in a court except on a question of law or excess of jurisdiction.
- (4) Subsections (1), (2) and (3), as applicable, apply with respect to a decision under the *Child Care Subsidy Act* in respect of which, on the date this section comes into force, a request for a reconsideration under that Act has been made or an appeal to the tribunal or to the BC Benefits Appeal Board has been commenced under the *BC Benefits (Appeals) Act*, except that the *Child Care Subsidy Act* applies to the decision being appealed.

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Transitional appeal board

46. (1) The Lieutenant Governor in Council may appoint a transitional BC Benefits Appeal Board consisting of up to 3 members who must decide appeals referred to in section 45 (3) [*transitional -- appeals*] of this Act and section 36 (3) of the *Employment and Assistance for Persons with Disabilities Act* [*transitional -- appeals*] in panels consisting of one member.
- (2) Despite the repeal of the *BC Benefits (Appeals) Act*, the procedures of the BC Benefits Appeal Board under that Act apply to an appeal referred to in section 45 (3) [*transitional -- appeals*].
- (3) A panel under subsection (1) has the same jurisdiction as the tribunal under this Act and may make any decision that a panel under this Act may make.

Transitional -- retroactive regulations under section 36

47. For the purpose of applying regulations under section 36 [*regulations respecting time-limited income assistance*], for the period between April 1, 2002 and the date that sections 51 and 53 come into force, receipt of income assistance under the *BC Benefits (Income Assistance) Act* or a youth allowance under the *BC Benefits (Youth Works) Act* is deemed to be receipt of income assistance under this Act.

Consequential Amendments and Repeals

BC Benefits (Appeals) Act

48. *The BC Benefits (Appeals) Act, R.S.B.C. 1996, c. 25, is repealed.*

BC Benefits (Child Care Subsidy) Act

49. *The title of the BC Benefits (Child Care Subsidy) Act, R.S.B.C. 1996, c. 26, is repealed and the following substituted:*

CHILD CARE SUBSIDY ACT .

50. *Section 6 is repealed and the following sections are substituted:*

Reconsideration and appeal rights

6. (1) Subject to section 6.1, a person may request the minister to reconsider a decision made under this Act or the regulations about any of the following:
- (a) a decision that results in a refusal to pay a child care subsidy to or for the person;

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- (b) a decision that results in a discontinuance or reduction of the person's child care subsidy.
- (2) A request under subsection (1) must be made, and the decision reconsidered, within the time limits and in accordance with any rules specified in the regulations.
- (3) Subject to section 6.1, a person who is dissatisfied with the outcome of a request for a reconsideration under subsection (1) may appeal the decision that is the outcome of the request to the Employment and Assistance Appeal Tribunal appointed under section 19 of the *Employment and Assistance Act*.
- (4) A right of appeal given under subsection (3) is subject to the time limits and other requirements set out in the *Employment and Assistance Act* and the regulations under that Act.

No appeal from decision based on same circumstances

6.1 If a person reapplies for a child care subsidy after

- (a) the person's eligibility for the child care subsidy has been determined under this Act,
- (b) a right of appeal under section 6 (3) has been exercised in respect of the determination referred to in paragraph (a), and
- (c) the decision of the tribunal in respect of the appeal referred to in paragraph (b) has been implemented,

no right of reconsideration or appeal exists in respect of the second or a subsequent application unless there has been a change in circumstances relevant to the determination referred to in paragraph (a).

BC Benefits (Income Assistance) Act

51. *The BC Benefits (Income Assistance) Act, R.S.B.C. 1996, c. 27, is repealed.*

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BC Benefits Statutes Amendment Act, 1997

52. *The BC Benefits Statutes Amendment Act, 1997, S.B.C. 1997, c. 15, is amended by striking out "under the BC Benefits (Income Assistance) Act, the BC Benefits (Youth Works) Act" and substituting "under the Employment and Assistance Act" in each of the following sections:*

- (a) section 10 (a), as it amends section 10 (1) (a) of the Family Maintenance Enforcement Act;*
- (b) section 10 (b), as it amends section 10 (1) (b) of the Family Maintenance Enforcement Act;*
- (c) section 11 (b), as it amends section 18 (6.1) (c) of the Family Maintenance Enforcement Act;*
- (d) section 12, as it amends section 21 (10) (e) of the Family Maintenance Enforcement Act;*
- (e) section 14, as it amends section 32 (1) (e) of the Family Maintenance Enforcement Act.*

BC Benefits (Youth Works) Act

53. *The BC Benefits (Youth Works) Act, R.S.B.C. 1996, c. 28, is repealed.*

Cemetery and Funeral Services Act

54. *Section 51 (1) (h) of the Cemetery and Funeral Services Act, R.S.B.C. 1996, c. 45, is amended by striking out "the BC Benefits (Income Assistance) Act" and substituting "the Employment and Assistance Act".*

Child Care BC Act

55. *Section 2 (2) (b) of the Child Care BC Act, S.B.C. 2001, c. 4, is amended by striking out "BC Benefits (Child Care Subsidy) Act" and substituting "Child Care Subsidy Act".*

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Community Care Facility Act

56. *The Community Care Facility Act, R.S.B.C. 1996, c. 60, is amended*

(a) *in paragraph (b) (ii) of the definition of "community care facility" in section 1 by striking out "under the BC Benefits (Income Assistance) Act, a youth allowance is provided under the BC Benefits (Youth Works) Act" and substituting "under the Employment and Assistance Act", and*

(b) *in section 20 (2) (g) (i) by striking out "under the BC Benefits (Income Assistance) Act, a youth allowance is provided under the BC Benefits (Youth Works) Act" and substituting "under the Employment and Assistance Act".*

Criminal Injury Compensation Act

57. *Section 15 (3) of the Criminal Injury Compensation Act, R.S.B.C. 1996, c. 85, is amended by striking out "under the BC Benefits (Income Assistance) Act, a youth allowance under the BC Benefits (Youth Works) Act" and substituting "under the Employment and Assistance Act".*

Debtor Assistance Act

58. *Section 2 (2) (c) of the Debtor Assistance Act, R.S.B.C. 1996, c. 93, is amended by striking out "under the BC Benefits (Income Assistance) Act, a youth allowance is provided under the BC Benefits (Youth Works) Act" and substituting "under the Employment and Assistance Act".*

Evidence Act

59. *Section 61 (1) (c) to (e) of the Evidence Act, R.S.B.C. 1996, c. 124, is repealed and the following substituted:*

(c) *for the Employment and Assistance Act, each person to whom the minister has delegated powers or duties under that Act;*

(e) *for the Child Care Subsidy Act, each person to whom the minister has delegated powers or duties under that Act; .*

EMPLOYMENT AND ASSISTANCE ACT

Family Maintenance Enforcement Act

60. *The Family Maintenance Enforcement Act, R.S.B.C. 1996, c. 127, is amended*
- (a) *in paragraph (a) of the definition of "creditor" in section 1 (1) by striking out "assigned under the BC Benefits (Income Assistance) Act, the BC Benefits (Youth Works) Act" and substituting "assigned, or deemed to have been assigned, under the Employment and Assistance Act",*
 - (b) *in sections 1 (1.1) and 5 (2) by striking out "a minister under the BC Benefits (Income Assistance) Act, the BC Benefits (Youth Works) Act" and substituting "the minister under the Employment and Assistance Act",*
 - (c) *in section 6 (5) by striking out "under the BC Benefits (Income Assistance) Act, the BC Benefits (Youth Works) Act" and substituting "under the Employment and Assistance Act",*
 - (d) *in section 14.4 (4) (b) by striking out "under the BC Benefits (Income Assistance) Act, a youth allowance under the BC Benefits (Youth Works) Act" and substituting "under the Employment and Assistance Act",*
 - (e) *in section 43 (1) (c) (i) by striking out "of the BC Benefits (Income Assistance) Act, the BC Benefits (Youth Works) Act" and substituting "of the Employment and Assistance Act", and*
 - (f) *in section 44 (a) by striking out "the BC Benefits (Income Assistance) Act," and substituting "the Employment and Assistance Act or the BC Benefits (Income Assistance) Act,".*

Family Relations Act

61. *Section 91 (5) of the Family Relations Act, R.S.B.C. 1996, c. 128, is amended by striking out "under section 24.1 of the BC Benefits (Income Assistance) Act, section 15.1 of the BC Benefits (Youth Works) Act" and substituting "under the Employment and Assistance Act".*

EMPLOYMENT AND ASSISTANCE ACT

Freedom of Information and Protection of Privacy Act

62. *Schedule 2 of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended by striking out the following:*

Public Body: BC Benefits Appeal Board

Head: Chair .

Hospital Act

63. *Section 56 (3) (b) (i) of the Hospital Act, R.S.B.C. 1996, c. 200, is amended by striking out "under the BC Benefits (Income Assistance) Act, a youth allowance is provided under the BC Benefits (Youth Works) Act" and substituting "under the Employment and Assistance Act".*

Vancouver Charter

64. *Section 484 (b) of the Vancouver Charter, S.B.C. 1953, c. 55, is amended by striking out "BC Benefits (Income Assistance) Act" and substituting "Employment and Assistance Act".*

Commencement

65. This Act comes into force by regulation of the Lieutenant Governor in Council.