

Chronology of education legislation and actions by the BC Liberal government since 2001

Summary of legislation and actions

Year	Date	Bill or Action
2001	Aug 9	Bill 8 - Protection of Parent Volunteers Amendment Act, 2001
	Aug 16	Bill 18 - Skills Development and Labour Statutes Amendment Act, 2001
	Oct 3	Announced a freeze on public education funding until 2004
	Nov 23	BC unions challenged Liberals' labour laws at ILO
2002	Jan 27	Bill 27 – Education Services Collective Agreement Act
	Jan 28	Bill 28 – Public Education Flexibility and Choice Act
	Feb 5	Government will not fund the cost of the imposed contract for 2nd & 3rd years
	Mar 1	Announced new funding formula
	Mar 28	Select Standing Committee on Education released its blueprint report
	Apr 30	Bill 17 – Child, Family and Community Service Amendment Act, 2002
	May 13	Bill 34 – School Amendment Act, 2001
	Sep 20	Ministry reneged on special purpose technology grants
2003	Apr 23	Minister tabled changes to the Graduation Program in an open cabinet mtg
	May 1	Task Force on Rural Education report released
	May 29	Bill 50 – School Amendment Act, 2003
	May 29	Bill 51 – Teaching Profession Amendment Act, 2003
	Oct 8	Bill 37 – Skills Development and Labour Statutes Amendment Act, 2003
2004	Apr 22	Bill 19 – Education Services Collective Agreement Amendment Act, 2004
	May 18	Bill 55 – Teaching Profession Amendment Act, 2004
	Oct 5	Announced maintenance & expansion of the supervision of learning program
	Dec 16	Released the government-commissioned report on teacher collective bargaining
2005	Oct 7	Bill 12 – Teachers' Collective Agreement Act
2006	May 11	Bill 33 – Education (Learning Enhancement) Statutes Amendment Act
	Oct 2	BC Supreme Court decision on school fees
	Nov 28	ILO ruling found the government in contravention of international labour law
2007	Feb 8	Government released its report on bargaining structures for teachers
	May 15	Bill 21 – Teaching Profession (Teacher Registration) Amendment Act, 2007
	May 15	Bill 22 – Education Statutes Amendment Act, 2007
	May 16	Bill 20 – School (Student Achievement Enabling) Amendment Act, 2007
	Jun 8	Supreme Court ruling in favour of health care unions' legal challenge
	Oct 18	Announced cut to the 2007-08 operating grants for secondary students
	Nov 7	Ministry partially backed away from mid-year claw back of funds
2008	Mar 12	Bill 7 – Local Government Statutes Amendment Act, 2008
	May 27	Bill 42 – Election Amendment Act, 2008

Description and impact of legislation and actions

2001

August 9, 2001 (3rd Reading)

Bill 8 – *Protection of Parent Volunteers Amendment Act, 2001*

Authorizes parents to be volunteers at schools. (Source: B.C. Legislative Digest)

Impact:

Undermined collective agreement provisions that differentiated between support staff roles and volunteers. The legislation was used to imply that volunteers were not welcome when in fact teachers encourage parents to be involved in schools. It was an attempt to create division between parents and teachers.

August 16, 2001 (3rd Reading)

Bill 18 – *Skills Development and Labour Statutes Amendment Act, 2001*

Makes education an essential service under the *Labour Relations Code*. (Source: B.C. Legislative Digest)

Impact:

Limited teachers' bargaining rights. The Liberals did not repeal the law despite a ruling by the International Labour Organization that declared their legislation to be in violation of international labour conventions.

October 3, 2001

Liberals announce they intend to freeze public education funding until 2004.

Impact:

Liberals broke their campaign promise to protect education funding. Downloaded significant additional costs onto school boards, thus creating a total funding shortfall of over \$300 million.

Resulted in cuts to programs and services for students, closure of 113 public schools, loss of over 2,500 teaching positions, fewer specialist teachers, and introduction of the four-day week in some areas.

November 23, 2001

B.C. unions challenge Liberals' labour laws at the International Labour Organization.

Impact:

Unions representing teachers, school support workers, health care workers, and nurses in British Columbia filed a formal complaint against the provincial government with the International Labour Organization. The unions asserted that Bills 15 and 18, the laws that

imposed the nurses' contract and made education an "essential service," are contrary to Canada's obligations under international labour standards.

In March 2003, the International Labour Organization ruled that six pieces of legislation imposed by the B.C. Liberals violate international agreements. As the United Nations agency responsible for upholding global labour standards, the ILO urged the Campbell government to repeal the law that made education an essential service, and to rewrite five other bills to bring them into accord with our obligations under UN conventions.

The B.C. Liberal government dismissed the ruling. Premier Gordon Campbell says he feels "no pressure whatsoever" to bring our province into compliance with an international convention to which we are signatory.

2002

January 27, 2002 (3rd Reading)

Bill 27 – *Education Services Collective Agreement Act*

Provides for the constitution of a collective agreement between the BCTF and BCPSEA and provides for the appointment of a commission to review procedures for collective bargaining in the education sector. (Source: B.C. Legislative Digest)

Impact:

Imposed the teachers' collective agreement. After falling behind inflation for the past nine years, teachers' salaries increased by two-and-a-half percent in each of three years.

In several amalgamated districts the contract of one local was unilaterally imposed upon the other. "It means that collective agreements negotiated by teachers in Fernie, Kimberley, Golden, Creston-Kaslo, Keremeos, Princeton, Lake Cowichan, Kitimat, Armstrong-Spallumcheen, and Burns Lake have been effectively ripped up by the government," said David Chudnovsky, BCTF President.

January 28, 2002 (3rd Reading)

Bill 28 – *Public Education Flexibility and Choice Act*

Gives school districts, colleges and institutes the power to determine class sizes and to set the school calendar. (Source: B.C. Legislative Digest)

Impact:

Eliminated key provisions that teachers have negotiated over many years.

Class-size limits were stripped from the collective agreement.

Class-size limits for primary students have been increased province-wide, and have been placed in government policy, not contractual guarantees. Kindergarten class sizes increased from 20 to 22 students, and Grades 1-3 increased from 22 to 24.

Government policy on grades 4-12 class sizes are now based on district averages, not firm limits.

Guaranteed services to students with special needs and guaranteed support from specialist teachers, such as librarians, counsellors, ESL and learning resource teachers, were removed from the collective agreement and handed over to the discretion of school districts.

Resulted in larger class sizes, particularly in intermediate and secondary grades, less support for students with special needs, and fewer teachers.

Paved the way for school districts to introduce the four-day week, extended spring vacations, and other cuts to the school year.

February 5, 2002

Liberals announce they will not fund the cost of the imposed contract for the second and third years.

Impact:

School boards required to fund teacher salary increases for 2002-03 and 2003-04.

Forced boards to make cuts to public education, including school closures and reduction in teaching positions, less support for students with special needs, fewer specialists.

Since September 2002, the size of classes has increased and the services provided by specialist teachers such as librarians, counsellors, learning assistance teachers, ESL and others have been cut. At the same time as the number of students in each class increased, support for students with special needs were reduced.

March 1, 2002

Liberals announce a new education funding formula. In previous years, teachers have been included in developing the technical aspects of education funding, but they were shut out of the discussion.

Impact:

The new formula eliminated targeted funding, except for Aboriginal education, and eliminated the cap on administrative spending. Offloaded the accountability from the ministry to local school boards.

The Liberals gave school boards the autonomy and control to decide which services and programs to cut. A confidential cabinet briefing document outlined how the new funding

formula could insulate government from criticism and hold boards accountable for the consequences of provincial policies.

March 28, 2002

The Select Standing Committee on Education released its report on the mandate, governance, management, and service delivery in the K-12 and post-secondary systems.

Impact:

The report contained a number of recommendations unacceptable to teachers, including:

- Further measures to undermine teachers' right to strike and to bargain collectively;
- Establishment of a College of Educators and recommendation that membership in that organization be the only compulsory membership for professional educators.
- Privatization measures

The report provided the Liberals with a blueprint for furthering their attack on the professionalism of teachers and increasing the privatization of educational services.

April 30, 2002 (3rd Reading)

Bill 17 -- *Child, Family and Community Service Amendment Act, 2002*

Allows children under protection to be placed in the custody of extended family or other concerned parties. Adds penalties for contravention of confidentiality provisions.

(Source: B.C. Legislative Digest)

Impact:

The bill reduced protection afforded to children. The previous legislation required anyone with reason to believe a child is at risk of abuse to promptly report it to the proper authorities. The amendment required anyone with concerns to report only "if the child's parent is unwilling or unable to protect the child." The BCTF wrote to the minister expressing grave concerns that "the impact of the changes is likely to be an increase in the amount of unreported child abuse," but the government took no heed of the warning.

May 13, 2002 (3rd Reading)

Bill 34 – *School Amendment Act, 2001*

Establishes school planning councils and district parent advisory councils. Enables school boards to conduct entrepreneurial activities. Makes various amendments regarding enrollment, catchment areas, and allocated funding. (Source: B.C. Legislative Digest)

Impact:

Minister Christy Clark said that the bill would give parents a greater role in school decision-making.

Bill 34 was tabled in the legislature the same day that Vancouver parents went public with their criticism of the cozy relationship between the B.C. Liberals and the B.C. Confederation of Parent Advisory Councils.

Declared that school board employees cannot serve on the school planning council at their own children's school.

Under Bill 34, the minister and the lieutenant-governor were granted expanded powers to fire school boards.

Allowed school districts to set up school district business companies to facilitate profit-making.

September 20, 2002

Ministry reneged on special purpose technology grants which totalled \$10 million per year. In 2001-02 the ministry did not make payments for the final 30% of the grants, and did not inform school districts that the payments were cancelled.

Impact:

Some school boards had already purchased computers or other technology resources, and were told to cover these expenses out of the per-pupil funding. This is another example of the ministry downloading significant costs to school boards which do not have budget funds available. Implication is cuts to programs and services for students.

2003

April 23, 2003

Minister Christy Clark tabled changes to the Graduation Program in an open cabinet meeting.

Impact:

Includes Grade 10 in the Graduation Program, and mandatory Grade 10 and 11 exams.

May impact students who have borderline marks and result in an increase in the Grade 10 drop-out rate.

May 1, 2003

Task Force on Rural Education report released.

Impact:

Report recommends reviewing the funding for rural schools.

The majority of schools closed due to lack of funding are rural schools. Report signaled online learning, private partnerships and regional administration as alternatives for rural school districts.

May 29, 2003 (3rd Reading)

Bill 50 - School Amendment Act, 2003

Provides for the appointment of students to school planning councils and amends the rules for determining priority for enrollment in education programs. (Source: B.C. Legislative Digest)

Impact:

No significant impact on teachers.

May 29, 2003 (3rd Reading)

Bill 51 – Teaching Profession Amendment Act, 2003

Restructures the composition of the College of Teachers' governing council to add government appointees, provides for interim council appointed entirely by government, and requires college members to report professional misconduct. (Source: B.C. Legislative Digest)

Impact:

BC Liberals took over control of the College of Teachers to implement their vision of professional standards (teacher supervision, recertification, etc.).

Teaching was no longer a self-regulating profession. Majority of college councillors appointed by government.

Teachers were required to report on colleagues' professional misconduct.

The College no longer had a say in approving teacher-education programs.

Members of the public can directly file complaints against teachers.

The College must report directly to the minister on College matters, including competence of members. The minister has the power to disallow College by-laws.

Appointees on the council gained additional powers.

The operations of the new, undemocratic College were still to be paid by members' fees.

In October 2003, the college developed "Standards for the education competence and professional conduct of educators in B.C." without any input from people who actually teach children. Many of the "professional standards" are so general they are meaningless but some of the others appear to threaten teachers' democratic rights as citizens.

October 8, 2003 (3rd Reading)

Bill 37 – Skills Development and Labour Statutes Amendment Act, 2003

Amends provisions governing the employment of children. (Source: B.C. Legislative Digest)

Impact:

Allowed employers to hire children as young as 12 with nothing more than a note from home. Removed onus on government to inspect and determine safety of worksite for children. Employers no longer need permits for hiring children aged 12-15. British Columbia now has the weakest labour standards for children working in Canada.

2004**April 22, 2004 (3rd Reading)****Bill 19 – Education Services Collective Agreement Amendment Act, 2004**

Makes retroactive changes to the teachers' collective agreement. (Source: B.C. Legislative Digest)

Impact:

The legislation ensures that there can be no contractual guarantees of class-size limits, services to students with special needs, or support from specialist teachers in B.C. schools.

Section 1 took the provisions stripped from the collective agreement by arbitrator Rice in August 2002, and restored at least in part by the B.C. Supreme Court in January 2004, back out of the agreement, retroactively to July 1, 2002.

Section 3 deleted from the *School Act* the provisions which created the stripping arbitration process in the first place, retroactively to January 28, 2002.

Section 5 prevents adjudication of grievances which rely on stripped language, no matter when they were filed.

It did not change the scope of bargaining permitted by the *School Act* for the next collective agreement. It did not endorse Arbitrator Rice's interpretation of the permissible scope of that bargaining, nor did it overturn the Supreme Court's decision on that issue.

May 18, 2004 (3rd Reading)**Bill 55 – Teaching Profession Amendment Act, 2004**

Makes amendments to the B.C. College of Teachers' governing council and the duty to report professional misconduct. Merges certification and membership in the college. (Source: B.C. Legislative Digest)

Impact:

Bill 55 provided for a 20-member council comprised of 12 elected members, eight appointed by the Lieutenant Governor in Council, at least three of whom must be college members, and one nominated by the deans.

Eight college zones to be established by regulation.

Teachers must report on colleagues' professional misconduct. A member who has reason to believe that another member is guilty of professional misconduct must report to College registrar. Report must be made even if belief is based on privileged information or is confidential and forbidden from disclosure by other legislation.

This change makes two improvements. The professional misconduct that must be reported is limited to:

- conduct in relation to students. "Student" is defined to mean what it means in the *School Act* and the *Independent School Act*;
- "physical harm to a student," "sexual abuse of sexual exploitation of a student," and "significant emotional harm to a student."

The "reason to believe that a person is guilty" still applies. This makes the duty to report more consistent in scope with duties applicable to other professionals.

October 5, 2004

Minister of Education announces the maintenance and expansion of the supervision of learning program.

Impact:

The Province will provide additional funding for the program, which focuses on enhancing the supervisory skills of school principals and vice-principals.

The BCPVPA has received at least \$400,000 to train its members in teacher supervision. Has created a climate of fear and low morale in schools.

Workshop on supervision of learning being offered to administrative officers around the province.

Legitimate supervision is becoming *snoopervision*. Rather than a climate of collegial improvement, we see an abuse of power and a selective model of progressive discipline that violates the contract language around evaluation.

December 16, 2004

The Minister of Labour releases the government commissioned report on teacher collective bargaining.

Impact:

The report by Commissioner Don Wright recommends the further stripping of teachers' bargaining rights. The report accepted 14 recommendations from the employer's side and none from teachers.

Recommends final offer selection as the dispute resolution mechanism. Institutionalizes government interference in teacher bargaining. Proposes reduced bargaining rights for teachers.

2005

October 7, 2005 (3rd Reading)

Bill 12 - *Teachers' Collective Agreement Act*

Constitutes a collective agreement between the British Columbia Teachers' Federation and the British Columbia Public Schools Employers' Association. (Source: B.C. Legislative Digest)

Impact:

Imposed the teachers' collective agreement. The bill extended the terms and conditions of the current contract, that ended on June 30, 2004, to June 30, 2006. The results were five years of imposed conditions of employment, no improvement in students' learning conditions, and 0% on salaries for two years.

Teachers voted to take strike action and began an illegal, two-week province-wide strike on October 7, 2005 which was strongly supported by the labour movement and the public. Judge Brenda Brown ruled the strike was illegal, ordered teachers back to work, and imposed an injunction on union expenditures to support the strike, including a ban on strike pay. Teachers continued their strike, their resolve remained strong and public support gained momentum. The government appointed mediator Vince Ready to facilitate an agreement which was reached on October 21, 2005. The stripped contract language on class size, class composition and specialist teachers was not restored in the agreement. The government committed to consulting with the BCTF on how to include class-size limits in the *School Act*. Judge Brown fined the BCTF \$500,000 for refusing her return-to-work order and decreed that the money be distributed to charities to be chosen by the BCTF in consensus with the BCPSEA.

While the agreement did provide for the harmonization of teachers' salaries and an increase in pay for teachers teaching on call, it did not improve services to students or return full collective bargaining rights to teachers.

2006

May 11, 2006 (3rd Reading)

Bill 33 - *Education (Learning Enhancement) Statutes Amendment Act*

Establishes new class size limits and addresses requirements for consultation and reporting. Amends provisions for distance education courses, now termed "distributed learning". (Source: B.C. Legislative Digest)

Impact:

The government has not provided school districts with any new funding to implement the legislation. Many secondary students are still waiting for smaller classes and students with special needs at all levels are waiting for the support they need.

The number of classes in 2007 with four or more students with special needs grew by almost 8% over last year. The ministry reports that 10,313 classes had four or more students this year, compared to 9,559 in 2006/07.

The number of classes with more than 30 students decreased only slightly — from 3,242 in 2006 to 3,179 in 2007. That means that only 63 more classes met the class size limit in 2007.

Despite the decrease being quite small, the minister's spin is that the number of classes over 30 has decreased 66% over two years. This is based on there having been 9,253 classes over 30 reported in the 2005/06 school year. She said that there should not be an expectation that class sizes will continue to decrease in size in the future.

Members are experiencing Bill 33 as a "failed promise" and that there will not be significant improvements in class size and composition unless funding is increased.

Bill 33 also had significant sections that redefined the situation with distributed learning in BC and provided the legal framework for the policies that would shape the new look of online learning. Bill 33 defined "distributed learning" in a way that combined the traditional correspondence courses with a delivery of education by various new media, including online programs.

Bill 33 also required school boards to fall in line if they wanted to offer distributed learning and brought a new blending of the public and private school systems. The legislation opened more "choice" for Grade 10, 11, and 12 students who could now take distributed learning courses from any school district program approved by the ministry.

There are serious workload issues for distributed learning teachers. The nature of work in distributed learning has not been addressed at the bargaining table and no provisions specific to distributed learning exist currently. In addition, the class size and class composition limits defined by legislation explicitly exclude distributed learning from those provisions. With the growth of distributed learning, it is essential to address issues of concern about working conditions.

October 2, 2006

BC Supreme Court decision upholds a section of the *School Act* prohibiting the charging of fees for materials that are required in courses leading to graduation.

Impact:

It is the second time the courts have ruled against user fees in the public education system. The court has found fees may be charged for extracurricular materials and events not considered necessary by the teacher or the school. However, it prohibits school boards from charging for

materials such as musical instruments and other equipment required for completion of any course.

The government has not provided adequate funding to support the court ruling and boards continue to grapple with underfunding, even though the minister of education claims the government is providing “the highest funding ever.”

November 28, 2006

The International Labour Organization (ILO) has again found the BC government in contravention of international labour law by interfering in collective bargaining and undermining the province’s collective bargaining system.

Impact:

The ruling is the fourth in a series that condemn the BC government’s treatment of teacher bargaining rights. The ILO states the government actions “can only, in the long term, prejudice and destabilize the labour relations climate” in BC. In this latest decision regarding the 2005 imposition of a contract on BC teachers, the ILO says it “deeply regrets” the government’s “continuing interference in collective bargaining through legislation aimed at stripping the BCTF of its collective bargaining rights.”

2007

February 8, 2007

The BC Government releases its report on the collective bargaining system for BC teachers.

Impact:

The report on bargaining structures fails to address any of the concerns raised by teachers which the BCTF presented in its submissions to government. It recommends no changes to the current bargaining system.

It does not provide any avenue for teachers to bargain what they need in their classroom or their school. It has been over 15 years since teachers have been able to address their concerns across a local bargaining table. It fails to provide any opportunity for teachers to alleviate deteriorating conditions facing their students. There is no provision for negotiating levels of service either in the classroom or for the support services of specialist teachers. It acknowledges that the current structure is flawed and relies on the ongoing insertion of a mediator.

Just as Bill 33 failed to address class-size and composition problems, the report fails to recommend any improvements to the bargaining structure by considering a free and fair collective bargaining process.

May 15, 2007 (3rd Reading)

Bill 21 – *Teaching Profession (Teacher Registration) Amendment Act, 2007*

Requires the B.C. College of Teachers to establish an online discipline registry of its members and adds provisions for mandatory reporting of matters relating to dismissal, suspension or discipline. (Source: B.C. Legislative Digest)

Impact:

The legislation targets teachers and paves the way for a discipline registry and an employment registry.

Reprimands may be removed from the registry after five years. There are no provisions for the removal of suspensions or cancellations. The college is required to publish the names of disciplined members along with the reasons they were disciplined. The college is also required to create an employers' registry with a list identifying members and their employers. The information in this registry is available to all school boards.

May 15, 2007 (3rd Reading)

Bill 22 – *Education Statutes Amendment Act, 2007*

Makes amendments regarding school district business companies and requires school boards to establish a code of conduct in accordance with Provincial standards. Adds provisions for the reimbursement of designated educational activity expenses and the creation of personal education numbers for students attending private post-secondary institutions. (Source: B.C. Legislative Digest)

Impact:

The government is still tinkering with the rules for the school district business companies. These are companies the government encouraged school boards to establish as fund raisers. The legislation treats education as a commodity to be purchased.

Every school must have a ministry-approved code of conduct for students.

One provision in Bill 22 allows the government to use the teachers' college to send their message directly to teachers. It states "The college must distribute information requested by the minister to the members at the time and in the manner requested by the minister." The government (taxpayers) must reimburse the college for costs. We are not aware of any other professional college that can be used this way.

In what appears to be a semi-voucher system, the legislation has provisions for the minister to reimburse students for expenses incurred for educational activities "if the student or child demonstrates a standard of achievement, satisfactory to the minister..." The minister can designate the activities, set a limit on the number activities that can be reimbursed, and set the amount of reimbursement.

May 16, 2007 (3rd Reading)

Bill 20 – *School (Student Achievement Enabling) Amendment Act, 2007*

Authorizes the appointment of Superintendents of Achievement. Requires boards to establish a district literacy plan, prepare achievement contracts and report on student achievement. Allows school districts to charge fees for certain courses and materials. (Source: B.C. Legislative Digest)

Bill 20 includes the following amendments to the *School Act*:

- Creates superintendents of achievement who may inspect board records, enter schools, and interview employees and students.
- Provides the ability for parents who are "dissatisfied with a board ruling, such as the suspension of a student," to appeal to the superintendents of achievement.
- Establishes boards of education and mandating that boards prepare an achievement contract with respect to student performance, plans for improving student achievement, early learning programs, and literacy.
- Provides for the appointment of a special trustee if a board does not comply with an administrative directive to meet its obligations under an achievement contract.
- Defines special academies and allowing for students to be charged fees to attend the academy and also allowing for fees to be charged for some courses and materials.
- Broadens the minister's capacity to create provincial demonstration schools.
- Requires boards to establish district literacy plans.

Impact:

The bill centralized power in the ministry and increased the education bureaucracy. Government directives must be obeyed and the minister has the power to remove boards or trustees who do not fall in line.

June 8, 2007

The Supreme Court of Canada has issued one of the most important decisions in Canadian labour history by declaring, for the first time, that collective bargaining rights are protected by the Charter of Rights.

Impact:

The court ruled in favour of the healthcare unions' appeal that the BC Liberal government did not have the right to unilaterally strip provisions from their collective agreements in January 2002. As a result of the ruling, the BCTF is proceeding with legal action to challenge the legislation which stripped the teachers' collective agreement in January 2002.

October 18, 2007

The Ministry of Education announced a cut to the 2007–08 operating grants for secondary students in Grades 10, 11, and 12. Operating grants will no longer contain a per-pupil funding base rate for students at these grade levels.

Impact:

BC's Ministry of Education has changed the rules in the middle of the school year, creating further instability in public education and leaving school districts across the province scrambling to meet commitments in the face of a budget shortfall.

November 7, 2007

The Ministry of Education appears to be partially backing away from its mid-year claw back of funds from school districts.

The ministry released six pages of revised rules for school districts to use in recalculating funding for the current school year. The new policies are announced in the document: *Frequently Asked Questions: Funding Formula Adjustments*.

Impact:

There is every indication that a further revision of the funding formula is under way. The Ministry of Education budget is short about \$50 million because of increased demands. The ministry had to find funds to make up for summer school fees that were charged by districts, despite a court ruling that districts are not allowed to charge fees. In addition, the encouragement of students to take online courses produced an increase in the funding required to pay for those courses.

2008

March 12, 2008 (3rd Reading)

Bill 7 – Local Government Statutes Amendment Act, 2008

Makes various amendments with respect to local government elections, bylaws, borrowing by regional districts and payments in lieu of taxes to municipalities. Expands election campaign funding disclosure rules and enables a property tax sharing agreement for revenues generated by coal mining in the Elk Valley. (Source: B.C. Legislative Digest)

Impact:

Requires groups and individuals organizing around issues which could have an impact on local government elections to register, set up a separate bank account, name a financial agent, and file a disclosure report in each municipality. This bill specifies no time period, making it in effect for the full three years between local government and school board elections. The government made the legislation retroactive to March 5, 2008, but has not yet produced any handbook, guidelines, or forms to clarify the rules.

May 27, 2008 (Amended); April 30, 2008 (1st Reading)

Bill 42 – Election Amendment Act, 2008

Prohibits contributions from Federal political parties, sets new spending limits and adds provisions concerning advertising, powers of enforcement, voter registration and voter identification.

Impact:

On May 29, 2008 the BC Liberals forced closure and passed Bill 42. This gag law, a restriction on the freedom of expression, significantly expands the definition of third-party advertising and extends the period to which the rules apply before the provincial election.

The original bill would have banned advertising beyond a certain spending limit (\$150,000 for any organization) for a full 120 days before the election call and during the 28-day election period. In other words, groups and individuals would have been prevented from freely engaging in a free expression of opinion for a full five months—taking in not just the election but the government’s throne speech and the budget.

This legislation met with opposition from a very broad range of groups and organizations, including the BC Civil Liberties Association, the BC Federation of Labour, political commentators, public sector unions, and the Independent Business and Contractors Association. In fact, Gordon Campbell himself was a very vocal opponent of this type of “gag” legislation when he was in Opposition.

The Liberal government misjudged public feeling and after being assailed from all quarters, including business and the CanWest Global media, the government reduced the time period from 120 days to 60 days. While that is an improvement, it is still an unprecedented violation of freedom of expression cynically designed to silence effective criticism of the government. Campbell did not change the spending limit or address the issue of more onerous “proof of residence” requirements for homeless people.

The legislation does not limit contributions to political parties or limit self-congratulatory government advertising, which can be expected to increase considerably as the province heads towards an election.

Legal advice obtained by the BCTF and other unions suggests that even with the amendment, the legislation is unconstitutional.

Teachers attending the spring 2008 provincial Representative Assembly of the BCTF unanimously endorsed executive recommendations that would see teachers working with other community groups and unions to undertake whatever legal and political actions necessary to restore the right of free speech limited in Bill 42.

[The *B.C. Legislative Digest* is the source for the description of the government bills. It is edited and published by the British Columbia Courthouse Library Society, Vancouver, B.C. Reproduced with permission.]

DB:tfu
BCTF Information Services
Revised June 3, 2008