

2007 Legislative Session: 3rd Session, 38th Parliament
FIRST READING

HONOURABLE WALLY OPPAL
ATTORNEY GENERAL AND MINISTER
RESPONSIBLE FOR MULTICULTURALISM

BILL 17 — 2007

**ENFORCEMENT OF CANADIAN JUDGMENTS AND DECREES
(TRADE, INVESTMENT AND LABOUR MOBILITY AGREEMENT)
AMENDMENT ACT, 2007**

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

Explanatory Note

SECTION 1: [*Enforcement of Canadian Judgments and Decrees Act, section 1*]
recognizes panel awards under the Trade, Investment and Labour Mobility Agreement Between British Columbia and Alberta as Canadian judgments for the purposes of the Act, and indicates how the Act is to be read when it applies to those awards.

1 Section 1 of the Enforcement of Canadian Judgments and Decrees Act, S.B.C. 2003, c. 29, is amended

(a) by renumbering the section as section 1 (1),

(b) in subsection (1) in the definition of "Canadian judgment" by striking out "but does not include a judgment, decree or order that" and substituting "and, subject to section 1.1, includes a TILMA award, but does not include a judgment, decree or order that",

(c) in subsection (1) by adding the following definitions:

"Agreement" means the Trade, Investment and Labour Mobility Agreement Between British Columbia and Alberta;

"panel" means a panel convened under Article 26 or 29 of the Agreement;

"TILMA award" means

(a) a monetary award within the meaning of Article 29 (7) of the Agreement if no judicial review has been requested in relation to that award under Article 31 (1) within the 15 day period referred to in that Article,

(b) a monetary award within the meaning of Article 29 (7) of the Agreement if

(i) judicial review has been requested in relation to that award under Article 31 (1) within the 15 day period referred to in that Article, and

(ii) the judicial review court determines that the award should neither be set aside nor remitted to a panel, or

(c) if judicial review has been requested under Article 31 (1) of a monetary award within the meaning of Article 29 (7) of the Agreement and the judicial review court remits the award to a panel, the monetary award as confirmed or amended by that panel,

and includes an award of costs under Article 32 (1) of the Agreement. , **and**

(d) by adding the following subsection:

(2) When used in relation to a TILMA award,

(a) a reference in this Act to a judge, registrar, clerk or other proper officer of the court that made the judgment is deemed to be a reference to a member of the panel that made the TILMA award,

(b) a reference in this Act to the province or territory where the judgment was made is deemed to be a reference to British Columbia, and

(c) a reference in sections 6 (1) and (3) (a) and (c) and 10 (a) and (b) to a proceeding is deemed to be a reference to the proceedings that led to the TILMA award.

Explanatory Note

SECTION 2: [*Enforcement of Canadian Judgments and Decrees Act, section 1.1*]
identifies the provisions of the Act that do not apply to TILMA panel awards and confirms that orders under the applicable provisions of section 6 of the Act are subject to the *Crown Proceeding Act*.

2 The following section is added:

TILMA awards

1.1 (1) If a Canadian judgment or a registered Canadian judgment is a TILMA award,

(a) sections 6 (2) (c) (ii) to (iv) and 9 do not apply, and

(b) a reference in section 4 to sections 5 and 6 is deemed to be a reference to sections 5 and 6 (1), (2) (a), (b) and (c) (i), (3) and (4).

(2) If a registered Canadian judgment is a TILMA award against the government, the following must accord with the *Crown Proceeding Act*:

- (a) enforcement of that registered Canadian judgment under section 4 of this Act;
- (b) an order in respect of that registered Canadian judgment under section 6 (2) (a), (b) or
- (c) (i) of this Act.

(3) Subject to subsection (2), nothing in subsection (1) affects the power of the Supreme Court to make, in relation to a registered Canadian judgment that is a TILMA award, any order in relation to the enforcement of that registered Canadian judgment, including, without limitation, any order

- (a) staying or limiting the enforcement of that registered Canadian judgment, or
- (b) respecting the procedure to be used for the enforcement of that registered Canadian judgment,

that the court may make in relation to the enforcement of any other order or judgment of the court.

Commencement

3 This Act comes into force on April 1, 2007 and is retroactive to the extent necessary to give it effect on and after that date.