

---

June 23, 2020

**BULLETIN**

---

### **GOVERNMENT BILL TO VALIDATE EMERGENCY COVID-19 MINISTERIAL ORDERS**

Yesterday the government tabled Bill 19 in the Legislative Assembly, the *COVID-19 Related Measures Act* (Act). As noted below, the Act will validate ministerial orders made under the *Emergency Powers Act* (EPA), including several affecting local governments.

The affected ministerial orders include the *Local Government Meetings and Bylaw Process (COVID19) Order No. 3*, M192/2020. That order enables municipalities, regional districts, and other local bodies to conduct electronic meetings with their elected officials. It also affects public hearings and bylaw adoption process rules. The Act will also validate the order replaced by Order M192/2020 (Order M139/2020) as well as the *Local Government Finance (COVID19) Order*, M159/2020 and *Bylaw Enforcement Officer (COVID19) Order* (M082/2020).

Another notable order that the Act deals with is the *Limitation Periods Order No. 2*, M198/2020, which suspends limitation periods for causes of action, including civil actions by or against local governments. It also authorises any person, tribunal or other body that has a statutory power of decision to waive, suspend or extend a mandatory period relating to the exercise of that power.

The orders become provisions of the Act and they prevail over any conflicting other Act or regulation until they expire. The validated orders will expire 90 days after the date of the final extension of the declaration of a state of emergency made under the EPA.\* The 90-day period is doubtless intended to allow you to transition back to normal operations after the emergency is over.\*\*

We hope for the Act's speedy enactment. This may be helped along by the public report that the province's Ombudsperson issued yesterday. It concludes that the EPA does not authorise several of the ministerial orders issued under the EPA. That finding is not legally binding but may prompt legal challenges by others. The report may partly explain why the Act also amends the EPA to confer express authority for Cabinet to pass regulations achieving objectives similar to the ministerial orders' objectives. We will update you on the Act's progress.

If you have any questions, including about the Act's actual details, feel free to contact Gregg Cockrill or Nick Falzon.

*\*Some of the validated ministerial orders, which are not mentioned above, expire 45 days after the final extension of the state of emergency.*

*\*\* Cabinet may by regulation extend the 90-day period by up to one year after the Act comes into force.*