

**MINISTRY OF JUSTICE  
CORPORATE POLICY AND PLANNING OFFICE  
BRIEFING NOTE**

**PURPOSE:** For DECISION by the Honourable Suzanne Anton,  
Attorney General and Minister of Justice

**ISSUE:** Consumer Protection BC requests that the Minister of Justice approve  
*Motion Picture Act* fee changes.

**DECISION REQUIRED/ RECOMMENDATION:**

- Approve and sign appended Order on *Motion Picture Act* 2015 – 2017 Fee Schedule.

**SUMMARY:**

- Consumer Protection BC (CPBC) is proposing to change licensing and administrative fees under BC's *Motion Picture Act* (MPA).
- Prior to changing fees, CPBC requires approval from the Minister of Justice.
- Treasury Board approval is not needed as CPBC is a non-governmental entity.

**BACKGROUND:**

- The MPA provides a variety of services to businesses regulated under the MPA, including classification of general release films, adult films/videos, and the licensing of motion picture distributors, video retailers and theatres.
- In 2007, CPBC was delegated authority for administering the MPA through an administrative agreement with the Province.
- CPBC is a not for profit organization which operates on a full cost recovery basis.
- CPBC revenues are generated from licensing fees.
- CPBC issues licences under the MPA for the following businesses:
  - Motion picture distributors
  - Video distributors/retailers
  - Adult film distributors/retailers
  - Theatres
- CPBC also classifies films and approves adult videos for sale.
- The MPA, s.12.6, gives CPBC authority to set fees, subject to Minister approval.

- CPBC last increased fees in March 2012 (2% inflation increases each in 2013 and 2014) to cover rising licensing, compliance and consumer education costs.
- In May 2014, CPBC distributed a consultation paper to businesses licensed under the MPA, which included a backgrounder and rationale for proposed fee changes.
- Less than 1% of licensees responded, suggesting the fee changes are seen as reasonable and accepted by industry.
- CPBC's Board of Directors approved the elimination of certain fees and no increase in fees for classification reviews and approvals for 2015 to 2017.
- CPBC recommends the Minister approve the continued 2% annual increases (as indicated in red) to licence fees for 2015 to 2017 to address inflationary costs for services to licensees and consumers, as well as elimination of certain fees (as indicated by strikethrough).
- Subject to Minister approval, fee changes will take effect January 1, 2015.
- CPBC is required to provide licensees 90 days advance notice of any fee changes so fee changes need to be approved by the Minister by October 1, 2014 to take effect.

Motion Picture Act Fee Change Recommendations		
Fee Type	Current Amount	Proposed 2015 Amount* *2% inflation increases in 2016 and 2017.
Multipurpose Distributor Licence	\$611	\$623
Adult Film Distributor Licence	\$558	\$569
Motion Picture Distributor Licence	\$558	\$569
Motion Picture Distributor 6-Title Licence	\$170	\$173
Motion Picture Distributor 1-Title Licence	\$28	\$29
Video Distributor Licence	\$170	\$173
Adult Film Retailer Licence	\$212	\$216
Video Retailer Licence	\$106	\$108
Restricted/Adult Theatre Licence	\$212	\$216
Restricted/Adult Theatre Licence (subsequent screens at same location)	\$53	\$54
Theatre Licence per Screen	\$106	\$108
Recording a change of licensee's name or address	\$53	\$54
Recording a change in directors/officers/shareholders	\$53	\$54
Issuing a replacement licence for certificate	\$53	\$54
Submission of an NSF payment	\$33	\$34
Reconsideration of a Director's Decision	\$223	\$227
Late Licence Renewal	\$53	\$54
General Release Motion Picture Review, Minimum 10 Minutes	\$20.80	\$0
— Additional Minutes Each	\$2.08	\$0
General Release Approval Each Additional Copy, Minimum 10 Minutes	\$10.40	\$0
— Additional Minutes Each	\$1.04	\$0
General Release Motion Picture Review, Per Minute	n/a	\$2.08
General Release Approval Each Additional Copy, Per Minute	n/a	\$1.04
Adult Motion Picture Review, Minimum 10 Minutes	\$37.00	\$0
— Additional Minutes	\$3.70	\$0
Adult Motion Picture Review, Per Minute	n/a	\$3.70
Adult Approval Each Additional Copy	\$2.00	\$2.00
Advertising Trailer Review	\$10.40	\$10.40
Advertising Trailer Approval Each Additional Copy	\$10.40	\$10.40
Motion Picture Review Single Performance	\$52	\$52
Home Video Review	\$52	\$52
Change of Film Record Initial	\$53	\$0
Change of Film Record Subsequent	\$21.90	\$0
Late Invoice Payment	\$53	\$54
Unfinished Film Handling	\$208	\$0

**OPTIONS:**

- Approve recommended fee changes
- Maintain current fee schedule

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- N/A

**DECISION APPROVED / NOT APPROVED**

**DATE:**

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Honourable Suzanne Anton  
Attorney General  
Minister of Justice

**Prepared by:**  
Dave Gelzinis  
Senior Policy and Legislation Analyst  
Corporate Policy and Planning Office  
250-356-7085

**Approved by:**  
Toby Louie  
Executive Director  
Corporate Policy and Planning Office  
250-356-6389

**Attachment(s)**

- Order approving fees
- Fee Schedule

***MOTION PICTURE ACT***

**WHEREAS** under section 12.6(2) of the *Motion Picture Act*, the Business Practices and Consumer Protection Authority (the Authority") may not charge fees set under section 12.6(1) of that Act unless such fees are approved by the Minister;

**THEREFORE:**

Under section 12.6(2) of the *Motion Picture Act*, the Minister hereby approves the fees to be charged by the Authority under the *Motion Picture Act* as described in the Fee Schedule to this order, effective January 1, 2015.

Dated \_\_\_\_\_, 2014

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Honourable Suzanne Anton  
Attorney General and Minister of Justice

**FEE SCHEDULE**  
**Film Classification, Distributor, Retailer and**  
**Theatre Licensing**  
**(Effective January 1, 2015)**

The following fees, charges and other amounts, set by the Authority under section 12.6 of the *Motion Picture Act* RSBC 1996 C.314 (the Act) are payable by an "adult film distributor," "motion picture distributor," "video distributor," "adult film retailer," "video retailer," or "theatre" (as those terms are defined in the Act) to the Authority in respect of the matters described opposite the fees, charges or other amounts:

1. Subject to note (a) below, for a motion picture distributor's licence with no limitations on the annual number of films submitted, per year.....	\$569.00
2. Subject to note (a) below, for a motion picture distributor's licence restricted to the submission and distribution of the 6 title subjects, per year .....	\$173.00
3. Subject to note (a) below, for a motion picture distributor's licence restricted to the submission and distribution of a single title subject, per year.....	\$29.00
4. Subject to note (a) below, for an adult film distributor's licence, per year .....	\$569.00
5. Subject to note (a) below, for a video distributor's licence, per year .....	\$173.00
6. Subject to note (a) below, for a multipurpose distributor licence for the purposes of paragraphs 1, 4 and 5 of this schedule, per year.....	\$623.00
7. Subject to note (a) below, for a video retailer licence, per year .....	\$108.00
8. Subject to note (a) below, for an adult film retailer licence (includes a video retailer licence), per year.....	\$216.00
9. Subject to note (a) below, for a licence to operate a theatre, per screen, per year .....	\$108.00
10. Subject to note (a) below, for a licence to operate a theatre that exhibits to more than one person at a time motion pictures that are classified as adult/restricted, per year.....	\$216.00
11. a) Subject to note (a) below, for a licence to operate a theatre that exhibits to only one person at a time motion pictures that are classified as adult/restricted, per year for the first licence .....	\$216.00
b) For each additional licence at the same location.....	\$54.00
12. For review of a motion picture submitted under section 2 (1) of the Act. a) For each minute or part thereof .....	\$2.08
b) For each additional copy minute or part thereof .....	\$1.04
13. For review of a motion picture submitted under section 2 (1) of the Act for a single performance in the Province .....	\$52.00
14. For review of a motion picture intended for distribution to video retailers .....	\$52.00
15. For review of an adult motion picture submitted under section 3 (1) of the Act for each minute or part thereof .....	\$3.70
16. For each decal, certificate or other evidence of approval for each copy of an adult motion picture that was approved under section 5 (6) of the Act.....	\$2.00
17. For review of an advertising trailer and each additional copy of an advertising trailer .....	\$10.40
18. Application for reconsideration of Director's decision .....	\$227.00
19. Issuance of a replacement licence.....	\$54.00
20. Recording a change of licensee's name or address .....	\$54.00
21. Recording a change in directors/officers/shareholders.....	\$54.00
22. Submission of an NSF payment .....	\$34.00
23. Charge for late submission of a renewal document or invoice payment .....	\$54.00

**NOTES:**

- a) All licences expire at midnight one year from the date of issue;  
b) Consistent with the Bank of Canada's CPI or cost of living increase, fees and charges will increase by 2%, on each year anniversary of the effective date noted above; some rounding may occur.

**MINISTRY OF JUSTICE  
LIQUOR DISTRIBUTION BRANCH  
BRIEFING NOTE**

**PURPOSE:** For INFORMATION for Honourable Suzanne Anton,  
Attorney General and Minister of Justice

**ISSUE:** The LDB is denying the request of the BC Tree Fruits Cooperative (BCTFC) to be considered a land-based winery in relation to their proposed cider production.

**SUMMARY:**

- The BCTFC informed the LDB of their intention to establish a cider production business using the process-grade apples of their members.
- The BCTFC is seeking to be designated a land-based winery (cideries fall under the land-based winery designation) which would provide the benefits that flow from such a designation (chief amongst them is the ability to sell direct to licensees and LRS's with no requirement to remit mark-up to the LDB on those sales).
- A central criterion to be designated a land-based winery is that there must be at least two acres at the licensed winery site of the agricultural input used in the wine/cider (grapevine or orchard).
- The BCTFC proposal does not meet this criterion, therefore they cannot be designated a land-based winery and will be given the decision in writing the week of July 13.

**BACKGROUND:**

- The BCTFC is a joint venture of 500 individual farmers (number from the BCTFC) who 'work together to grow, harvest, store, pack and sell BC tree fruits'.
- In an effort to realize a higher return for their members on deficient process-grade apples (they are currently sold to juice manufacturers) the BCTFC is in the process of establishing a cidery.
- On June 27<sup>th</sup> representatives from the BCTFC met with the LDB's Director and Manager of Regulatory in person in Kelowna, while they were there on other business.
- The Director and Manager were given a tour of the facility that is currently being readied for production. The Cooperative's CEO subsequently wrote a letter to the Director, Regulatory that is included as Appendix A.
- The facility is located in a light industrial area of Kelowna so does not have any acreage of apple orchard onsite.
- The BCTFC is requesting that the two-acre criterion be waived in their case because while there is no acreage at the licensed site each of their members have at least two acres individually – totalling thousands of acres collectively.

- The Cooperative has forwarded to the LDB a letter from the Minister of Agriculture which expresses support for the establishment of a cidery without mentioning the BCTFC's request to have that cidery designated a land-based winery. The support letter is included as Appendix B.
- The LDB has considered this request carefully and has come to the conclusion that making exceptions to the land-based winery criteria would set a problematic precedent.

**NOTE:**

The current CEO of the BCTFC, Alan Tyabji, was also the Okanagan Similkameen Cooperative Growers Association's (OSCGA) General Manager in 2007 when the OSCGA requested this same exception and was denied. The 2007 letter from the LDB to Mr. Tyabji is included as Appendix C.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- N/A

**Prepared by:**  
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Senior Policy Analyst  
Liquor Distribution Branch  
604 252-2874

**Approved by:**  
Audrey Wong  
A/Director, Corporate Policy and  
Communications  
Liquor Distribution Branch  
604 252-3035

**Appendices**

- A. Letter from Mr. Tyabji, CEO, BCTFC
- B. Letter of support from the Minister of Agriculture
- C. Letter of denial addressed to Mr. Tyabji, General Manager, OSCGA

## APPENDIX A



July 7, 2014

Richard L.C. Lee,  
Director, Regulatory

Via email: [richard.lc.lee@bclddb.com](mailto:richard.lc.lee@bclddb.com)

Dear Richard,

Reference: Land Based Winery licence for a Cooperative Craft Cider Producer

Thank you for taking the time to meet with Rick Austin and Michael Daley in Kelowna. Michael has asked me to provide information about our Company that would permit our Cooperative to qualify for a Land Based Winery Licence.

BC Tree Fruits Cooperative (BCTFC) is a Registered Cooperative of British Columbia growers who work together to grow, harvest, store, pack and sell BC Tree Fruits throughout the year, across Canada and around the world. By consolidating our resources we can invest in larger scale facilities and equipment to maximize efficiency and provide respectable returns to our growers.

In meeting this objective, and to help ensure the sustainability of tree fruit in our province, we need to address the segment of fruit that cannot be sold into the fresh market due to size and color deficiencies. These deficiencies result in this segment being sold to juice processors at negative returns to our growers. Our Craft Ciderie, licenced under a Land Based winery license, would allow us to produce a world class craft cider utilizing these deficient process grade apples.

To compete effectively against international producers we are conducting innovative apple fermentation research at the Summerland Research Station with the support of Agri-Foods Canada. The new technologies we are developing in pressing and fermentation will be replicated at our facility through investment into cutting edge equipment that will be purchased by our growers.

Key to our strategy is to produce and market a product fermented from 100% B.C apples in its most natural form, without the addition of grain spirits or additives. "True to the Core"

As important as it is for us to sell and distribute our product through the BCLDB is the opportunity to leverage "direct to market". We do require the ability to direct deliver our product through the land based license model and benefit from the associated markup structure.

BC Tree Fruits Cooperative, 1473 Water Street, Kelowna, BC V1Y 1J6 Canada T 250.470.4200 F 250.762.5571 [bctree.com](http://bctree.com)

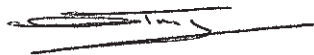
We understand that the Land based winery outline could not have predicted or addressed a Cooperative Winery scenario where 500 individual farmers join together and produce from a central location. We ask that you accept that individually each farmer would have qualified by meeting the 2 acre minimum, that we collectively own and operate thousands of acres of local apple orchards, and that we need to produce from a central location.

We wish to confirm that we are not focused on a commercial license that is associated with the importation of fruit or alcohol related product.

I understand that our goals align closely with the spirit of the new liquor policy and we have received support from our Minister of Agriculture for the initiative being undertaken (copy of letter attached).

In summary we ask that you accept our application, and our commitment to the objectives of the Land Based winery license.

Thanks again for your oversight and review,



Alan Tyabji  
Chief Executive Officer  
BC Tree Fruits Cooperative

cc: Michael Daley  
Rick Austin

## APPENDIX B



JUN 17 2014

File: 0280-30  
Ref: 180113

Alan Tyabji  
Chief Executive Officer  
BC Tree Fruits Cooperative  
1473 Water St  
Kelowna BC V1Y 1J6

Dear Mr. Tyabji: *Alan*

Thank you for your letter of May 28, 2014 requesting my endorsement and support for the fermentation of process apples into BC Cider, to enter into the Craft Cider market.

The *B.C. Agrifood: A Strategy for Growth* clearly prioritizes the goal of advancing the development of innovative products and processes to increase utilization, domestic employment across the value chain and overall competitiveness in the sector. The Ministry of Agriculture supports helping the industry take advantage of new and emerging consumer trends and identifying new value chain opportunities. To that end, your initiative of fermentation of process apples into BC Cider is exemplary of Agrifood Strategy goals and is supported by the Province.

The Ministry of Agriculture continues to work closely with the Tree Fruit industry in British Columbia. Please feel free to contact Mr. Jim Campbell, Tree Fruit and Grape Industry Specialist to keep us apprised of the initiative. Mr. Campbell can be reached, by telephone, at (250) 498-5254 or, by email, at [Jim.G.Campbell@gov.bc.ca](mailto:Jim.G.Campbell@gov.bc.ca). I wish you good fortune with your endeavor.

Thank you for writing.

Sincerely,

Norm Letnick  
Minister

Ministry of Agriculture

Office of the Minister

Mailing Address:  
PO Box 9043 Stn Prov Govt  
Victoria BC V8W 9E2

Telephone: 250 387-1023  
Facsimile: 250 387-1522

Web Address: <http://gov.bc.ca/agri/>

## APPENDIX C



Province of  
British Columbia

Liquor Distribution  
Branch

2625 Rupert Street  
Vancouver, British Columbia  
V5M 3T5  
Telephone: 604 252-3000  
Fax: 604 252-3464  
website: [www.bcliquorstores.com](http://www.bcliquorstores.com)

February 20, 2007

Mr. Alan Tyabji  
General Manager  
Okanagan Similkameen Cooperative Growers Association  
Box 99 Oliver BC V0H 1T0

Dear Mr. Tyabji:

I am writing with regard to your letter of February 15, 2007 and our subsequent telephone conversation regarding your Association's interest in establishing a cooperative winery to make cider/wine from your members' crops. I would suggest that you consult with the Liquor Control and Licensing Branch with regard to the legal/shareholder structure of your proposed winery.

As we discussed on the telephone, in order for your proposed winery to be defined as a "land-based" winery for Liquor Distribution Branch (LDB) mark-up and reporting purposes, it would have to comply with all of the requirements for a land-based winery, including the requirement that a minimum of two acres of fruit used in the winery's production be located at the winery site. I have attached the LDB's land-based winery requirements for your reference.

Yours sincerely,

Gordon Hall  
Director, Corporate Policy

Attachment

**MINISTRY OF JUSTICE  
POLICING AND SECURITY BRANCH  
BRIEFING NOTE**

**PURPOSE:** For INFORMATION for the Honourable Suzanne Anton QC, Attorney General and Minister of Justice.

**ISSUE:** Actions taken to address public concerns about alcohol consumption in “party buses” and limousines. UPDATED

**SUMMARY:**

- Public concern about safety, including alcohol consumption in “party buses” and limousines, has been brought to the attention of the Ministries of Justice (MoJ) and Transportation and Infrastructure (MoTI). Underage drinking is also alleged to be a frequent practice in these vehicles, especially during spring graduation season.
- The *Passenger Transportation Act* establishes the licensing framework for transportation services and regulates licensees; it doesn’t regulate the conduct of passengers in vehicles.
- Police are aware of the issues and concerns regarding these vehicles and agree that an integrated enforcement approach, involving police to conduct checks for open liquor and underage consumption, Commercial Vehicle Safety Enforcement (CVSE) to address structural integrity issues and the Passenger Transportation Branch (PTB) to ensure effective regulation of licensees, is the most viable and immediate option to address illegal behaviours, including sanctioning those found to be promoting or participating in these activities.
- The MoJ, and MoTI are working together with road safety partners to: promote public and fleet awareness that it is illegal to consume alcohol in a vehicle; and support police, enforcement and regulatory agencies in their efforts to curb the illegal consumption of liquor in vehicles.

**BACKGROUND:**

- “Party bus” is an industry created term. These vehicles fall under “general passenger vehicle” category of licensing along with tour buses, charter buses and sightseeing buses. General authorization licence holders can provide charter services using vehicles with a seating capacity of 12 or more passengers plus the driver.
- Vehicles are rented to provide services according to a company rental agreement which reflects provincial laws by specifying that alcohol is prohibited in the vehicles. PTB advises licensees that at all times, licensees must retain the care and control of every commercial passenger vehicle that is operated under its licence.

- Further, licensees that market or accept calls for "party bus" excursions must educate their drivers and operators of their responsibilities, including how to handle and respond to the consumption of alcoholic beverages.
- Passengers are responsible for adhering to the terms and conditions of their rental agreement.
- The current regulatory structure for this type of transportation service does not enable the Registrar to impose terms and conditions on a general authority licence, like the requirement to chaperone minors. However, should the Registrar become aware of such illegal activities, he/she may order a "Fitness Review", refuse to issue a licence or cancel an existing licence if the applicant or licensee is not considered to be fit and proper to provide the service.
- Municipalities also have licensing requirements for these companies to operate within their boundaries, including the option to require drivers to undergo police record checks and to issue chauffer permits.
- On November 9, 2013, a 17 year old girl was among a group of underage people drinking in a party bus. She alleges she was assaulted by a passenger and then left in a parking lot by the vehicle driver. This incident follows two previous incidents, when one youth died after being removed from a party bus where alcohol was found (a Coroner's report found that drugs or alcohol were not a factor in the youth's death), and another incident when a youth was taken to hospital after being found heavily intoxicated on a party bus.
- There are approximately 36 party buses operating in the Lower Mainland. In advance of the 2013 and 2014 graduation seasons, PTB met with licensees to clarify their responsibilities and emphasize that under no circumstances could liquor form part of their services. Further, on February 17, 2014, an Industry Notice was posted on the PTB website advising that companies operating "party bus" excursions must familiarize themselves with the specifics under *Liquor Control and Licensing Act* (Appendix A).
- The PTB has reviewed various companies' rental agreements, noting policies relating to chaperoning minors, open liquor in vehicles, etc. The companies' agreements generally reflect provincial laws by specifying that alcohol is prohibited in the vehicles and that illegal consumption of alcohol and/or use of narcotics in or around the vehicle are prohibited.
- Ontario and Alberta have licensing schemes that enable drivers and the fleet owners to obtain special permits to allow liquor on a case by case basis, much like special occasion permits in BC. There were no recommendations associated with this issue coming from the recently completed review of liquor licensing in BC.
- MoTI has no authority to search for and/or seize alcohol found on board passenger transportation licensed vehicles, and has no authority to fine anyone contravening provincial liquor laws.

- Liquor laws are the responsibility of the MoJ, and are enforced by local law enforcement. Liquor offences include:
  - consuming alcohol in a public place, including commercial vehicles;
  - operating a motor vehicle while there is liquor in the motor vehicle; and
  - permitting a minor to consume liquor in a place under his/her control.
- Penalties/sanctions applicable to having open alcohol on the bus (penalty amount; legislative authority and section; party to whom the penalty applies, etc.).

Act/Section	Offence	Penalty	Party Charged
LCLA s. 44	Possess Opened Liquor in a Motor Vehicle	\$230	person in possession
LCLA s. 33(1)(c)	Permit Minor to Consume Alcohol in a Place You Control	Court	person responsible (possibly driver)
LCLA s. 33(1)(a)	Sell, Give, or Supply Liquor to a Minor	Court	person responsible
LCLA s. 34(1)	Consumption by Minor	\$230	Minor
LCLA s. 34(3)	Minor in Possession	\$230	Minor
LCLA s. 41	Intoxicated in a Public Place	\$115	Intoxicated person

- There are no Vehicle Impoundment (VI) or Driver Suspension/Prohibition provisions specific to bus and/or limousine drivers under the *Motor Vehicle Act (MVA)*.
- *MVA VI and Suspension/Prohibition* sections apply to vehicles and drivers in circumstances where the driver is found committing the following offences: prohibited driving; suspended driver's license; unlicensed driver; excessive speeding; racing/stunting; operating a motorcycle contrary to license/conditions; or alcohol/drug impairment.
- With regard to structural or operating concerns, Division 25.30 of the *MVA Regulations* authorizes a peace officer to remove a vehicle from the roadway if, in their opinion, it is unsafe. Division 25.08 authorizes a peace officer to require the owner or operator of a vehicle to present the vehicle for inspection as to safety, emissions and repair.
- At the February 11, 2014, meeting of the BC Association of Chiefs of Police Traffic Safety Committee Executive, road safety partners including representatives of police and CVSE, agreed that an integrated approach, including focussed police enforcement for driving infractions and liquor violations, combined with CVSE for structural integrity, and the PTB for regulatory and licensing issues, is the most viable and immediate option of identifying and addressing illegal behaviours.

- On May 20, 2014, in an effort to improve licensing compliance and public safety, PTB hosted a meeting with Lower Mainland licensees and representatives of the RCMP, Vancouver and Abbotsford Police Departments. Licensees were reminded of their licensing and safety obligations, and informed of Lower Mainland regional enforcement plans.
- On May 29, 2014 the Minister of Transportation and Infrastructure hosted a media event highlighting the safe transportation choices for graduates during the 2014 graduation season. Representatives from RCMP and ICBC also spoke.
- During the 2014 graduation season BC road safety partners and enforcement agencies conducted the following activities:
  - VPD conducted extra enforcement for limousines and party buses. VPD provided licensees with advance notification of the planned enforcement by mail.
  - RCMP "E" Division Traffic Services alerted RCMP Municipal Traffic Units to check limousines and party buses for *Liquor Control and Licencing Act* compliance over the graduation season.
  - CVSE conducted inspections of "party bus" general authority licencees in advance of graduation season. CVSE availed their officers to respond as support for police who encounter any questionable or structural issue with these vehicles.
  - Liquor Distribution Branch sent a bulletin to all BC Liquor Inspectors requesting that any complaints from licensed liquor establishments concerning party buses to be passed along to PTB or, if inspectors have reason to believe alcohol is being consumed on a party bus, to contact local police.
- Key messages were developed for the public (Appendix B) and licensees (Appendix A).

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- Ministry of Transportation and Infrastructure, municipal governments and police

**Prepared by:**

Jan Staples  
Director  
Policing and Security Branch  
604 775-2108

**Recommended by:**

Lisa Anderson  
Executive Director and  
Deputy Director Police Services  
Policing and Security Branch  
604 660-1741

**Approved August 8, 2014 by:**

Clayton Pecknold  
Assistant Deputy Minister  
And Director of Police Services  
Policing and Security Branch  
250-387-1100

**Attachments**

Appendix A: Industry Notice "Party Buses" and the Consumption of Alcohol  
Appendix B: Draft Key Messages



Ministry of  
Transportation  
and Infrastructure

## INDUSTRY NOTICE

### **"Party Buses" and the Consumption of Alcohol**

**Posted February 17, 2014**

Bus companies that operate "party bus" excursions must familiarize themselves with the specifics of the law under the *Liquor Control and Licensing Act*.

The consumption of liquor is a concern in relation to these vehicles. It is clear under the law that liquor cannot form part of the transportation service.

Offences include:

- consuming alcohol in a public place, including commercial vehicles;
- operating a motor vehicle while there is liquor in the motor vehicle; and
- permitting a minor to consume liquor in a place under his/her control.

All licensees must retain the care and control of every commercial passenger vehicle that is operated under the licence.

Licensees that accept calls for "party bus" excursions must educate their drivers and operators of their responsibilities on how to handle and react to the consumption of alcoholic beverages.

The liquor law protects commercial passenger companies from liability. There could be serious criminal and civil repercussions if the liquor law is not properly followed.

A peace officer who believes that liquor is unlawfully possessed may search for and seize any liquor found. Offences under the Act include a fine of not more than \$10,000, or imprisonment for not more than six months, or both. Minors with liquor in their possession can be issued a \$230 fine.

If the Registrar of Passenger Transportation becomes aware of such illegal activities he/she may refuse to issue a licence or cancel an existing licence if the applicant or licensee is not considered to be a fit and proper person to provide the service.

If you have any questions or concerns regarding this notification please contact the Passenger Transportation Branch Duty Inspector at:

Telephone: (604) 527-2198

Email: [passengertransportationbr@gov.bc.ca](mailto:passengertransportationbr@gov.bc.ca)

Yours truly,



Dawn Major  
Registrar and Director  
Passenger Transportation Branch

## KEY MESSAGES

For many, graduation marks a turning point towards becoming an adult. Help our grads make smart decisions for their future by choosing a safe transportation option.

### Messaging For Parents & Adults

- You have an important role in making sure the grad transportation option you chose and pay for is safe and properly licensed.
- A transportation company may advertise its services as a 'party bus'. But it is not legal for any person to:
  - consume alcohol in any vehicle, including a 'party bus',
  - operate a motor vehicle while there is open liquor in the motor vehicle, or
  - permit a minor to consume liquor in a place under his/her control, such as a party bus, limousine or any moving vehicle.
- If you are choosing to lease a 'party bus' or other transportation service:
  - Don't believe everything you read on craigslist. Make sure the company you are considering is properly licensed in BC by looking it up on the Licensee Report on the Passenger Transportation Branch's Registry <http://www.th.gov.bc.ca/rpt/registry.htm>
  - Always pay with a credit card.
  - When dealing with a prospective company, ask if their drivers undergo Police or Criminal Record Checks. Ask if the company requires or encourages a chaperone if they are going to be transporting minors.
  - Check with the Better Business Bureau or another community business association that has an interest in protecting consumers and promoting reputable businesses.
- Tell others if you have a safe and great experience. Tell your local police or the Passenger Transportation Branch if the company you hired allows alcohol on the bus, purchases alcohol for passengers and/or permits underage drinking or consumption of drugs.
- If you suspect that an operator is not obeying the law, call your local police immediately and provide as much information as you can about: the name of the carrier, vehicle type, licence plate number, date, time and destination if possible.

**MINISTRY OF JUSTICE  
CRIMINAL JUSTICE BRANCH  
BRIEFING NOTE**

**PURPOSE:** For the INFORMATION of the Deputy Attorney General.

**ISSUE:** Various BC post-secondary institutions may seek a meeting with the Attorney General and/or the Minister of Advanced Education to discuss a decision by the Criminal Justice Branch to no longer accept unpaid practicum or co-op students.

**SUMMARY:**

- In August 2014, the Criminal Justice Branch (CJB) sent a letter to various post-secondary institutions in British Columbia, advising that the Branch will no longer accept unpaid practicum or co-op students.
- The rationale for the decision included resource limitations (insufficient capacity to provide appropriate student-supervision); privacy concerns in light of the confidential nature of the information housed by the Prosecution Service; liability and indemnity concerns; and restrictions imposed through government and Ministry policy.
- Since the letter was distributed, the Branch has been informed that several post-secondary institutions *may* seek to meet with the Attorney General and/or the Minister of Advanced Education to discuss the situation.
- The head of the Criminology Department at University of the Fraser Valley has contacted a CJB Regional Crown Counsel and indicated that the Prefect for her University, as well as Kwantlen College and Simon Fraser University, are attempting to organize a meeting with Minister Virk.
- Ms. Kim Williams also suggested that Parliamentary Secretary Daryl Plecas may be asked to involve himself, with a view to supporting legislative or policy changes that would ameliorate CJB's concerns.
- No such meeting has been confirmed with CJB. The purpose of this Information Note is simply to provide a heads-up that a request for a meeting may be forthcoming.

**BACKGROUND:**

- A copy of the letter that was distributed by CJB is attached. The Deputy Attorney General was informed in advance of the Branch's intention to send out the letter.
- GCPE was also made aware of the letter in advance and prepared an Issues Note for the Attorney General in the event of media enquiries/coverage.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- If a meeting is requested, the Ministry of Advanced Education may be involved.

**Prepared by:**

M. Joyce DeWitt-Van Oosten QC  
Assistant Deputy Attorney General  
Criminal Justice Branch  
(250) 387-5174

**Attachment(s)**

Letter sent to post-secondary institutions.  
List of institutions.



August 13, 2014

University of Victoria  
Human Resources  
Sedgewick Building  
Vandekerkhove Wing  
P.O. Box 1799 Stn CSC  
Victoria, BC V8W 2Y2

Dear Sir/Madam:

**Re: Practicum or Co-op Students at the Criminal Justice Branch, Ministry of Justice**

I write to let you know that effective immediately, the Criminal Justice Branch (otherwise known as B.C.'s Prosecution Service) will no longer be accepting post-secondary placements for unpaid practicum or co-op students who are studying in the area of criminology, legal assistant programs, or otherwise. Please pass this information on to any persons, within your organization, for whom it may be relevant from a program planning perspective.

There are a number of reasons for this development, including (but not limited to):

- the resources required to accommodate supervision of the students;
- potential liability issues;
- privacy concerns given the highly confidential nature of the information that is processed by the Branch; and
- restrictions imposed through Ministry of Justice and government policy.

The Branch's management committee recently had occasion to review these issues and, on balance, decided that it is no longer appropriate to have unpaid practicum or co-op students situated in the Prosecution Service.

I appreciate that this decision may impact your program planning as an educational institution for the Fall 2014. Thus the reason for this letter. I thought it only fair that I communicate the decision to you now, rather than after expectations of possible availability may have been raised.

Please know that over the years the Criminal Justice Branch has greatly appreciated its working relationship with your organization, as well as the opportunity to have your students gain experience through direct interaction with Crown Counsel and the Branch's administrative staff.

The decision to no longer accept unpaid practicum or co-op students is in no way a reflection of the quality of your programming, or the students that you may have sent to us in the past. Rather, it is simply the product of a corporate re-assessment, in light of organizational risks and resource limitations.

Thank you for your time. If you have any questions, please do not hesitate to contact my office.

Yours truly,

M. Joyce DeWitt-Van Oosten, QC  
Assistant Deputy Attorney General  
Criminal Justice Branch

## **Pracitcum Students at CJB**

### **Region 1**

- University of Victoria
- Simon Fraser University
- Camosun College
- Vancouver Island University (formally Malaspina)
- University of British Columbia
- Royal Roads University

### **Region 2**

- Simon Fraser University (criminology students)
- BCIT (criminology students)
- Capilano University (legal assistant students)
- Vancouver Community College (legal assistant students)

### **Region 3**

- UCFS (criminology Students)
- Douglas College
- University of the Fraser Valley
- Simon Fraser University
- Kwantlan College

### **Region 4**

- University of British Columbia – Okanagan
- University of the Fraser Valley
- Okanagan College (legal admin program)
- Sprott Shaw College

### **Region 5**

- University of Victoria
- Leghbridge College (Alberta)
- Western University
- Thompson Rivers University

### **CLD**

- Capilano University

**MINISTRY OF JUSTICE  
JUSTICE SERVICES BRANCH  
BRIEFING NOTE**

**PURPOSE:** For INFORMATION for the Attorney General and Minister of Justice

**ISSUE:** Consultation for a proposed *Franchises Act*.

**SUMMARY:**

- The Ministry of Justice is initiating a public consultation process with respect to a potential legislative initiative for a proposed *Franchises Act*.
- The consultation does not directly suggest a commitment to enact a new statute but will be viewed as governmental momentum toward such an act in the future.
- The subject of the consultation is the report and associated recommendations of the British Columbia Law Institute (BCLI) in their "Report on a Franchise Act for British Columbia," based on the *Uniform Franchises Act*, adopted by the Uniform Law Conference of Canada (ULCC) in 2005.
- There has been substantial consultation in the preparation of the BCLI and ULCC proposed and model acts, but this consultation is an appropriate final process for transparency and to ensure that there is a clear opportunity for interested persons to comment.
- The ministry's consultation will involve a Ministry webpage statement, an Information Bulletin, a statement on the GovTogetherBC consultation webpage, Minister Questions and Answers, and a letter sent to both the British Columbia Branch of the Canadian Bar Association and the Law Society of British Columbia.
- People will have three months to comment.

**BACKGROUND:**

1. There is currently no franchise legislation in B.C. A proposed *Franchises Act* was included in the items in the Ministry of Justice's three-year legislation plan approved by Government in the summer of 2013; however, there is no direction on when legislation is to be introduced. In addition, there is no Government commitment to enact a new act.
2. This public consultation is part of the development process.

3. A *Franchises Act* would be based on the recommendations in the BCLI Report, which is, in turn, largely based on the *Uniform Franchises Act*.
4. Five provinces have enacted legislation regulating the sale of franchises and various aspects of the franchisor-franchisee relationship: Alberta, Ontario, New Brunswick, P.E.I., and most recently, Manitoba. Franchise legislation in each of these provinces has a high degree of consistency in all essential features. The *Uniform Franchises Act* may be considered representative of this common model. The three most recently enacted franchise statutes in New Brunswick, P.E.I. and Manitoba follow the model of the *Uniform Franchises Act* closely.
5. Franchising legislation across Canada contains pre-sale disclosure requirements, and provides legal rights and remedies to parties in the franchisor-franchisee relationship. This legislation contains important protections for small business owners (franchisees) who operate a franchise who are seldom on an even playing field with their franchisors in terms of business knowledge or experience, access to expert advice and other resources.
6. Consistency of franchise legislation supports small business and entrepreneurial enterprise, by providing accessible legal protections for franchisees. It also supports the expansion of franchises by franchisors, by providing certainty of regulatory requirements, which would encourage private sector investment in B.C. Enacting franchise legislation in B.C. consistent with other provinces and the *Uniform Franchises Act* would regularize the practices already followed by reputable franchisors, and contribute to establishing a nearly uniform regulatory standard across Canada.
7. Members of the bar, groups representing franchisees such as the Canadian Franchise Association, and the Canadian Bar Association, B.C. Branch have long called for reform.
8. It is expected that this would be a well-received legislative initiative, supportive of B.C.'s economy. While there were differing opinions expressed during the BCLI's consultation in 2013, all stakeholders agreed that franchise legislation is required for B.C.

#### **OTHER MINISTRIES IMPACTED/CONSULTED:**

- A consultation strategy has been developed with internal consultation involving the following ministries:
  - Ministry of Aboriginal Relations and Reconciliation
  - Ministry of Finance
    - Risk Management Branch

- Treasury Board
- Ministry of International Trade
- Ministry of Jobs, Tourism and Skills Training
- Ministry of Justice
  - Legal Services Branch
  - Court Services Branch
- Ministry of Technology, Innovation and Citizens' Services
- Ministry of Transportation and Infrastructure
  - Economic Development Division

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**Approved by:**  
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A/ Executive Director  
Justice Services Branch  
250 356-8040

Approved by:

Jay Chalke, QC  
Assistant Deputy Minister  
and  
A/Deputy Attorney General

Date: 28 August 2014

**MINISTRY OF JUSTICE  
JUSTICE SERVICES BRANCH  
BRIEFING NOTE**

**PURPOSE:** For INFORMATION of the Honourable Suzanne Anton, Attorney General and Minister of Justice.

**ISSUE:** *Lobbyist Registration Act* (LRA) - timing of amendments.

s.12, s.13, s.14

**OTHER MINISTRIES IMPACTED/CONSULTED:**

N/A

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Justice Services Branch  
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**Approved by:**

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Executive Director  
Justice Services Branch  
250 356-6182

Approved by:

Jay Chalke, QC  
Assistant Deputy Minister



Date: July 24/14



Richard J.M. Fyfe, Q.C.  
Deputy Attorney General

Date: July 28, 2014