

SUMMARY OF LEGISLATION AFFECTING PSYCHOLOGY PRACTICE IN BC

This document is provided as an aid to facilitating knowledge of legislation relevant to the professional practice of psychology. It is not an exhaustive list. Legislation is constantly added, removed and amended. This document is intended to be a helpful, educational document, and is not a substitute for, and may not be relied upon, as legal advice. This document is current to January 1, 2014. Registrants and applicants should check the College website as well as the provincial website (<http://www.bclaws.ca>) on a regular basis for updates, new legislation, and changes.

Provincial Legislation:

| Name | Purpose | Comments |
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| <i>Adult Guardianship Act</i> , RSBC 1996, c.6 | Creates provisions to deal with abuse and neglect of adults, and appointment of substitute decision makers for incapable adults. | s. 46 provides that anyone with information indicating an adult (19 years) is abused or neglected and unable to seek support and assistance may report the circumstances to a designated agency. |
| <i>Age of Majority Act</i> , RSBC 1996, c.7 | Establishes the age of majority in the province. | s. 1 establishes the age of majority as 19, from April 15, 1970. |
| <i>Child, Family and Community Service Act</i> , RSBC 1996, c.46 | Creates a duty to promptly report where a person has reason to believe a child needs protection, and lists relevant factors included in "best interests of a child". | s. 13 lists circumstances where child needs protection. s. 14 creates offence for not reporting and false reporting that a child needs protection. |
| <i>Family Law Act</i> RSBC 2011, c. 25 | <p>The new act places the safety and best interests of the child first when families are going through separation and divorce. It also clarifies parental responsibilities and the division of assets if relationships break down, addresses family violence and encourages families to resolve their disputes out of court.</p> <p>The <u>Family Law Act</u> came fully into force on March 18, 2013, and replaced the Family Relations Act.</p> <p>On Nov. 26, 2012, the <u>regulations</u> for the Family Law Act were passed. These regulations set minimum training and practice standards for family dispute resolution professionals (family mediators, parenting coordinators and family arbitrators), replace the regulations made under the Family Relations Act with respect to the Child Support Guidelines Regulation and the Child Support Recalculation Pilot Project Regulation and pension division.</p> | <p>This Act has significant impact on practice in this area of psychology. The following website contains much useful information and more details: http://www.ag.gov.bc.ca/legislation/family-law/</p> <p>Provincial Court (Family) Rules Amendments The Provincial Court (Family) Rules have been amended to bring them into conformity with the Family Law Act. As well, some other minor amendments have been made to clarify language and procedures and to correct errors. These changes came into effect on March 18, 2013 at the same time as the Family Law Act. There were also some changes to Rule 21 (Parenting after Separation Program) and Form 32 which came into effect on July 1, 2012.</p> <p>Supreme Court (Family) Rules Amendments The Supreme Court Family Rules have been amended to bring them into conformity with the Family Law Act. As well, some other minor amendments have been made to clarify language and procedures and to correct errors. These changes came into effect on March 18, 2013 at the same time as the Family Law Act.</p> |
| <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, c.165 | Creates specific information and privacy rights regarding information collected or controlled by public bodies, such as a-school boards, municipalities, hospitals or social service agencies. | <i>Act</i> applies only to information controlled or collected by government and public bodies in BC. |

| Name | Purpose | Comments |
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| <i>Health Care (Consent) and Care Facility (Admission) Act</i> , RSBC 1996, c.181 | Codifies requirement that consent be obtained from or on behalf of patient for medical treatment or admission to care facility; sets out hierarchy of consent. | s. 4 & 5 confirm right of adults (19 years) to make own health care decisions; adults can only be given health care with their consent, subject to ss. 11-15, which provides exceptions for consent or Allows committee, representative, or temporary substitute decision maker where unable to make own decision. |
| <i>Health Professions Act</i> , RSBC 1996, c.183 | Umbrella legislation regulating health professions in BC. | The enabling legislation of the College of Psychologists. The <i>Psychologists Regulation</i> designates psychology as health profession and recognizes the College of Psychologists. |
| <i>Infants Act</i> , RSBC 1996, c.223 | Concerns the protection of infants' legal and financial interests. (Note: the legal definition of an "infant" is a person under the age of 19). | s. 17 sets out the requirements for obtaining consent from an "infant" for medical treatment without the consent of a parent or guardian. |
| <i>Limitation Act</i> , RSBC 1996, c.226 | Prescribes time limits within which an individual or group may bring legal action against another. | s. 7 provides that for minors (under 19), limitation periods are postponed until they reach the age of majority, and for persons under a disability, limitation periods are postponed until no longer disabled. |
| <i>Mental Health Act</i> , RSBC 1996, c.288 | Provides guidelines for how people with mental health illnesses are treated. | Part 3 describes the criteria for the admission and detention of patients. |
| <i>Motor Vehicle Act</i> , RSBC 1996, c.318 | Concerns operation of motor vehicles and licensing to operate motor vehicles. | s. 230 provides that a psychologist must report a patient (16 years or older) who has a medical condition that makes it dangerous for the patient or public for the patient to drive, and continues to drive after being warned of the danger; there is no action for damages against the psychologist unless the report was false and malicious. |
| <i>Patients Property Act</i> , RSBC 1996, c.349 | Provides for the declaration that a person is incapable and the appointment of a committee to handle their financial, legal, personal, and medical affairs. | s. 5 sets out that examination for a finding of incapacity can only be made by medical practitioners. |
| <i>Personal Information Protection Act</i> , RSBC 2003, c.63 | Legislates how private organizations in BC collect, use, and disclose personal information. | Act applies to all personal information including health information, limits use and collection of personal information, and provides that information must be protected; subject to access upon request to person whom information concerns. |
| <i>Representation Agreement Act</i> , RSBC 1996, c.405 | Allows person to appoint someone as their legal representative to handle financial, legal, personal care, and health care decisions if unable to make them on their own. | s. 15 states that a representation agreement becomes effective on the date it is executed unless the agreement provides otherwise. |
| <i>Representative for Children and Youth Act</i> , SBC 2006, c.29 | Creates Representative for Children and Youth to perform a number of services including providing support to, assisting, informing and advising children and their families respecting certain designated services (including mental health services), and providing information and advice to children and their families about how to effectively access and how to become effective self-advocates with respect to those services. | s. 10 gives the Representative for Children and Youth the right to access any information held by a public body (other than an officer of the Legislature as defined by the <i>Freedom of Information and Protection of Privacy Act</i>) necessary to enable that person to perform duties or exercise powers under the Act. |

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| <i>School Act</i> , RSBC 1996, c.412 | Legislates how the school system operates. | s. 79(2) provides that, if required by the orders of the minister, a board of school trustees must permit a person providing health services to have access to confidential student records if records are required to carry out service. |
| <i>Workers Compensation Act</i> , RSBC 1996, c.492 | Provides for the creation of the Workers Compensation Board to compensate injured workers and promote workplace safety. | s. 5.1(1)(b) provides that a worker is only entitled to compensation for mental stress if the condition is diagnosed by a physician or psychologist. “Psychologist” is defined in s. 5.1(4) as a person who is registered as a member of the College of Psychologists or a person who is entitled to practise as a psychologist under the laws of another province. s. 21(6) provides that health care provided as part of the compensation scheme is at all times subject to the direction, supervision, and control of the Board. |
| <i>Youth Justice Act</i> , SBC 2003, c.85 | Deals with proceedings and sentences available for youth (at least age 12) that commit provincial statute offences, and services available to these youths. | s. 1 defines an adult as a person who has reached 18 years of age. |

Federal Legislation

| Name | Purpose | Comments |
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| <i>Criminal Code</i> , RS 1985, c.C-46 | Concerns criminal acts, including matters relating to arrest and judicial proceedings. | Part XX.1 concerns mental disorder including assessment orders (s. 672.11 – 672.191) and reports (s. 672.2), protected statements (s. 672.21), fitness to stand trial (s. 672.22 – 672.33), and verdict of not criminally responsible on account of mental disorder (s. 672.34 – 672.36). |
| <i>Divorce Act</i> , R.S.C. 1985, c.3 (2 nd Supp.) | Concerns the judicial steps necessary to obtain a divorce in Canada. | s. 10(2)(b)(i) provides that the court, with consent of the spouses, may nominate a person trained or experienced in marriage counselling or guidance to assist the spouses in achieving a reconciliation. |
| <i>Youth Criminal Justice Act</i> , SC 2002, c.1 | Addresses criminal justice for youths. | s. 34 provides for court-ordered psychological assessments. |