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OFFICIAL REPORT OF  
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THE HONOURABLE LINDA REID, SPEAKER

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LIEUTENANT-GOVERNOR  
Her Honour the Honourable Judith Guichon, OBC

**FOURTH SESSION, 40TH PARLIAMENT**

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## CONTENTS

Tuesday, November 17, 2015  
Morning Sitting

Page

### Routine Business

Introductions by Members.....	10193
Tributes.....	10193
Art Thistle	
N. Simons	
Introductions by Members.....	10193
Introduction and First Reading of Bills.....	10193
Bill M230 — Wildlife Amendment Act (No. 2), 2015	
A. Weaver	
Statements (Standing Order 25B) .....	10194
Violence against women	
M. Karagianis	
50th anniversary of Whistler-Blackcomb resort	
J. Sturdy	
United Way	
C. James	
Premature births	
Moirá Stilwell	
History of Japanese community in Strawberry Hill area	
S. Hammell	
First Shift family hockey program in Richmond	
J. Yap	
Oral Questions.....	10196
Lottery Corporation CEO role in gaming policy changes and access to information	
D. Eby	
Hon. M. de Jong	
C. James	
B. Ralston	
M. Mungall	
Permit for soil dumping in Shawnigan Lake watershed	
B. Routley	
Hon. M. Polak	
LNG development and transition to low-carbon economy	
A. Weaver	
Hon. R. Coleman	
Reports from Committees.....	10200
Select Standing Committee on Finance and Government Services, report on the Budget 2016 consultations, November 2015	
S. Hamilton	
C. James	
Tabling Documents.....	10201
British Columbia Utilities Commission, annual report, 2014-15	
Point of Privilege .....	10201
D. Eby	
Hon. M. de Jong	
Petitions.....	10202
D. Plecas	

Standing Order 35 .....	10202
Request to debate a matter of urgent public importance — LNG development and transition to low-carbon economy	
A. Weaver	
Hon. M. de Jong	
M. Farnworth	

**Orders of the Day**

Tabling Documents .....	10203
Guarantees and indemnities authorized and issued report, fiscal year ended March 31, 2015	

Committee of the Whole House.....	10203
Bill 37 — Miscellaneous Statutes Amendment Act (No. 2), 2015	
Hon. S. Anton	
L. Krog	
A. Weaver	

Report and Third Reading of Bills.....	10205
Bill 37 — Miscellaneous Statutes Amendment Act (No. 2), 2015	

Committee of the Whole House.....	10205
Bill 41 — Miscellaneous Statutes Amendment Act (No. 3), 2015	
Hon. A. Wilkinson	
K. Corrigan	

TUESDAY, NOVEMBER 17, 2015

The House met at 10:04 a.m.

[Madame Speaker in the chair.]

### Routine Business

Prayers.

[1005]

### Introductions by Members

**C. James:** I have four very important guests in the gallery today who contribute tremendously to the greater Victoria community through the giving of their time, their energy and their expertise. Patricia Jelinski is the CEO of United Way of Greater Victoria. Mary Ellen Purkis is the board chair for United Way of Greater Victoria. Bruce Williams is the 2015 campaign cabinet chair for United Way, and Kim Manton is the labour coordinator for the United Way.

I'd like the House to please thank these people for their amazing work and welcome them to the gallery.

**L. Krog:** I'm delighted to introduce two guests in the gallery with us today — my neighbour, friend and supporter Jerome Auriel, and accompanying him is Ken Schachner from Nanaimo–North Cowichan. This is their first visit to the House, as I understand it — and braving this horrible weather to come here and see us. I do hope we'll put on an appropriate performance. Would the House please make them welcome.

### Tributes

#### ART THISTLE

**N. Simons:** Today I'd like to mark the passing of a Powell River resident, Art Thistle, who was well known up and down the west coast and, most recently, a restaurateur with his beloved wife, Margaret. I would ask this House to extend its condolences to the family.

### Introductions by Members

**Hon. A. Wilkinson:** In these challenging times in the world of journalism, it's good to know that even reporters do reproduce. I'm pleased to advise the House that Eli Eugene Zussman was born last Wednesday at 8:42 a.m. at the Victoria General Hospital, the parents being two journalists. So the future is indeed bright.

**J. Shin:** Today I have the pleasure to introduce to the House very special guests. We have five distinguished journalists in the House from the Korean community.

We have Kyung Mo Kang from Kangwon Ilbo, in the

social department and sports team. We have director Hwa Kil Kang from Chuncheon MBC, the news and editorial department. We also have Ki Tae Kim, who's from G1 — Gangwon No. 1 Broadcasting, the news division. We also have Eom Ki Suk from KBS Chuncheon news division, as well as program director Hyun Sook Noh from Korea Press Foundation. They're led here by a wonderful translator and guide, Jeff Sung Won Lee, as well as Hyo Sung Kim.

Would the House please make them feel very welcome.

**A. Weaver:** I seek leave to move introduction of the Wildlife Amendment Act (No. 2) for first reading.

Leave granted.

### Introduction and First Reading of Bills

#### BILL M230 — WILDLIFE AMENDMENT ACT (No. 2), 2015

**A. Weaver:** It's my pleasure to introduce this bill that, if enacted, would remove the minister's ability to designate and exempt classes of applicants from having to enter lotteries or other methods of random selection when seeking limited-entry hunt permits. If enacted, these amendments would require all hunters to enter draws for their limited-entry hunt permits, regardless of resident, non-resident or non-resident alien designation, as is done in other jurisdictions.

As it currently stands, local hunters have to enter a lottery if they want to harvest an animal managed under the limited-entry hunt system, but out-of-province hunters can simply buy a permit for the same species and management unit area. Foreign hunters coming to B.C. already enjoy cheaper permits and greater allocation percentages than nearly every other jurisdiction in North America. It's clearly unfair that they can buy their way into limited-entry hunts year after year, when British Columbians are left entering lotteries in the hopes of being granted the opportunity to harvest a public good in their home province.

The limited-entry hunt system is an important management and conservation tool. Its designation through the lottery system should be implemented across the board, mirroring other jurisdictions that require non-resident hunters to enter limited-entry hunt lotteries. Like every state in America, this legislation envisions a separate draw for local and out-of-province allocations.

I look forward to second reading of this bill. I move that this bill be placed on the orders of the day for second reading at the next sitting of the House.

Bill M230, Wildlife Amendment Act (No. 2), 2015, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

**Statements  
(Standing Order 25B)**

VIOLENCE AGAINST WOMEN

**M. Karagianis:** Violence against women is the world's largest and most persistent human rights violation, and in Canada, there is no exception.

[1010]

Statistics Canada reports that more than half of all the women living in British Columbia have experienced physical or sexual violence. Every year, in this province, there are more than 60,000 physical or sexual assaults against women.

It is 26 years, on December 6, that 14 women were shot to death at Ecole Polytechnique in Montreal by a man deliberately targeting women on a busy campus. It is the worst mass murder in Canada's history. The date of the massacre has become the National Day Of Remembrance and Action on Violence Against Women, established by parliament in 1991.

In the years since, we've made some terrific progress in the effort to end sexualized violence and violence against women, but we still have a long, long way to go. Safety for women will only be achieved when we stand up for the right of every woman to a safe and secure environment at home, at work, at school and everywhere in our communities.

Governments must show leadership with funding to organizations that serve vulnerable women and provide education and awareness to prevent gender-based violence. We should move prudently to implement all of the recommendations from the Missing Women Commission of Inquiry.

Days like December 6 are a time for us to not only remember but to commit to taking a stand and furthering the discussion around how we can tackle all forms of sexual violence in our society. There is still much progress to be made.

50th ANNIVERSARY OF  
WHISTLER-BLACKCOMB RESORT

**J. Sturdy:** For five decades, Whistler-Blackcomb has been a place where mountain culture and the spirit of adventure have come together. Its beauty and vibrant community have left an indelible mark on countless visitors, residents, outdoor enthusiasts and professional athletes, and it has grown into North America's largest and most renowned ski resort.

Whistler started with an Olympic dream. In 1960, the Garibaldi Lift Co. and its president, Franz Wilhelmsen, put forward a proposal to lease London Mountain with the goal of developing a ski area capable of hosting the Winter Olympic Games.

In order for this plan to work, transportation between the communities of Whistler and Squamish would be

key, and in 1964, construction of Highway 99 north of Squamish began. In 1965, London Mountain was officially renamed Whistler Mountain, and less than a year later, on January 15, 1966, the ski hill officially opened to the public.

In 1968, an unsuccessful bid was put forward for the '76 Winter Olympic Games. Despite this setback, the mountain continued to grow its operation and reputation by hosting international competitions, opening new lifts and providing the most skiable terrain on the continent, and it has since expanded into summer operations.

More than three decades on, Whistler finally got a chance to host Olympic competitions. The mountain played a pivotal role in the 2010 Olympic and Paralympic Winter Games, cementing the reputations of Whistler and British Columbia as global destinations for tourism, sport and athletic development.

The community and the mountain now welcome more than two million visits a year and contribute more than \$1 billion annually to our GDP. It has a deserved reputation of going above and beyond, exceeding expectations and creating the best mountain experience for guests and staff again and again and again.

I hope the House will join me in wishing Whistler-Blackcomb a happy 50th anniversary.

UNITED WAY

**C. James:** I'm pleased to rise the week of National Philanthropy Day to talk about the giving work of the United Way of Greater Victoria and the difference it makes in my community all year long.

As the region's largest non-government funder, United Way of Greater Victoria assists more than 60 charities by identifying and funding over 100 programs — 100 programs that change people's lives for the better. Last year United Way raised \$5.7 million from 11,000 donors and invested \$4.9 million to help children and youth, families, adults and seniors in need.

That generosity helped fund partner programs like Pacifica Housing's Streets to Home program. This program works to move people experiencing homelessness directly into private market housing with support from a rent subsidy and connection to community resources to ensure participants remain housed and progress towards self-sufficiency.

Another program is run by the Victoria Women's Transition House Society. It helps single women aged 45 to 65 who are abuse survivors with getting their finances on track and with helping build their assets. This project aims to help them achieve residential stability and a sense of security.

[1015]

Silver Threads Service for seniors is also working to reconnect isolated seniors with the wider community by building social networks. Seniors who've withdrawn from society are gently reintroduced to small social groups to

enjoy each others' company and learn about programs and services available to them in the larger community.

These are just a few examples. Money raised by United Way around B.C. stays in each region to improve the lives of our most vulnerable citizens and to address the underlying causes of our communities' most pressing social challenges.

Thank you to all who work so hard and give of their time and dollars to be able to help. You are making a difference in my community and communities around this province. I hope all members will express appreciation and gratitude to the United Way.

#### PREMATURE BIRTHS

**Moira Stilwell:** It's Prematurity Awareness Month in Canada, and today we observe World Prematurity Day. Both campaigns aim to create awareness of preterm birth, which is one of the most challenging prenatal issues facing families today. Nearly one in ten infants in B.C. is born preterm, or before 37 weeks' gestation, and many won't make it to their first birthday.

Prematurity is the leading cause of newborn deaths worldwide and more than one million fatalities each year. It can happen anywhere, regardless of country or race, and many women who give birth prematurely have no known risk factors.

A baby born preterm is also at risk for serious birth defects, including serious respiratory illnesses, brain hemorrhages, cerebral palsy and developmental disabilities, and nearly one in four babies with a birth weight under 1.5 kilograms will have a hearing impairment. These problems often turn into lifelong disabilities, increasing health care costs and, importantly, reducing the quality of life for a significant portion of our population.

Many of these premature births are preventable. Today is the perfect opportunity for all British Columbians to learn about the ways parents can reduce their chances of preterm birth, such as nutrition, avoiding alcohol and smoking, spreading out births by 18 months or talking to their doctor about hormone supplements.

A premature birth can be a frightening experience and can separate parents from their newborns for months, delaying that important first touch and increasing the chance of lifelong health issues for their baby. Raising awareness of prematurity is the first step to defeating it. I encourage all British Columbians, whether they are parents or not, to learn more about this issue and find out how they may help spread the word.

#### HISTORY OF JAPANESE COMMUNITY IN STRAWBERRY HILL AREA

**S. Hammell:** Strawberry Hill was the name of an historic agricultural settlement located in the southwest corner of my constituency. The name came from an influx of

Japanese settlers who cleared the land and grew strawberries in the area from the early 1900s to the 1940s. By 1928, these Japanese farmers were producing 92 percent of the province's strawberries and 75 percent of its raspberries.

Yaso Temteri Yamaga helped establish the Strawberry Hill Japanese Farmer Association in 1927. That association helped to market the berries at fair prices, enabled farmers to purchase supplies at lower rates and reduced the uncertainty of market fluctuations.

Unfortunately, by the end of 1942, all the Japanese families in Surrey had been sent to internment camps in B.C.'s interior. When the restrictions during World War II were finally lifted in 1949, very few Japanese families returned to Strawberry Hill, as all their farms had been sold and any remaining possessions destroyed or auctioned off by the federal government. After the Second World War, high labour costs and competition resulted in the agricultural land gradually being replaced with residential and the commercial development we see today.

Although there's very little evidence of the once-thriving Japanese community in Strawberry Hill, their identity remains in the names of the local public library, a community centre and an elementary school that will have the pleasure of visiting and being a guest of the Legislature this coming week.

[1020]

#### FIRST SHIFT FAMILY HOCKEY PROGRAM IN RICHMOND

**J. Yap:** When a child gleefully announces to his or her parents a desire to play hockey, oftentimes that declaration is met with fear and panic, not just because of concerns about safety and those practices at the crack of dawn but also the cost of all that hockey gear. Luckily, Hockey Canada and Bauer have teamed up with local minor hockey associations to give families an affordable way to try out the sport before shelling out the big bucks and getting dragged out of bed at 5 a.m.

This year, Richmond Minor Hockey was chosen to participate in the First Shift program. It eases kids and their parents into the sport of hockey in a fun and friendly environment.

First, families are given an overview of the program and offered important information about the proper fit and maintenance of equipment. Then each child is individually fitted for the equipment that he or she will take home, ready to start the first session.

Over the six-week program, participants move at their own pace, learning fundamental skating and hockey skills, building confidence and, of course, having fun.

A big thanks to Hockey Canada, Bauer, Richmond Minor Hockey Association and their president, Carolyn Hart, for giving families in Richmond access to this exciting sport and putting kids on the first shift towards healthy habits and achievement.

### Oral Questions

#### LOTTERY CORPORATION CEO ROLE IN GAMING POLICY CHANGES AND ACCESS TO INFORMATION

**D. Eby:** Last year, the opposition filed a freedom-of-information request with the B.C. Lottery Corporation for correspondence sent by their former CEO, Michael Graydon.

We asked for all of the letters and e-mails he sent when he was working as both the head of the B.C. Lottery Corporation and negotiating a job for himself with Paragon Gaming, the owners of Edgewater Casino. But the B.C. Lottery Corporation didn't give us all of the records. They failed to provide us with a key letter written by Mr. Graydon on December 19, 2013.

My question to the Minister of Citizens' Services: why would the B.C. Lottery Corporation withhold this important document that they were legally obligated to release?

**Hon. M. de Jong:** Thanks to the member for the question. He is referring, of course, to an incident, a transaction, a series of events that have been the subject of conversation in this House that gave rise to a specific review — a detailed review — and findings that actually confirmed that the matter was not dealt with in a way that we, as government, would expect or in complete accord with the requirements or the expectations of government.

I can, as the member knows from earlier exchanges in this House, assure him that steps have been taken to ensure that that doesn't happen again.

With respect to his specific inquiry, my expectation and that of every member of the executive council in this government is that organizations over which we have responsibility comply fully with the requirements of the FOI legislation.

**Madame Speaker:** The member for Vancouver–Point Grey on a supplemental.

**D. Eby:** It's good to hear from the Minister of Finance, because it is exactly the competence of the investigation he is speaking about and exactly the competence of the B.C. Lottery Corporation related to freedom of information that we're dealing with here today. He'll have his chance to provide some more information, I hope.

As is the case when the government refuses to produce records and account for their activities, the opposition was forced to file a complaint with the Privacy Commissioner. Only after that office investigated and shone a light on the practices of BCLC did BCLC acknowledge that this letter even existed.

Here we see again a pattern of deceit and delete — another example of the government providing records only when they are caught red-handed by the commissioner.

Can the Minister for Freedom of Information explain why it took over a year and an investigation from the Privacy Commissioner for the B.C. Lottery Corporation to even acknowledge the existence of this letter?

**Hon. M. de Jong:** I will say this to the member. First of all, I'm speculating a little bit, because I'm not certain of the document that he is referring to.

[1025]

I said a few moments ago what my expectations and the expectations of each member of the executive council are with respect to agencies over which we have statutory responsibility adhering to and fulfilling their obligations under FOI legislation. That is unchanged.

The member makes allegations about a propensity to eliminate or have documents disappear. I can only presume that did not happen here, because he purports to have the document that he's referring to.

**Madame Speaker:** Vancouver–Point Grey on a further supplemental.

**D. Eby:** Perhaps if the minister responsible for freedom of information responded, he would have known that it wasn't my allegations about documents disappearing. It was the Privacy Commissioner's allegations about this government's propensity to have documents disappear.

After burying this letter for over a year, triggering an investigation by the Privacy Commissioner, we finally did get a copy of it. The minister is right.

On December 19, 2013, Mr. Graydon wrote to the gaming policy and enforcement branch. He told the government that he had personally approved an increase to the maximum betting limit, from \$10,000 per hand in casinos to \$100,000 per hand. Mr. Graydon wrote: "I have provided my approval for BCLC's casino and community gaming division to work with casino service providers to implement changes to these limits so that they are in place prior to January 31, 2014, and, in particular, at the Edgewater and River Rock casinos."

To the Minister of Citizens' Services: why did B.C. Lottery Corporation choose to bury a letter which clearly shows that Michael Graydon used his position, his last months on the job as CEO, to directly benefit his soon-to-be employer?

**Hon. M. de Jong:** To the member: he makes a serious allegation. It is an allegation that I think, if he did not make it directly, he alluded to at the time these events were discussed originally in the House. He knows that there was a detailed review of the events leading to Mr. Graydon's departure. He also knows that a review found that there were difficulties with that departure. But he also knows that there were findings that refute the assertion that he has made.

I have assured him and this House in the past that the government took that series of events and the manner in which Mr. Graydon departed very seriously. We weren't satisfied, and it didn't happen in the way that it should. But the allegation that he has chosen to make today has been found to be unfounded.

**C. James:** Mr. Graydon's decision to increase betting limits up to \$100,000 per hand was not supported by the government regulator. Two days before Mr. Graydon signed off on the decision, the gaming policy and enforcement branch wrote to BCLC. They were concerned that the proposal could lead to money laundering and gambling addiction problems. They pointed out that it went far beyond what any other jurisdiction in Canada had allowed. But Mr. Graydon ignored those concerns. He had been in the CEO role for six years, and this was his departing gift to Paragon.

To the Minister of Finance: given this government's atrocious record on breaking FOI laws, why should anyone believe that this letter was simply accidentally misplaced by BCLC?

**Hon. M. de Jong:** Again, I repeat that I will hesitate to say anything specific about a letter that two members now are referring to. I am not certain of the document that they are referring to.

I will say this, though, about the responsibilities of the head of the B.C. Lottery Corporation, whoever that might be. They are called upon to make decisions as it relates to the relationship that exists between service providers, those agencies with whom B.C. Lottery Corporation contracts to provide gaming services in British Columbia — commissions that are payable, revenue divisions. That work is ongoing.

[1030]

I again pointedly refer to the fact that a review of the circumstances leading up to and following Mr. Graydon's departure from the B.C. Lottery Corporation did take place. Very specific findings were made, and the government has acted on all of those findings.

**Madame Speaker:** The member for Victoria–Beacon Hill on a supplemental.

**C. James:** It's very clear from this letter and from the information that we have that the review needs reviewing, as ridiculous as that sounds.

The letter from Mr. Graydon was very clear. I'll read it for the Minister of Finance. "I have provided my approval for BCLC's casino and gaming division to work with the casino providers to implement changes to the limits so they are in place before January 31, and in particular, at Edgewater and River Rock casinos. I've made this decision because it falls within BCLC's mandate to make this decision, and I make it out of interest."

Well, this letter from Mr. Graydon was also copied to Susan Dolinski, the VP of communications for BCLC. Seven weeks later it was her job to write and distribute media points about Mr. Graydon's embarrassing departure from Paragon. This is what she wrote: "If the media asks, 'Did Mr. Graydon make any decisions recently that could benefit his new employer?' they should tell them: 'No, not to our knowledge.'"

Can the Minister of Finance explain why BCLC would knowingly mislead the public and perhaps even his own ministry's investigators about such an important matter?

**Hon. M. de Jong:** I will repeat for this member what I have said in response to her colleague's questions.

The expectation, the requirement, is clear that all agencies for whom members of the executive council have responsibility will adhere strictly to the requirements of the act and comply fully with the requirements of the act.

In this particular instance, we have the benefit of an additional review that took place to deal with specific assertions that were made, and findings were made. Those findings included recommendations with respect to how the departure of a CEO in these circumstances could be handled better. Those recommendations have all been acted upon.

I haven't been shy in the past about acknowledging my disappointment with the manner in which Mr. Graydon's departure was handled. But at the same time, I am bound to remind members of the findings that were made with respect to the kinds of assertions that have been made in the House today.

**B. Ralston:** The Minister of Finance has referred repeatedly to the review he ordered last year into Mr. Graydon's embarrassing exit from B.C. Lottery Corporation. In the news release at the time that the review was released, the minister said: "BCLC found no evidence that Michael Graydon or his new employer benefited from the conflict." The minister repeated that claim here in the House on May 12 of this year, and indeed, he has repeated it moments ago. We now know that that simply wasn't true.

Let me read from this letter that BCLC buried for over a year, the one that Mr. Graydon wrote — and the timing is important — while he was negotiating his pay and benefits with the owners of Edgewater Casino. "First, as it pertains to the decision to increase the betting limits on high-limit tables, I have provided my approval for BCLC's casino and gaming division to work with the casino's service providers to implement changes to these limits so that they are in place prior to January 31, 2014, and in particular, at the Edgewater and River Rock casinos."

Mr. Graydon left the BCLC for Paragon, the owner of Edgewater Casino, two days after his self-imposed deadline. Can the minister tell this House that Mr. Graydon

didn't make decisions to benefit his future employer when clearly he did?

[1035]

**Hon. M. de Jong:** There is a couple of problems with the theory that the member and his colleagues choose to advance.

Here is where I believe those difficulties lie. I'm reminded that the consideration around establishing the higher betting limits began in September 2013, long before there was any consideration being given around Mr. Graydon's departure.

That's point 1. Point 2. The decision that was made....

Interjections.

**Hon. M. de Jong:** If members are interested in the response, I'm happy to give one.

**Madame Speaker:** Members.

**Hon. M. de Jong:** Secondly, the decision that is of concern to members opposite is one that had positive ramifications for a whole range of agencies, a whole range of service providers and not just the one that Mr. Graydon ended up having a future employment relationship with.

Thirdly, the benefits of the decision flowed directly to the B.C. Lottery Corporation and directly to the taxpayers of British Columbia in the guise of an additional \$103 million in revenue that was put to work in health care and education. So the fundamental premise upon which the allegation is made simply isn't correct.

**Madame Speaker:** The member for Surrey-Whalley on a supplemental.

**B. Ralston:** Clearly, the minister has advanced a couple of possible defences. Unfortunately, none of them bear out. Why, then, did Mr. Graydon mention, in particular, Edgewater and River Rock — those two casinos, one of which owned by his employer-to-be, at the end of January 2014?

Secondly, the idea that benefits flow to the coffers of British Columbia is true, but they also flowed particularly to Paragon, his future employer. Those two proposed defences the minister advances simply don't hold any water.

The review into Mr. Graydon's departure included interviews with Mr. Graydon — personal interviews — key executive and staff across BCLC and included a review and analysis of electronic and physical files. Yet nowhere in the report is there even a single mention of this significant policy change that Mr. Graydon personally signed off on in December 2013, a policy that government regulators had serious concerns about.

In fact, the review concluded that Mr. Graydon did nothing to benefit his future employer during his last two

months on the job. This long-buried letter demonstrates that that conclusion is demonstrably false.

Can the minister tell the House why he signed off on a report that omitted key facts about Mr. Graydon's actions in support of his future employer, Paragon?

**Hon. M. de Jong:** I think the member's question was: why did I sign off on a report? I can assure the member that when I asked for an independent review, the last thing I want to do is sign off on it. It's an independent review because it's intended to examine the circumstances that occurred and to provide a report on that. The member and his colleagues clearly have a different idea of what is independent than I do, but that's for them to decide.

There are decisions that are made by the CEO of organizations that are of general application. This was one of them. This was one of those decisions. And insofar as the authors of the review came to their conclusions, it was on the basis of a thorough examination of all of the circumstances and all of the activities undertaken by the former CEO prior to his departure.

I will say again, as I have said in the past, that I was not satisfied with the manner in which Mr. Graydon transitioned from his role at B.C. Lottery Corporation to other activities — not satisfied at all. But I am satisfied that the review that was undertaken was thorough, was comprehensive and was complete.

[1040]

**M. Mungall:** If the review was comprehensive, they would have known that it wasn't just one record, but there was a second record missing from the BCLC's FOI response package. It was an important e-mail sent by Mr. Graydon on December 10, 2013. But guess what. It was deleted — big surprise. In the usual, roundabout way of getting to the information in that e-mail from this government, we learned that Mr. Graydon was lobbying an ADM in the Ministry of Finance to increase the profits made by casinos on table games.

Now what we see here is that BCLC was happy to provide the opposition with the correspondence we requested just as long as it didn't contradict what the government was saying about the issue. We know that they aren't supposed to do that. We know that. The minister is right to say that. But they are doing it. So, Minister, why are they doing that?

**Hon. M. de Jong:** Here's what B.C. Lottery Corporation is doing. They are, on behalf of British Columbians, conducting and providing lawful gaming opportunities for British Columbians. They are working with service providers in a range of endeavours. They are expanding into electronic gaming options. They are contracting with other provinces, who are satisfied and attracted by the professionalism of the organization that is B.C. Lottery Corporation and, in the process, providing hundreds of

millions of dollars in revenue that government can apply to providing services that British Columbians want, need and deserve in health care and education.

That is what B.C. Lottery Corporation is doing. They are doing so headquartered in the great city of Kamloops and doing so in a professional and competent way.

**Madame Speaker:** The member for Nelson-Creston on a supplemental.

**M. Mungall:** Well, the last time I checked, there was no section of the Freedom of Information Act that allows for records to be withheld simply because they are embarrassing to government. Yet, this is exactly what this government does time and time again.

We know that at least one critical e-mail was deleted from Mr. Graydon's account. We know that the BCLC buried a letter through which Mr. Graydon approved gaming changes that directly and explicitly benefited his future employer.

The facts are clear. I hope the minister will answer this question, because it's very clear that a reopening of the investigation needs to take place. So will he do that and will he commit to that today?

**Hon. M. de Jong:** Let me say this candidly. I'm always intrigued and interested by what the opposition brings to the floor of the Legislature. I'm sure they're going to provide whatever documentation they have. I, as always, will examine it with interest.

But I also want to say this. On the face of it, I am not, with the greatest respect, persuaded by arguments that suggest that in exercising one's duty as CEO of an organization on policy matters of general application, in the manner that this appears to have been, it automatically follows that the allegation or the assertion made by members of the opposition is correct.

I will say one final time that Mr. Graydon's departure from the B.C. Lottery Corporation did not occur in the manner in which I or the government expected that it should have. That was made abundantly clear on the strength of the comprehensive review.

To the member's assertion that there is some desire on the part of the government or myself to hide the facts of this, it's an odd assertion given the fact that immediately upon learning of what had occurred, we ordered a very independent review that made findings that were not flattering for any of the parties concerned.

I will say this to the House and must say this. The work undertaken by the B.C. Lottery Corporation sets a very high standard — I believe the highest in Canada — for the delivery of gaming activities to the public in a lawful, safe and regulated manner.

## PERMIT FOR SOIL DUMPING IN SHAWNIGAN LAKE WATERSHED

**B. Routley:** Yesterday we asked the Minister of Environment whether she would address the concerns of Shawnigan Lake residents and suspend the dumping of contaminated soil at South Island Aggregates. She refused.

Today we learn that the latest storm has caused yet another failure at the South Island Aggregates contaminated soil dump. We are now hearing reports from local residents that one of the soil cells at the facility has breached, and now we have pumping, sandbagging and more testing underway.

Yesterday the minister said we were sowing panic. The reality is that the minister's indifference to the events on the ground is creating real fear for my constituents. Will the minister today take steps to stop the dumping of South Island Aggregates at the contaminated soil dump and fully address residents' concerns about their drinking water supply?

**Hon. M. Polak:** First, let me remind all members of this House that decisions with respect to granting of permits are made by government scientists free from interference by those in the political sphere. In addition to that, recommendations to the minister with respect to any compliance or enforcement action are also made by government scientists independent of political interference.

But with respect to the conditions surrounding the facility, I have now been provided with the complete range of samples and the results from those samples from the first rain incident. I think this is enlightening with respect to the comparison of these results and, of course, the language we were hearing in question period yesterday.

Parameters that were analyzed.... I won't go on at length. We can provide more detail, if the members wish, after question period. There was testing for total suspended solids, pH, metals, chloride, sulphate and hydrocarbons. Those results were compared to the B.C. and Health Canada drinking water guidelines as well as the guidelines for protection of aquatic life.

The results, I'm pleased to advise, are within applicable guidelines and do not oppose a risk to aquatic life or human health. The only slightly elevated levels were for parameters that do not affect health or the environment but only affect those things such as taste or laundry staining.

We'll be providing those results — or have provided them — to Vancouver Island Health this morning and will be working with them to communicate those results.

## LNG DEVELOPMENT AND TRANSITION TO LOW-CARBON ECONOMY

**A. Weaver:** In the lead-up to the last election, British Columbians were sold a bill of goods by this government:

the promise of 100,000 jobs, a \$100 billion prosperity fund, a \$1 trillion hit to GDP, a debt-free B.C. and on and on.

This government has spent the last three years touting B.C.'s imminent LNG industrial boom. They sent a signal to the market that if industry wanted to do business in B.C., it had better have something to do with LNG.

We were summoned for an urgent summer session of the Legislature to debate the project development agreement for Petronas's LNG proposal, yet the months continue to pass. The global market supply of gas gets bigger and bigger. Company after company move on to other jurisdictions, and this government remains silent about a plan B.

My question to the minister is this. Given the monumental failure of this government's plans for LNG, what is plan B for the B.C. economy?

Interjections.

**Hon. R. Coleman:** I've only got two minutes.

Interjections.

**Madame Speaker:** Please proceed.

[1050]

**Hon. R. Coleman:** The only monumental failure in this House is that member's inability to understand how important natural gas could be to the GHGs in the world sent from British Columbia.

Let's give the member a little recap. We have a conditional FID. We have a project development agreement and one major project in Prince Rupert. We have environmental assessment certificates on three or four additional projects. We have 20 proposals in British Columbia for LNG opportunities in B.C. Just yesterday, I was at Tilbury, where they're actually building a tank and expanding the Tilbury operation for Fortis for LNG to go into places like Hawaii. At the same time....

I know the member has an issue with First Nations having opportunities and changing their lives and the opportunity of a generation about LNG. But just yesterday the Tsawwassen First Nation announced that they're going to do a referendum on accepting a proposal from a company, Mitsui, to put an LNG plant on their property in Tsawwassen for the future of their community.

We have 28 pipeline benefit agreements across the north for communities of First Nations, who will see an opportunity for trades, opportunities and a change in the lives of their young people, an opportunity for jobs. We are moving forward with LNG. I know it drives the member crazy, but that's the way it is.

**A. Weaver:** Well, I think we should change the name of the ministry to the ministry of gas and hot air, based on that speech.

In just two short weeks, leaders from around the world will descend on Paris to attend the 21st Conference of the Parties to the United Nations framework convention on climate change. Next week the Premier will attend a first ministers meeting in Ottawa to come up with a national strategy prior to Paris.

Yet our government's promise of wealth and prosperity from a hypothetical LNG industry is entirely inconsistent with a B.C. — let alone a national — strategy to reduce greenhouse gas emissions. What will the government do today to invest in B.C.'s economy in light of the monumental failure of its LNG plans and the urgent need to transform to a low-carbon economy consistent with international efforts?

**Hon. R. Coleman:** Maybe the member ought to do a little bit of research. I know he thinks he's an expert on this, but maybe he should go to China and see just how bad the air is and know that the cleanest-burning fossil fuel in the world can actually change the lives and health outcomes for hundreds of millions of people.

If he did, he would recognize that the world needs a transition fuel to reduce pollution, reduce GHGs in the atmosphere, take the particulates out of the air, give people better health outcomes. At the same time, while doing that, help the economy in British Columbia to improve the lives Asia, by bringing LNG from British Columbia to Asia to help them deal with a significant problem — at the same time, getting the maximum benefit from a resource that British Columbians have every right to get the benefit from.

[End of question period.]

### Reports from Committees

**S. Hamilton:** I have the honour to present a report by the Select Standing Committee on Finance and Government Services. The report covers the committee's public consultations on Budget 2016.

I move the report be taken and read as received.

Motion approved.

**S. Hamilton:** I ask leave for the House to move a motion to adopt the report.

Leave granted.

**Madame Speaker:** Please proceed.

**S. Hamilton:** In moving adoption of the report, I would like to make some brief comments. This report contains the results of the committee's annual consultation on the next provincial budget. This year's consultations took place over a five-week period beginning on September 15.

During that time, we travelled to a number of communities to conduct in-person public hearings. However, to accommodate the fall sitting of the Legislative Assembly, the committee modified our travel schedule somewhat, and we used teleconference, video conference and Skype technologies to connect virtually with presenters in communities throughout the province.

[1055]

In addition to the public hearings, the committee invited written, video and audio submissions through our website. British Columbians could also participate by completing an on-line survey. In total, 572 submissions were received. Today's report makes 63 unanimous recommendations for Budget 2016, including recommendations on a variety of topics such as fiscal policy, health, education, social services, transportation and the environment.

I'd like to express our sincere appreciation and gratitude to all the British Columbians who participated and took time to participate and engage in the consultation process. We heard excellent presentations from a variety of organizations and individuals from various regions of the province, including many thoughtful ideas for Budget 2016.

As Chair of the committee, I'm pleased to say the committee members worked collaboratively throughout the consultation process and deliberated as a group to determine the recommendations included within the final report. At this time, I'd like to thank all of the committee members for their hard work and dedication throughout this busy process, especially the Deputy Chair, the member for Victoria-Beacon Hill.

**C. James:** I rise to speak to the moving of the report as well.

I want to express my appreciation to the Chair, the member for Delta North, and to all members of the committee. I think we often see, particularly coming out of question period, the heat of this place. I want the public to know that there are opportunities for us also to sit down and do some good work, and I believe this Finance Committee report is some very good work done by members from both sides of this House.

I want to express my appreciation to the presenters, both in person and written. As the Chair has mentioned, we had to tighten up our process this year because of the Legislature coming back early. I think all of us missed the opportunity to be in communities in person and, certainly, would recommend that we make every effort to be able to do that in future years.

I would encourage the members to read this report, because I think it's important to recognize that this report truly does reflect what we heard around British Columbia. The public is looking for investments. They're looking for investments that benefit families, that benefit our communities and that benefit our economy.

People, in the report, talked about needing support for our education system, everything from early childhood education to our post-secondary universities and colleges.

The public said very clearly that they want support for the most vulnerable. They want support for the most vulnerable to have access to the services that they need, whether it's mental health services, seniors, those living on income assistance or children in need.

People wanted sustainable stewardship of our resources. They mentioned this whether we were talking about forestry or agriculture, whether we were talking about mining or our parks, whether we were talking about protecting our water or protected areas.

The other message that came through loud and clear is that people wanted investments in a diversified economy. There were wonderful presenters who talked about everything from high tech to arts and culture, from clean energy to tourism.

It was a real honour to sit, once again, on a committee that listens to British Columbians and takes the opportunity to do that around the province, and I, again, thank the Chair for his work on this committee.

**Madame Speaker:** Hon. Members, the question is the adoption of the report.

Motion approved.

### Tabling Documents

**Hon. S. Anton:** I have the honour to present the B.C. Utilities Commission report for the fiscal year ended March 31, 2015.

### Point of Privilege

**D. Eby:** I'm rising on a matter of privilege with respect to comments made by the Minister Responsible for the Liquor Distribution Branch.

On November 5, I asked the minister the following question.

"According to briefing materials prepared for the minister responsible for liquor policy, government overpaid commissions to large commercial wineries, costing taxpayers an amount in the 'seven-figure range.'

"It took government a week to do the math. We're now told that they estimate the overpayment was \$5.5 million.

"A simple question: when will the minister get the money back?"

In response to my question and the questions asked by my colleague the member for Coquitlam-Maillardville on the subject of this overpayment, the minister repeatedly denied that there had been any overpayment. Among other denials, she said: "There wasn't an overpayment." She said that what we were suggesting was an overpayment was, in fact, a long-standing government policy. She said: "This is a long-standing policy that we've had, dating back to the 1980s."

My questions were based on a ministerial briefing note prepared for the Minister of Justice on April 8, 2015, by Vince Cournoyer, senior policy analyst with the Liquor Distribution Branch. The CLIFF number for this briefing note is 508725, and the title is: "Commission paid by the LDB to B.C. commercial wineries for sales to wholesale customers."

[1100]

This three-page briefing note uses the word "error" five times to describe the collection of commissions from commercial wineries by this government since 2008. It uses the words "overpaying," "overcompensated," "overpayments," "overpaid" and "overpayment" eight times.

I offer for the record just three of the many, many excerpts from this briefing note in relation to whether or not there was an overpayment. "Recently, it was discovered that due to a system error, the LDB has been overpaying commissions to commercial wineries for commissions to their wholesale customers." "This means that over the years, the Liquor Distribution Branch has been overpaying commercial wineries." "The total value of these overpayments is in the seven-figure range."

I remind the House again that the minister repeatedly insisted that there had been no overpayment.

Hon. Speaker, based on the information provided to the minister by an employee of the Liquor Distribution Branch, a department that reports to the minister, one is left to draw one of two possible conclusions. Either a senior employee deliberately provided inaccurate information to his minister, or the minister deliberately misled this House.

It is obvious and apparent that the minister deliberately misled this House.

The tradition of this House is one where members are presumed to speak the truth. When they fail to do so, they undermine the very foundation of how we comport ourselves in this chamber.

I'm including a copy of the minister's remarks, a copy of the ministerial briefing note and a statement issued by the Liquor Distribution Branch on October 15 as part of my submissions to you. If, based on my submission, you find there is a prima facie case of privilege, I am ready to move the appropriate motion, a copy of which I will provide to the Clerk now.

**Hon. M. de Jong:** I've listened carefully to what the member has to say and would reserve the right to provide a more fulsome response. There may be some urgency in providing that response timely, but I'm going to suggest that first thing this afternoon would be the appropriate time.

### Petitions

**D. Plecas:** Today I wish to present a petition to the Legislature on behalf of A to Z Trucking Association. The petition, with 833 signatures, recognizes the importance

of the trucking sector to the economy of the province and encourages the government to consider initiatives that support this sector.

### Standing Order 35

#### REQUEST TO DEBATE A MATTER OF URGENT PUBLIC IMPORTANCE — LNG DEVELOPMENT AND TRANSITION TO LOW-CARBON ECONOMY

**A. Weaver:** Again, I rise pursuant to Standing Order 35. As advised in Standing Order 35, I gave the Chair advance notice, and I have provided a written statement of the matter proposed to the Clerk.

By leave, I move that the House do now adjourn to discuss a matter of urgent public importance — namely, a debate concerning an economic backup plan for British Columbia, given the complete collapse of this government's all-in strategy on LNG and the urgent need to transition to a low-carbon economy.

This government spent the last three years touting B.C.'s imminent LNG industrial boom. They sent a signal to the market that if you wanted to do business here in B.C., it had to be something to do with LNG. Clearly, not the signal that many sectors wanted to hear.

From the answers in question period, it's clear that government has no plan B. It's clear that they have no climate strategy. Frankly, it's clear that they're rudderless.

As legislators, we have a duty to the people of British Columbia to urgently turn our attention towards a debate for plan B for B.C.'s economy prior to next week's first ministers' meeting in Ottawa and the upcoming UNFCCC meeting in Paris.

As section 35 demands, there is no other time in this session to debate such a plan for B.C.'s economy in light of the monumental failure of this government's plan for LNG and the urgent need to transition to a low-carbon economy.

**Hon. M. de Jong:** I'm also obliged to the member for having not only provided the Chair but having provided me with advanced copy of his comments that, I should say, bear a striking similarity to his comments in question period. That is not altogether insignificant, because one of the issues....

I must say that I am sorely tempted, given the nature of the subject advanced, to suggest that the House accommodate the member. But I am obliged to point out that the rules governing the application of Standing Order 35 are very strict and very specific, and that is for good reason.

[1105]

The urgency of debate and the opportunity for debate. The member has just indirectly alluded, on this particular issue, to the opportunity that has existed in this chamber to make submissions on this very point. He did so mere moments ago in his participation in question period.

His remarks provided me with the opportunity to go back and review what he had to say earlier in this chamber, in September, in a debate that took place around energy matters. Again, I applaud him for his consistency, and I point out that I remain unconvinced about his approach and his arguments.

Nonetheless, the more important feature is that there has been ample opportunity. It is the urgency of debate, not the urgency of the matter itself. For that reason alone, I would suggest that the member, in his submission to the Chair, has failed to make the case for invoking section 35.

I also, in fairness to the member, indicated that I would review his remarks from last day with respect to yesterday's application for an emergency debate and will only say this. Again, by virtue of the rules and precedents that apply around the application of section 35, I don't believe the required threshold has been met in the submission made to the House, and thereto the application to invoke Standing Order 35 should, in my respectful opinion, be declined.

**M. Farnworth:** Just following on the Government House Leader's comments, I know when this issue was raised back earlier in the summer session, the official opposition indicated that it would be supportive of a debate around the climate change and the conference in Paris.

That still remains our position. So if it was the Speaker's view that, in fact, the motion moved by the member from Oak Bay... We would be supportive of the ability to have that debate.

**Madame Speaker:** I will thank all members for their submissions, take their advice under advisement and come back to the House at a later time.

### Orders of the Day

**Hon. M. de Jong:** I call committee stage debate on Bill 37.

### Tabling Documents

**Hon. M. de Jong:** I apologize to members. I also have to present the guarantees and indemnities authorized and issued report for fiscal year 2015, in accordance with the Financial Administration Act, section 72(8).

[1110]

### Committee of the Whole House

#### BILL 37 — MISCELLANEOUS STATUTES AMENDMENT ACT (No. 2), 2015

The House in Committee of the Whole (Section B) on Bill 37; R. Chouhan in the chair.

The committee met at 11:13 a.m.

**Hon. S. Anton:** I am joined by Corinne Swystun, chief legislative counsel.

On section 1.

**L. Krog:** I can't begin to confess my delight at the opportunity now to raise a couple of questions around Bill 37, the Miscellaneous Statutes Amendment Act. I do so conscious of the fact that grammar and punctuation were never my long suit. Indeed, in grade 2, I think I used to get something in the range of 18 to 19 wrong out of 20 in my little tests. So I know the chief legislative counsel, who has joined us here this morning and whose presence I welcome, will forgive any remarks I might make this morning during the course of the debate.

I think it's only appropriate to mention this morning that Jared Butcher, one of the staff in the official opposition caucus, wisely suggested that we could, perhaps, rename this bill the commasensical act, 2015. But that probably wouldn't have been an appropriate amendment. It might well have wasted the House's time.

[1115]

I'm also conscious of the fact that, in receiving a bill note on this from our ever-diligent staff, one of them reported, quite wisely, in terms of any opposition to this bill: "The commas that are about to be axed by these amendments remain silent, perhaps resigned to their fate."

My question is to the Attorney General. Given what appears to have been a rather thin session in terms of legislation, perhaps she could offer some wisdom to the House as to why what are, on the face of it, subject to my questions, completely uncontroversial corrections to various statutes required the introduction of a separate piece of legislation as opposed to simply attaching it or including it as part of another miscellaneous statutes amendment act?

**Hon. S. Anton:** I think this question would more properly have been part of the debate part of the bill. Right now we are, of course, dealing with the section-by-section analysis. But I will respond, because the member raises it yet again.

We are extremely well served in this House, in the Legislature, by our legislative staff. We have legislative counsel, 15, who do the drafting and the analysis and who put the bills together. We have editors. We have publications staff. We have legislative editors. We have legislative assistants. There's an office of about 40. They manage our legislation in an extraordinarily conscientious way — so much so that you could say that our legislation in British Columbia is as good, as well managed, as any legislation in the world.

When they notice mistakes, they make a note of them, and from time to time they bring together bills like this. Now, I know that the member likes to laugh at that. But I think he should be careful about laughing at the staff who are doing their job, one. And two, I think he should not

create the supposition that staff might go in all on their own accord and start changing the statutes. Our statutes would be in peril if we thought that people could just go in and change them when they thought something should be corrected.

We don't do that in British Columbia. I don't know if they do in other jurisdictions, but we certainly do not do that here. We make sure that every single change — no matter how minor, no matter whether it's a comma or a period or a word spelling — that is caught by legislative counsel, by the staff, by the editors, by the assistants.... We make sure that every one of those changes which is proposed comes to this House.

From time to time, they are congregated together. They're put together in a bill, and they're presented to this House so that this House can approve every single change of a statute, no matter whether it seems fairly minor. Minor changes can be important. As I said, we do not invite anybody to change anything in legislation without the authority of the Legislature.

**L. Krog:** My goodness. That was a very long answer to my question.

Perhaps the Attorney General missed something along the way. She suggested politely that I should have raised these questions during the course of second reading debate. Of course, the Attorney General is well aware you can't ask questions during second reading debate. That's the whole point of committee stage, which is why I'm asking the question.

The question, in and of itself, is extremely straightforward. These are uncontroversial, absolutely straightforward, necessary amendments, it would appear, and I simply ask the question again of the Attorney General. It's a very simple question. Perhaps this time she can answer it. Why are we bothering to have introduced a separate statute when this could have been included as part of Bill 41? It is clearly not like a Conservative omnibus bill, where we're trying to slip something in. This is a purely straightforward, obviously supportable proposal. So why do we have a separate bill? Simple question.

**Hon. S. Anton:** I think the manner of it being brought forward is irrelevant to the content of the bill. The fact of the matter is it should be relatively easy to pass. I know that the member opposite is finding doing that challenging. These are minor corrections, and they are put forward by a team — as I said a moment ago, an excellent team — that serves us well in the Legislature and who take great pride in the work that they do.

[1120]

**A. Weaver:** I've got one question, and the question is with respect to: why these changes? Why I say that is that I recognize the importance of changing the spelling of "willful" and doing it through legislation, as we are here.

As I outlined in second reading, the Community Charter, Insurance Premium Tax Act, the Local Government Act, the Logging Tax Act, the Maa-nulth First Nations Final Agreement Act, the Mineral Tax Act, the Motor Fuel Tax Act, the Perpetuity Act — I don't even know what some of these are — the Personal Property Security Act, the Property Transfer Tax Act, Railway Act, Tobacco Tax Act and on and on also have "wilful" spelt differently.

My question to the minister is this: Why do we selectively correct the spelling of "wilful" in some — the School Act, I reckon, is important — and not in other acts. Surely, in doing this, we would do a global search of how "wilful" is spelt and change all occurrences of "wilful" to be consistent across acts so that we're not introducing more of these spell-checker acts wilfully.

**Hon. S. Anton:** The spelling of the word "wilfully" does occur in different acts, and it's spelled differently, as the member has pointed out. I'm glad that he has time to look up these things.

The issue in the Tobacco Tax Act is that it was spelled differently in the same act. The act was under consideration for other reasons, so it was thought an opportune time to correct it so at least the act itself was internally consistent.

Every time there's a correction, it does require consultation. These mistakes are found, but you still have to go out to the ministry and make sure that they're good with it and do all the proper dotting of the i's and crossing of the t's, so to speak, typographically. This was an opportune one to do right now. There may be others brought forward in the future, and that will be a matter of discretion as we move forward.

**L. Krog:** I'm glad to see the Attorney General this morning is defending the concept that consistency is the hobgoblin of little minds in her defence of how some acts get treated wilfully differently than other acts.

Having said that, I have one question for the Attorney General which I'm sure she can easily answer and confirm. There is no legislative effect as a result of any of the sections of this act, save and except that they correct mistakes but will not have any legal implications flowing from them.

[1125]

**Hon. S. Anton:** For the most part, what the member is suggesting is correct. There is no legal effect.

However, there is one exception to that, and that is contained in sections 23 and 25. Section 25 repeals an amendment from the Nisga'a Final Agreement Amendment Act, which contained a mistake. The section itself is being repealed, should we pass this, and the correction is then found in section 23 of this act, which are the amendments to the Police Act.

**L. Krog:** Well, when you've got a bill that declares the victory of Canadian over American spelling, it ill behooves me to waste any more of the House's time this morning.

I'm going to suggest that the Chair call for the passage of every section in the bill, sections 1 to 31.

Sections 1 to 31 inclusive approved.

Title approved.

**Hon. S. Anton:** I move that the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 11:27 a.m.

The House resumed; Madame Speaker in the chair.

### Report and Third Reading of Bills

#### BILL 37 — MISCELLANEOUS STATUTES AMENDMENT ACT (No. 2), 2015

Bill 37, Miscellaneous Statutes Amendment Act (No. 2), 2015, reported complete without amendment, read a third time and passed.

**Hon. T. Lake:** I now call committee stage of Bill 41, Miscellaneous Statutes Amendment Act (No. 3), 2015.

#### Committee of the Whole House

#### BILL 41 — MISCELLANEOUS STATUTES AMENDMENT ACT (No. 3), 2015

The House in Committee of the Whole (Section B) on Bill 41; R. Chouhan in the chair.

The committee met at 11:30 a.m.

On section 1.

**Hon. A. Wilkinson:** We are indeed engaging in committee stage on Bill 41, beginning with "Advanced Education Amendments" — part 1, section 1. During the committee stage, there'll be four episodes where we call upon the Chair to move an amendment to a section, starting with section 1.

I move the amendment to section 1 standing my name in the orders of the day.

[SECTION 1, by adding the underlined text as shown:  
1 Section 1 of the College and Institute Act, R.S.B.C. 1996, c. 52,  
is amended by adding the following definitions:  
"capital fee" has the prescribed meaning;

"program or service fee" means

(a) a prescribed fee, or

(b) a fee for a prescribed program or a prescribed service that is imposed and collected by the board on annual notice from a student society under section 21; .]

On the amendment.

**K. Corrigan:** I spoke extensively on Bill 41 in second reading. By way of summary, in the spring, changes to the Societies Act explicitly acknowledged the right of members, which would include student society members, to resign from societies. Student unions across the province have expressed deep concern that if students have the right to resign, student union fees would no longer be mandatory.

Student unions provide a significant number of important services on campuses. In jurisdictions where membership and the fees that go with that membership become optional, it has substantially decreased membership and the student unions have not been able to do the many things on campuses that they previously could.

This bill purports to correct that possibility by amending the College and Institute Act and the University Act to provide that fees will continue to be collected whether or not a student withdraws from a student society.

We will be voting against this section — almost all the sections that have to do with advanced education.

The fundamental problem with this bill is that it does not guarantee that all student society fees will be mandatory. Instead, it provides that determination of what capital, program or service fees are mandatory will be set out later in regulation. That means there's absolutely nothing in this bill that ensures any type of fee will be mandatory for all students.

I believe the minister has promised students that that is not the intention and that he will negotiate with students after this bill has passed. What we are voting on today, though, are the provisions of this act, which promise absolutely nothing.

However, I will ask the minister some questions about his intentions and to confirm what promises were made to the students so that, at least, we will have that on the record.

I'll start now. I'm going to ask some general questions. Did the minister consult with the Premier or Premier's office — either himself directly or members of his staff — with regard to the contents of this bill?

**Hon. A. Wilkinson:** The member opposite can be assured that this bill went through the routine process for development of legislation that applies to all legislation brought before this House.

**K. Corrigan:** I'd just like a confirmation, though. It went through the routine process. But very specifically, did the minister or a member of his staff consult with, re-

ceive instructions from or have any kind of communication with the Premier's office or the Premier herself with regards to the contents of the bill?

**Hon. A. Wilkinson:** Once again, I can assure the member that the development of this bill and its process through the committee stages to bring it to this House went through the routine process.

**K. Corrigan:** I wonder if I could get a yes or no to that question. I'm asking a simple question. The routine procedure — does that include discussions with the Premier's office?

**Hon. A. Wilkinson:** The member can be assured that this bill went through the normal legislative development process.

**K. Corrigan:** My understanding is that the minister refuses to answer my question, and I'm not going to spend a lot of time on it. But I just wanted to ask the question. The reason I want to ask the question, which is very relevant to this bill....

I want to quote from an article written by the present Premier in 1991. She wrote a few articles at that time talking about freedom of choice and an orgy of excess with regards to student unions.

[1135]

I think it is relevant whether or not there was any influence that came from the Premier's office with regard to this bill. I'll provide one quote. This came from the *Peak* — as everybody knows, the wonderful student union paper at Simon Fraser University in my community — many years ago. I acknowledge it was many years ago, but it did certainly demonstrate an attitude — July 11, 1991. The Premier wrote this; her name is attached to it.

"But it seems to me the most important issue in the compulsory- versus voluntary-membership debate is the fact that this university is a publicly funded institution." Then a little bit: "Remember that...forcing students to become members of a political association in order to attend an institution which they technically already own is ludicrous." It then goes on, in both of these articles, to talk with great antipathy about the Simon Fraser Student Society.

The reason I want to get that on the record, and the reason I was asking the questions of the minister, is that I want the minister to assure me that there has been no involvement in the development of this bill. The fact that student fees are going to be.... The mandatory or not mandatory nature of student fees is going to be determined later by regulation.

I'm looking for an assurance from the minister today that all student fees are going to remain mandatory and that it is going to remain within the purview of student unions to make the decision to assess whether or not

student fees should be charged and what they should be charged for. I'm wondering if the minister will respond to that.

**Hon. A. Wilkinson:** I think the member opposite is fully aware of the intent of the bill, which is to correct an anomaly created by the new Societies Act, which would have allowed students to resign from student societies and thereby avoid the financial obligations that come along with being a student on a campus, whether in terms of capital fees, program fees or service fees.

**K. Corrigan:** Thank you to the minister for that. Has the minister considered a scheme which would not...? I'm looking at section 1, the definitions of "capital fee," "program or service fee." Does the minister acknowledge that this legislation could have been written in a different way that just spoke generally about the collection of fees and giving the ability of student unions to collect fees?

**Hon. A. Wilkinson:** The bill is structured in such a fashion as to accomplish the goals outlined in the bill, and legislative counsel have put the bill together in such a fashion as to encompass capital fees, program fees and service fees.

**K. Corrigan:** Well, that doesn't exactly answer my question. My question to the minister was: would it have been possible to write this bill in a way that simply acknowledged the right of student societies to collect fees? They could make the determination as to what fees they collected, whether for capital, for programs or for services. Could this bill have been structured in a way that simply did not differentiate between fees?

**Hon. A. Wilkinson:** The distinction between capital fees and program or service fees is to accomplish the purpose that students cannot elect to step out of their obligation in terms of capital fees, given that some of our student associations and student unions have incurred tens of millions of dollars of debt to put up very useful buildings on their campuses on the premise that the servicing of that debt would be accomplished by the incumbent students and by their successors. Clearly, the goal, in terms of capital fees, is to make sure that that debt is serviced by the beneficiaries of those new buildings — that is, the students themselves.

**K. Corrigan:** My question to the minister: why could the minister simply have not structured this legislation to say, essentially, that where student fees...?

[1140]

Now, I'm jumping ahead, but this is a way that this could have been done, in my view: "Where student society fees are to be collected, the board must impose on students who are not members of the student society a fee in

an amount equal to the fee that those students would have had to pay if they'd been members of the student society?"

What is it about the fact that in this bill there is a recognition that students can withdraw from a society...? By the way, there was an argument that they always could withdraw, so I'm not sure there is a change there. It just simply puts it in legislation.

What is it about the fact that students now explicitly can withdraw that requires this act to differentiate between different types of fees, as opposed to simply giving student unions the blanket right to do what they've always done, which is make up their own minds about what types of fees should be collected, whether for capital, whether for programs or services? Why is it that because we're now recognizing that students can withdraw, we have to impose differentiation of fees on top of it?

The minister will say that that's the way the legislative counsel did it. The minister is fully aware that the students are really concerned about this. I'm trying to understand why it is that the minister simply would not have simplified rather than leave it for regulation later.

**Hon. A. Wilkinson:** The member opposite seems to be suggesting that it would be left in the purview of the students to decide whether or not they wish to continue paying capital fees to service the debt on their buildings. That is not an option that will be open to them.

If that were and the students decided to cease paying the fees required to service their debt on buildings, then those buildings would be either subject to foreclosure by the lenders, which would be detrimental to all involved, or that debt would fall back onto the provincial taxpayer rather than being paid by the beneficiaries of those buildings — that is, the students. So the idea that this should somehow in any way be optional is not available to the students, and that's why it has been described as a capital fee.

In terms of the other choices being made by students, the member, I'm sure, will explore the sections as we go. I'm wondering when we'll get to section 1.

**K. Corrigan:** Because this is the general problem with the bill, from my perspective and the concern that the students have, the same questions would apply throughout the sections. If the minister is okay with that, then we will, I believe, once I've asked a few more questions, probably move through the bill pretty quickly.

In the past, we have not had this differentiation of fees, and in the past, students have done capital projects. They provided programs, and they provided services. What is new now that makes it different?

The thing the minister is talking about is that students would be able to pull out of it. They always have been able to pull out of it. What is different now, with this act, that requires suddenly that there be a differentiation and a negotiation about what is mandatory and what isn't?

**Hon. A. Wilkinson:** The member opposite, I believe, is fully aware that we have about 430,000 students enrolled in our institutions around the province — that is, our public institutions — and about 180,000 to 190,000 of them are full-time students. This is a substantial body of people paying a substantial amount of money, some of which consists of capital fees.

When the Societies Act went through its overhaul in the spring session, it became apparent that students would be given the option of resigning from the student society. The more canny of them, or perhaps the more thrifty of them, would then allege or assert that they didn't have to pay any of their fees. This, of course, would lead to some degree of chaos. So after consulting with a variety of student associations and organizations, we quickly came to the conclusion that this needed to be addressed before the Societies Act was brought into force, and that is why we're here now dealing with this very issue.

I must say, the encounters with the student associations have been very positive. They have been thoughtful and constructive. The bugbear that the member opposite seems to be eager to point out is in fact exactly that.

The student associations will be consulted in the development of the regulations about all of these issues so that their positions can be clearly understood and clearly heard as this legislation goes through a development of regulations and comes into effect in the foreseeable future.

[1145]

**K. Corrigan:** Will the minister acknowledge that on the face of the bill — apart from any promises of negotiations or any plans for negotiations, which I acknowledge are intended — the way the bill is structured now, that theoretically, absolutely no fees — no capital fees, no program or service fees — could end up being mandatory? That is theoretically possible?

Just to be clear, that in the regulations.... In other words, cabinet could decide that there is no such thing as a mandatory fee. That is possible under the way this act is structured.

**Hon. A. Wilkinson:** I must say that any such effort, acknowledgment, idea, concept would be an anathema to the point of being here in the Legislature passing this act.

We are here, using the time of the Legislature, with the blessing of the electorate of British Columbia, because this is work that needs to be done. The idea that we would somehow be passing a bill that would have no mandatory content in terms of fees to be applied to students would be preposterous. We would be subject to ridicule.

**K. Corrigan:** Perhaps the minister could answer my question. Is it possible that the regulations could, under this act, the way it's written now, determine that there are no mandatory fees?

I'm not asking what's going to happen. I know the minister has made promises to the students, and I acknowledge and appreciate that. I'm asking: the way the act is written.... That's what we're dealing with right now, not the promises for the future. The way the act is written is that any or all fees — capital fees, program or services fees — could become voluntary. They could end up having none of them be mandatory. Is that theoretically possible under this act?

**Hon. A. Wilkinson:** Normally one would reply to a theoretical scenario by saying it is hypothetical and cannot be explored because of its ethereal nature.

In this situation, as I said a moment ago, it would be absurd for us to be using legislative time to expose our universities to very large liabilities because we thought we would pass no regulations, null regulations or regulations that exempted students from the various fees that are contemplated.

That is why we are here, and I, once again, would encourage the member opposite to get into the sections.

**K. Corrigan:** Well, really, I'm asking the important questions about the bill. It doesn't matter whether we talk about it in the definitions, which add definitions of "capital fee" and "program or service fee," or whether we talk about it in section 4 or whether we talk about it in section 5. The questions are the same.

I only have a few more, but I do think it's important to ask these questions. I could wait, but I think I might as well, because the definition section has definitions that talk about these different types of fees.

Would the minister explain whether or not the intention is, at this point, to have all the fees that are now paid by students and that are mandatory continue to be mandatory fees once the regulations have been completed?

**Hon. A. Wilkinson:** The important point here is that we will be in close consultation with the student associations and student bodies as we develop the regulations.

There are 25 different universities and colleges involved, with a wide variety of circumstances. The Justice Institute provides continuing education to emergency staff and the people who are involved in our emergency services. They have minimal to no fees because of the nature of the studies they're undertaking.

[1150]

The extraordinary difference between that scenario and that of our research universities is that they provide a fairly comprehensive framework, including advocacy and social services. So this is a matter of comparing about 200 different fee categories with one statement. That's simply not appropriate, and that's why we're going to be engaging in consultation with the students as we develop the regulations.

**K. Corrigan:** I want to read a couple of quotes that the minister made in his conference call with, I think, basically all the student bodies. They were all invited to be on a conference call on Monday, November 2. It creates some confusion, and it creates some concern.

For example, when talking about.... This is the minister saying, with regard to extended health plans, which are very important in colleges and universities: "Well, the issue is going to become that there are some students who either don't like to pay or don't have a lot of money. And they may say: 'I don't need any kind of dental plan. I don't want to pay.'"

These are all things.... This is a little bit later. "There are things that need to be canvassed, and I don't think we want to find ourselves down the spectrum of American universities, where you have to fill in copious amounts of documentation and wait for decisions, as an individual student, as to whether your insurance is sufficient, so you get a waiver."

Later. This was from Claire Avison. "So the fees will be able to be protected if they are set out in regulation."

There are many statements during that conversation which indicate that there is the possibility that fees that are being collected now, like health care fees and other fees....

One more quote from the minister, in that conversation. "You know, we don't want to get into the parsing of student newspapers. You know, a number of the institutions have miscellaneous fees. We don't really know what those are, but they may be entirely legitimate. Or perhaps they need to be mandatory, or perhaps they should be optional. Obviously, that has to be taken up with the various student associations."

It sounds to me, from that conversation, like the minister is not willing to commit that the student fees that are being collected now will continue to be collected. Will the minister be willing to make that commitment, or is this going to be a subject of negotiation?

**Hon. A. Wilkinson:** Rather than characterizing negotiation, this would be a matter of consultation with this very important collection of student associations and student unions, of which there are about 30 in the province, given there are graduate student societies and a variety of other parallel societies in addition to the 24 student associations or student unions.

The member opposite raises the point of dental plans, which came up in the conference call that was offered to all of the student associations. This is in fact a good example of where the degree of mandatory obligation has to be looked at, because some students already have two dental plans, one from each parent, and whether they wanted to pay for a third one should be something that they have a say in.

Whether there's an issue to be made that mandatory involvement will be a social benefit for all of them and

drive down the price, as is the case with the famous U-Pass which is used by about half of our campuses, is something that needs to be canvassed with the students and student associations. That's exactly why we will engage in a fulsome consultation with the students on how to characterize the various fees.

As I mentioned earlier, if one looks at the 25 different institutions and the various different subfees involved, there are over 100 of these fee categories that will be the subject of discussion. Some of them will obviously be mandatory. Some of them will be subject to the input from various student bodies about whether their particular fee should be mandatory or whether in some cases, as is already the case, some of these fees are already optional.

One size does not fit all in this scenario, and we'll be in consultation with the student associations and their unions to make sure that this legislation has the necessary flexibility and the necessary variances to deal with their circumstances.

[1155]

**K. Corrigan:** I'm glad that the minister raised the issue of dental plans and extended medical plans, because the students, without this legislation, already deal with the optional nature of those plans. The way they do it is that they have a simple process in place, not a long bureaucratic opt-out system or waiver the way the minister has described it in this telephone call. They already have an opt-out plan. It's a simple process where students, if they have other coverage, simply have to submit evidence of that coverage, and they fill out a short form, like a half-page or a page form, explaining what that coverage is.

That argument does not make sense. With the ability, as they have now, to collect all student fees without prescription by the government, they already allow for the opting out. I think every institution does it. Certainly, all the ones that I've talked to, all the student unions, do that. That doesn't, to me.... Why would it not be left the way it is? Does it not work the way it is now?

**Hon. A. Wilkinson:** The very reason for being here with this set of sections in this miscellaneous statutes amendment bill is to deal with the fact that it will not be the status quo after the new Societies Act comes in.

Noting the hour, I would suggest there be a motion that the committee rise and seek leave to sit again.

Motion approved.

The committee rose at 11:56 a.m.

The House resumed; Madame Speaker in the chair.

Committee of the Whole (Section B), having reported progress, was granted leave to sit again.

Hon. T. Lake moved adjournment of the House.

Motion approved.

**Madame Speaker:** This House, at its rising, stands adjourned until 1:30 this afternoon.

The House adjourned at 11:57 a.m.



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