



Fifth Session, 40th Parliament

OFFICIAL REPORT OF  
**DEBATES OF THE  
LEGISLATIVE ASSEMBLY**  
(HANSARD)

**Monday, July 25, 2016**  
**Afternoon Sitting**  
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THE HONOURABLE LINDA REID, SPEAKER

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PROVINCE OF BRITISH COLUMBIA  
(Entered Confederation July 20, 1871)

LIEUTENANT-GOVERNOR  
Her Honour the Honourable Judith Guichon, OBC

**FIFTH SESSION, 40TH PARLIAMENT**

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MONDAY, JULY 25, 2016

The House met at 1:33 p.m.

[Madame Speaker in the chair.]

### Routine Business

#### Introductions by Members

**Hon. M. de Jong:** I'm not sure he has yet made his way to the gallery and, more particularly, the press gallery. But all of us in this chamber, I think, are familiar with the incredible career of George Garrett, that intrepid reporter who for almost 50 years plied his trade.

George is one of those remarkable individuals who, despite asking difficult questions, despite the role he played as an investigative reporter, was always regarded first and foremost as fair and as a gentleman. He has received more lifetime achievement awards than we have time in this chamber to recognize today, from Websters to Hutchisons to the B.C. Association of Broadcasters.

[1335]

It was a great delight for those of us who saw him prowling around the precincts. Perhaps we were a little suspicious that he was coming out of retirement. But I know that all members of the chamber would like to extend a warm welcome to George Garrett.

**Hon. M. Bernier:** It's my pleasure today, actually, to introduce somebody from the Delta school district who's with us. Mr. Matt Carruthers holds a very important role within the school district in Delta as the SOGI coordinator for them. I know he works very hard within that school district. I want to thank him for that. I hope the whole House will please make him welcome today.

**J. Thornthwaite:** I have some constituents here today who are here to hear the debate on Bill 27, the Human Rights Code Amendment Act. I would like the House to make them feel very welcome: Michael Baker; Gina Lazarowich; Lucy Lazarowich; Kelsey Sheppard; Kas Van Neste-Baker; Nancy Van Neste-Baker; Brian Wilson and his mom, Misha; Gerry Clayford-Beckie; and Hailey, Sarah and Katie Clayford-Beckie. Those are my constituents. If we could please make them welcome.

**S. Hamilton:** We have a rare sight in the precinct and in Victoria this day as my wife, Kristen, joins us with her new guide dog puppy Pearl, an 11-week-old Lab retriever. The interesting thing about Pearl is she's with us for maybe four months, and then she is off trekking in Kobe, Japan for the rest of her career. We're part of the early training stages, but I know she'll have a great career overseas. Will the House please make them welcome.

### Statements (Standing Order 25B)

#### PARTY IN THE PARK SUMMER FESTIVAL IN CHILLIWACK

**J. Martin:** Since 2007, the Downtown Chilliwack Business Improvement Association has been attracting business and tourism in the downtown by celebrating arts and culture in a summer family festival known as Party in the Park. The brainchild of Kathy Funk and Ken Popove, Party in the Park has grown over the years to include a night market featuring local vendors and growers, a family fun zone of children's activities, face painting by high school students trained by a local artist and a great food fair featuring many local treats and small businesses.

Most notably, the entertainment stage — hosted by Chilliwack's favourite musician, Trevor McDonald — has showcased hundreds of Fraser Valley artists and bands and attracted Canadian headliners such as country music artists Dean Brody and Aaron Pritchett, pop acts Victoria Duffield and Faber Drive and classic rocker Bill Henderson.

While it was designed to bring activities to a new park that had been built and to stimulate economic activity in the businesses in the downtown BIA area, Party in the Park has become an integral part of our arts and cultural scene in Chilliwack. Every one of us in Chilliwack is so grateful to the many volunteers who spend countless hours producing such a successful event series every year.

The celebration of amazing local talent, food and fun, Party in the Park runs four fantastic, fun-filled Friday nights every July. If you happen to be passing through Chilliwack this B.C. Day long weekend, I'd invite you to join me for downtown Chilliwack's Party in the Park season finale on Friday, July 29 from five to nine.

#### 55-PLUS B.C. GAMES

**S. Robinson:** The 55-Plus Games are coming to Coquitlam this September. What a great way to celebrate Coquitlam's 125th birthday. Celebrating this special anniversary is a wonderful way to bring our community together. We have sport, competition, friendship and fun all wrapped into five amazing days, September 20 to 24.

The B.C. Seniors Games Society works with communities around the province to hold these games. The volunteer-run Seniors Games Society operates the multisport 55-Plus Games every year by bringing people together to celebrate the year's culmination of hard work, dedication and friendship in sport and other recreational activities.

This September Coquitlam will welcome up to 4,000 participants and coaches in 22 different sports and activities. Local organizers have been incredibly busy for months getting ready for the games, and now they are looking to recruit 1,500 enthusiastic and energetic people to help showcase the games this fall. The games need volunteers to help with traf-

fic control, medical assistance, hosting, transportation services and a range of other roles and responsibilities.

[1340]

Volunteering for these games is a great way to get connected, have fun, meet new people, learn and develop a new skill. There is a volunteer role for every skill set, every interest and every ability. Volunteers are a very important part of the games. I want to encourage everyone to sign up and help us deliver a great 55-Plus B.C. Games in Coquitlam this September.

Let's show British Columbia what a welcoming, helpful and supportive community we have in Coquitlam.

#### 40th ANNUAL B.C. ELDERS GATHERING

**D. Barnett:** I am pleased to stand in this House today to draw attention to an important event that recently took place in my home riding of Cariboo-Chilcotin.

From July 11 to 14, over 2,000 First Nations elders from across British Columbia gathered in Williams Lake for the 40th annual B.C. Elders Gathering. The gathering was an important opportunity for aboriginal leaders to come together and honour the knowledge-keepers and mentors who carry with them the rich heritage of their communities. It was also a chance for these teachers to share the wisdom and knowledge they have gained over their lifetimes with the aboriginal youth who will one day become leaders within their communities.

I am pleased to say that the gathering was a resounding success. Over 100 bands took part in the opening ceremonies. Productive discussions on a number of important issues took place, as well as celebrations featuring wonderful traditional ceremonies, put on by a number of talented artists and performers.

I would like to thank the B.C. Elders Gathering Society for choosing to host their annual gathering in beautiful Williams Lake, as well as the Tsihqot'in for taking on the role of the organizing community. I also thank Chief Ann Louie and the Williams Lake Indian Band for hosting the ceremonies on their traditional territory. Additionally, Mr. Cecil Grindler and Mr. Stanley Stump deserve special recognition for acting as chair and co-chair of the ceremonies, while countless volunteers and staff members made the event a success through hard work and dedication. I would also like to thank council and the staff of the city of Williams Lake as well as the Cariboo regional district for their support of the gathering.

Events like these remind us that the rich heritage of B.C.'s First Nations continues to thrive. I hope next year's gathering continues the success.

#### NORTH ISLAND COMMUNITY EVENTS

**C. Trevena:** Summer is always a season of celebrations. In the north Island this year, there has been a special ring to them. Both Port McNeill and Port Hardy have been celebrating their 50th anniversaries.

Port McNeill's event coincided with two other important events in the town, Canada Day, at which longtime mayor Gerry Furney was recognized by the whole community, and Logger Sports. Both are fitting. Former mayor Furney led the community for most of its 50 years, and Logger Sports is a celebration of logging.

Port McNeill's past, present and, very likely, its future have been rooted in the forest industry. The town evolved from being a logging camp to a vibrant community, and while it still relies heavily on forestry for its foundations, other sectors are gaining strength as people choose to live and work in the now 50-year-old Port McNeill. It's also a hub for the other communities in the north Island, with the ferry to Sointula and Alert Bay, as well as North Island Secondary School, which takes students from Woss and from Port Alice.

Port Hardy has been an active community for more than 50 years — initially, primarily for fishing. It became incorporated in 1966, and its celebrations took place on Filomi Days. Filomi is an acronym for fishing, logging and mining, the industries on which modern Port Hardy was built.

As resource communities do, Port Hardy has faced some tough times with the decline in fishing and the closing of the Utah mine. More recently, cuts to the ferry service have had a significant impact on tourism and local business. But Port Hardy is truly resilient, and there was a sense of energy and civic pride at the annual event — this time expanded to recognize elected representatives past and present who have put their time and energy into making Port Hardy the strong, centred place it is today.

The north Island is made up of small resource-based communities which people from all walks of life are proud to call home.

#### CHILLIWACK SOCIETY FOR COMMUNITY LIVING EMPLOYMENT SERVICES

**L. Throness:** This summer I visited the employment services office of the Chilliwack Society for Community Living. Nancy Gauvin and Sharon Goldthorp told me how they strive to help find work for clients with special needs. As our job market tightens, good help is going to be harder to find.

[1345]

Employers in Chilliwack who need a special person to fill a unique niche in their office will find the Chilliwack Society for Community Living a very helpful resource. Staff approach employers on behalf of clients. They find the right person for the job and negotiate a contract on their behalf. Once hired, they even accompany their clients to the workplace and work with them on the job until they're comfortable in their new roles. They continue to shepherd their clients throughout, helping to resolve any human resource issues that arise. CSCL makes it easy for employers.

Dozens of businesses in Chilliwack who already make use of their services agree. For example, O'Connor



Chrysler and Home Depot give opportunities to people who would otherwise have a hard time entering the workforce. I can assure you that these employers are happy with the results. Home Depot manager Kevin Vandenbosch said: "Hiring people with diverse abilities has always been a true value for us."

This spring, I made use of CSCL's services myself when I hired Jackie on a part-time basis to do custodial work in my office. I have found her to be a great employee. She comes every week on time. She's always cheerful. She works hard and does the job well. Not only does she provide a necessary service to my constituency; it supplies her with some extra money, with greater self-confidence and a sense of fulfilment too. And, I might add, it gives my staff and I some pretty warm feelings as well.

I would encourage Chilliwack employers to make use of the services CSCL provides and help someone else while helping themselves.

#### MULTICULTURAL FESTIVALS IN BURNABY

**K. Corrigan:** Well, it's summertime, and that means it's the season for multicultural festivals in Burnaby. In Burnaby, we say we have residents coming from Afghanistan to Zanzibar. We have over 100 languages spoken in our community. That's why the city of Burnaby is particularly interested in promoting and supporting festivals and events that enhance its multicultural make-up. We are pleased to be known as a centre for diversity. In fact, a recent study found that Burnaby is the most diverse community in Canada. We think that's a strength and an advantage.

Celebrating diversity is particularly important at this time, when we are living in a world where some politicians and religious leaders deliver racist and bigoted attacks on immigrants and minorities. Yes, it is fun to go to the multicultural festival, but it's also a statement to the world that we all stand together and stand for inclusiveness.

Whether it's savouring Hungarian goulash or admiring the Portuguese vira at the European Festival in May or dancing the hula at the Fiji Festival in July or taking part in the water splashing ceremony at the Chinese Cultural Heritage Festival next week or thrilling to the breathtaking tae kwon do at the Korean festival in August, we are bringing unity through diversity at multicultural events in Burnaby this summer.

#### Oral Questions

##### GOVERNMENT ACTION ON HOUSING AFFORDABILITY AND FOREIGN INVESTMENT

**J. Horgan:** Hon. Speaker, it's delightful to see you in July — and other members of the Legislature and those

who surely had nothing better to do today than be in the Legislature. It's good to be back.

It's good to be talking about an issue that we've been talking about in this House for the past two years, and that's the outrageous, runaway cost of housing not just in Vancouver but the entire Lower Mainland and indeed into Vancouver Island as well.

When we started raising these issues, the Premier dismissed them — said offshore investment wasn't an issue. The Minister of Finance said that we had to govern for all of British Columbia, not just a narrow band in Vancouver. The Deputy Premier said that housing prices were actually quite affordable. The Premier added the cherry on top by saying: "If you think housing is too unaffordable here in the Lower Mainland, you can always move north because the views are nice there."

Well, what a difference a couple of months and a few bad headlines make. Here we are, sitting in a special session of the Legislature where the government is now appearing to have some interest in the subject.

I want to ask the Premier why she's not using information that's already readily available to address this issue. A data firm in Vancouver released a report last week that looked at census data and income tax data and found that there's an unusual number of people buying million-dollar homes that have poverty incomes.

My question to the Premier is: why is it that people who are not paying income tax in Canada are buying million-dollar homes in the Lower Mainland?

[1350]

**Hon. C. Clark:** As people on this side of the House fight to put British Columbians first and make sure that British Columbians get all the benefits of this province being number one, the number one job-creating and the fastest-growing economy in Canada, we have been paying a lot of attention over the last many months to making sure that housing, the dream of owning a home, remains within the reach of the middle class.

What have we done? A luxury tax on homes over \$2 million. Zero property transfer tax on new homes under \$750,000. Making sure that we're protecting consumers by ending self-regulation in real estate. Ending shadow flipping. And last but not least, persuading the federal government to take a harder look at money laundering. Our Finance Minister has been working with the Minister of Finance, and we are really pleased that they've added 90 auditors to do what they're calling lifestyle audits to look at exactly the issues that the member has raised.

In addition to that, as the House will know, we are taking further steps to make sure that British Columbia's economy... It is number one in the country — but making sure that our number one designation and the wealth that we are creating go to benefit British Columbian and that the people of this province and in the Lower Mainland aren't squeezed out of their own city. We need

to make sure that the dream of home ownership remains within the reach of the middle class. You've seen some moves in that direction, and you'll see more today.

**Madame Speaker:** The Leader of the Official Opposition on a supplemental.

**J. Horgan:** We know it's the summer session because it's flip-flop season here on the B.C. Liberal side. The B.C. Liberal three-step. First, you deny there's a problem. Then you claim that the opposition is fearmongering. And then you say: "I've discovered the problem, and I'm going to correct it." Well, I think the public is going to see right past that. In fact, I know they're going to see right past it.

Certainly, I wouldn't want to abuse the rules and talk about legislation before this House, but the Premier brought it up, so I thought I'd touch upon it. She made reference to regulating the real estate sector, and I thought to myself: "Well, who deregulated it again? Who was that? Oh, right. It was you guys on that side of the House."

**Madame Speaker:** Through the Chair.

**J. Horgan:** I'd like to go back to the issue that has been discussed by the Sauder business school, by economists throughout the Lower Mainland, at SFU and at UBC, about how you can really address not the people but the capital that's coming from elsewhere and distorting our real estate market. You can do that with the tools that are already available to us.

Checking a box on a form has been proposed by the Minister of Finance, and that's good. I think people of good intent will check that box, but people of ill intent who are here to launder their money are not going to check the box. They're going to hire lawyers. They're going to hire accountants. And they're going to circumvent that legislation.

I want to put my question, then, to the Premier: why not use the tools you already have? Let's look at those poverty-line homebuyers that are buying \$2 million properties in the Lower Mainland and stop it right now.

**Hon. C. Clark:** And we are. We have been working for months with the federal government, and the Minister of Finance has been working with the federal Minister of Finance.

Interjections.

**Madame Speaker:** Members.

**Hon. C. Clark:** They have hired, as I said, 90 auditors to make sure that we can chase down these lifestyle audits, and we are sharing as much information as legally possible with the federal government to make sure that we do that.

Here is the member opposite who offered to British Columbians a 2 percent tax that would apply mostly to Canadians as his way of trying to deal with the issue of the cost of housing. Here is the member opposite who suggested that we go about taxing empty homes or taxing expensive homes with low-income people in them and ask them to prove what their income was. The member opposite, who would see senior citizens all over the city of Vancouver, people who have worked their whole lives to build up equity in what are now very expensive homes, would tax them as well.

[1355]

Those kinds of flimsy, back-of-the-envelope solutions will not work...

Interjections.

**Madame Speaker:** Members.

**Hon. C. Clark:** ...and will not have the impact that we need them to have.

Today in this Legislature, our government has proudly introduced legislation that will make a very meaningful difference. It is significantly different from the back-of-the-envelope solutions that the opposition has presented. It is significantly tougher, and it will make a very big difference for all those British Columbians who want to make sure, particularly in the Lower Mainland, that they can still afford to live in their own city.

**J. Horgan:** Sometimes I think the B.C. Liberals don't understand that we record the proceedings in this place. You can't unring the bell. When you say the stuff that the members on that side have been saying about the housing crisis over the past year and a half, people can google it, you know. It's not just Pokémon going on out there. People can look this stuff up. What they'll find is a government that has been completely detached from the reality that people are living in.

The Premier talks about the economy. We have the lowest minimum wage in the country. We have the highest child poverty rate in the country. What do we get from the Premier? A statistic that says one good thing on one day — ignoring the statistics that they have in their own bank right now that they could pull out and highlight what's going on in the real estate market.

The Minister of Finance said that there was no problem here just three weeks ago. They talk about the back of an envelope. Well, that's what we've got here. We've got something that was hastily thrown together to try and avert some bad headlines.

My question to the Premier is... How about saying to your backers in the B.C. Liberal Party, the big developers in Vancouver, that you're going to crack down on their customers and take that foreign capital that's coming in and distorting the marketplace and: "We're going

to do something about it, and we'll do it today while the Legislature is sitting" Not the folly that we've got before us today.

**Hon. C. Clark:** If we take just a quick moment of silence, I think we'll hear the grasping of straws happening very loudly over on the other side of the House. We are doing something about it today. We have introduced this legislation today so that we can address it and we can make sure that British Columbians who want to own a home can continue to afford to do so, particularly in the Lower Mainland — make sure that we put British Columbians first. We are number one, and we want to share that wealth with all British Columbians, no matter what their level of income is.

What I hear from the Leader of the Opposition, I think, is a hint that he proposes that he may be opposing this legislation. Well, I welcome him to stand up and say he doesn't support it — that he doesn't support the legislation our government has put in to put British Columbians first. It wouldn't be very much different from what he has done most of the time. They don't put British Columbians first. On this side of the House, we do.

#### SUNCOM TRANSACTIONS AND REGULATION OF REAL ESTATE INDUSTRY

**D. Eby:** I'm kind of curious about whether....

Interjections.

**Madame Speaker:** Members.  
Please continue.

**D. Eby:** I'm kind of curious about whether the Finance Minister is going to be supporting this legislation.

B.C. Liberal donors, SunCom Realty and their principals, are raising eyebrows again. This time founder Kevin Sun is in the news for being linked to a massive corruption scheme in China, which has led to allegations of tax evasion and money laundering in the Lower Mainland housing market. About half a billion dollars in residential real estate transactions have been implicated, and no regulator appears to know who should be investigated.

Now, the Leader of the Official Opposition has proposed an integrated task force of police, Crown counsel and auditors to look at transactions exactly like this.

If the Premier wants to do something, maybe she'll stand up today and say that she supports the creation of an integrated team just like this to chase money laundering and tax evasion in the B.C. real estate market.

**Hon. M. de Jong:** There were a series of questions. I'll answer the first one that the member posed, and then I'm sure I'll have an opportunity to answer the second one.

[1400]

Make no mistake about it. I and every member of the government support the legislation that was tabled today. And we do....

Interjections.

**Madame Speaker:** Members. Members. The Chair will hear the question and the answer.

**Hon. M. de Jong:** And we do because it is an approach rooted in fact and not conjecture. I understand how difficult it is for the member opposite and his colleagues to actually develop public policy on the basis of evidence, on the basis of data, on the basis of statistical information that can be relied upon. Yet that is precisely what the government has done.

We believe that in a circumstance where demand is clearly outstripping supply in a part of the province, it is appropriate, armed with the data that we now have, to take steps to address that, to provide some relief to minimize, in the case of international demand — to reduce some of that demand while we do something that is fundamentally important. That is, work together, as three levels of government, to increase supply of housing so that that dream of owning a home is available for all British Columbians — those that wish to purchase and, importantly, also those who wish to rent.

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

**D. Eby:** Well, no surprise that the Premier won't rise and say that a B.C. Liberal donor, who helps pay for her stipend, should be investigated by an integrated team.

B.C.'s superintendent of real estate forwarded this case to the disgraced Real Estate Council of B.C but told the media she couldn't say whether, in fact, it was her office that was responsible here. Revenue Canada and the RCMP refused to investigate. Anti-money-laundering agency FINTRAC said they're not an investigative agency.

A former RCMP organized crime unit investigator said that "this case has many alarming red flags." Many alarming red flags about a B.C. Liberal donor, and this government refuses to put in place the integrated team to investigate. Again to the Premier: will she put the team in place?

**Hon. M. de Jong:** It's interesting we're having this exchange today in question period on a day when, of course, significant changes are — we hope, with the support of the Legislative Assembly — about to take effect, changes that include the creation for the first time of a dedicated superintendent of real estate who will not have other duties but will be focused exclusively on the real estate side of the equation.

It's on a day when we are poised, again with the support of the Legislature — I didn't hear the member express a view, although I'm sure he will at some point — to elimin-

ate self-regulation, his colleague mentioned, and to significantly increase the oversight, authority and rule-making authority of that dedicated superintendent of real estate.

British Columbians deserve, are entitled, to know that the real estate sector is being regulated in a way that protects, first and foremost, the public interest. Today we are taking important steps to ensure that that is so.

#### B.C. HYDRO MANAGEMENT

**A. Dix:** B.C. Hydro tabled its annual report last Thursday. Oh, what a steaming mess it was.

Hydro's CEO claimed: "We are on target to meet the ten-year rates plan set out by the government." The ten-year plan says that Hydro's credit card deferral account balance would be \$4.8 billion at the end of fiscal 2016. What did the annual report say it actually was? A deferral account balance of \$5.9 billion.

Incredibly, the Premier, the minister, their plan — they made a mistake of \$1.1 billion. That's two years into a ten-year plan. This failure alone adds \$500 to the \$2,500 every Hydro customer owes because of their deferral account schemes — \$500 on top of 28 percent rate increases, making life less affordable for everyone.

[1405]

What trust can the public have in this minister, in this government's management of B.C. Hydro, when they can make a \$1.1 billion mistake on their key plan?

**Hon. B. Bennett:** It's great to be here. I appreciate the question from the member. When the member who asked the question was advising Premiers with a different government, he actually used to attend B.C. Hydro board meetings on a regular basis when they were creating regulatory accounts, I presume for the same reasons that regulatory accounts are created today.

The question basically is: how's Hydro doing, and should the public have confidence in B.C. Hydro? I think all you have to do is take a look around the world to make a determination as to how B.C. Hydro is doing and whether ratepayers in B.C. should have faith in B.C. Hydro. Our residential rates here in this province are the third lowest in North America.

Back in 2011, when government saw that there was a need to take a closer look at B.C. Hydro in terms of how they do business — to look at their operating expenses, to look at executive compensation, all the things that the public cares about — we did that. We found a way for B.C. Hydro to reduce operating costs by almost \$400 million over three years. We got executive compensation under control. We established a ten-year rates plan so that people can plan, so that businesses can plan, and we are on that ten-year rate plan today.

**Madame Speaker:** The member for Vancouver-Kingsway on a supplemental.

**A. Dix:** He's like the officer from *South Park* — you know, this isn't happening, everyone looking away, nothing to see here. They made a mistake of \$1.1 billion. They stuck every Hydro customer with an additional \$500. They already owe \$2,500 to the deferral account. They're paying 28 percent rate increases, and this minister has nothing to say about it. How can he possibly make a mistake of \$1.1 billion and have nothing to say for it?

By the way, it's page 32 of his plan. And this is not the only big miss in the annual report. Their demand forecast: how much did they miss by? Well, 3,351 gigawatt hours. That's a lot of gigawatt hours. That's the reason why they're failing. That's why the people of British Columbia are getting stuck with massive rate increases well into the future. That's why they're owing money to B.C. Hydro — to pay for this government's incompetence and their determination to borrow money to pretend that their fiscal plans make sense. That's what's happening here.

Will the minister...? It's his plan; he stood up with it. It's the Premier's plan; she stood up for it. Can he explain how it is possible to make a \$1 billion blunder — one they don't mention in their annual report, all 102 pages? How is it possible to make a \$1.1 billion blunder on deferral accounts in the first two years of a ten-year plan?

**Hon. B. Bennett:** Well, on Thursday, as the member knows — at least, I think he knows — B.C. Hydro will file a revenue requirements application that will contain thousands and thousands of pages of information. There's going to be.... Actually, the member shouldn't plan on taking any vacation. He'll be very busy, I'm sure, over the month of August reviewing all those documents.

Interjections.

**Madame Speaker:** Members.

**Hon. B. Bennett:** One of the things that the member will find is that it's a ten-year rates plan. It's not a one-year rates plan. It's not a two-year rates plan. It's a ten-year rates plan. Remember the hon. member...

[1410]

Interjections.

**Madame Speaker:** Members.

Please continue.

**Hon. B. Bennett:** The member mentions the demand forecast for one year as if it should be bang on, spot on accurate.

I remember this member, actually, in 2014, when B.C. Hydro had actually forecast that there would be a surplus of electricity. He was going on and on and on about how we were going to have to sell that electricity on the spot market. Well, it turned out that was a dry year. Our reservoirs didn't

fill with water, and we actually ended up importing electricity.

From time to time, the demand forecast is going to change on a year-by-year basis. The one difference between the way this side of the House looks at this and the other side of the House is that on this side of the House, we know that our economy is going to continue to grow. We know that our population is going to continue to grow, because it is. We know that B.C. is going to continue to attract new jobs, leading the country, and that's what's going to drive new demand.

**C. James:** The minister and the Premier don't seem to understand that this isn't an abstract accounting exercise. This is about B.C. Hydro racking up debt that working people are on the hook for.

This government's latest overrun at B.C. Hydro will cost every customer — renters, homeowners, business alike — \$500. When you look at the money that the Premier has allowed B.C. Hydro to stick in deferral accounts, customers are actually on the hook for \$3,000 each.

We all know how B.C. Hydro makes up this shortfall. They're going to increase hydro rates. They're going to hit families, hard-working families, in the pocketbook.

Can the Energy Minister tell this House how much ratepayers can expect to see their rates hiked in future years to make up for his \$1.1 billion overrun?

**Hon. B. Bennett:** I know it is the practice of this opposition to throw as much at the wall as they possibly can in the 30 minutes of question period, hoping that some of it will stick.

Let's be really clear. To the member who just asked the question, we have a ten-year rates plan. We announced it three years ago. We had an annual rate increase of 9 percent. Nobody was happy about that. We had an annual increase the next year of 6 percent. I'm sure no one was happy about that. We have an annual increase of 4 percent this year. Next year will be 3½ percent. The year after that will be 3 percent, and the five years after that will average 2.6 percent. That is the ten-year rates plan.

You can go on the website. You can have a look at it. That's what we said we were going to do three years ago, and that is exactly what we're doing.

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

**C. James:** The public can be forgiven for not believing a single thing that this government says in this Legislature or outside this Legislature.

In the spring session, we warned the government about the many ways their decisions were making life less affordable for B.C. families. We warned about international money and speculation in the real estate market. We warned about the impact of the increases in MSP premiums. We warned about ICBC rates making transpor-

tation more expensive for working families.

In every single case, they blew away concerns and said there was absolutely no problem. Well, unfortunately, B.C. Hydro ratepayers are going to be facing a huge problem with their energy bills, courtesy of this Premier and this minister.

So I ask the question again: will the minister tell this House and tell ratepayers how much they can expect to see their rates hiked in the coming years to make up for the \$1.1 billion overrun?

[1415]

**Hon. B. Bennett:** It seems to me that a member who has been in the House as long as that member has been in this House ought to be able to improvise on her second question when the minister on this side of the House actually answered the question fulsomely. It puts me in a position where...

Interjections.

**Madame Speaker:** Members.

**Hon. B. Bennett:** ...I have no choice but to repeat what I said in my first answer. All the member has to do to find out what the electricity rates are going to be in British Columbia is to go to the B.C. Hydro website, go to the Energy Ministry website, and....

Interjections.

**Madame Speaker:** Members.

**Hon. B. Bennett:** From three years ago, they will see exactly what hydro rates are going to be.

#### RENTAL HOUSING IN VANCOUVER

**M. Mark:** Over half of the people living in a community that I represent in Vancouver–Mount Pleasant are renters, and they are facing an affordability crisis. A recent report from Vancity found that there is only one neighbourhood in the entire city where people can afford to rent — one. The report shows that the problem is especially dire for millennials and low-income households.

Meanwhile, this government has refused to tackle the rental crisis and secure rental housing, instead favouring developers who are demolishing rental housing, many of which are Liberal Party donors.

My question is for the Minister of Housing. Who comes first: party donors or British Columbians who can't afford rent?

**Hon. C. Clark:** I have this funny feeling the member wrote that question at 9 a.m. but hasn't looked at it again since then. What we are doing in this Legislature is granting the city of Vancouver the right that enables them to

be able to levy a vacancy tax, which is intended to open up more rental housing in the city of Vancouver. We also, in our last budget, have the biggest budget in the history of British Columbia...

Interjections.

**Madame Speaker:** Members.

**Hon. C. Clark:** ...for affordable housing. Out of the bill that was introduced today, we propose to create a housing affordability fund, a housing initiatives fund, that will make it possible for us to invest in a range of other housing, including rental housing, to make sure that that is available for people around the Lower Mainland, the Greater Vancouver area as well.

And notably from that, that fund will be produced by those foreign buyers who come into our market and pay an extra tax. One hundred percent of that money is going support housing initiatives in the Lower Mainland.

There is more to come in terms of supporting rental housing. We need to make sure that there is supply of rental housing, affordable housing, middle-class housing. We need to make sure that we put British Columbians first and keep the dream of home ownership and home occupancy in the reach of the middle class in our province.

[End of question period.]

### Tabling Documents

**Madame Speaker:** Hon. Members, I have the honour to present the Office of the Auditor General, *Progress Audit Report: Effectiveness of B.C. Community Corrections*; financial statements 2015-16; Office of the Ombudsperson, special report No. 38, *The Hiatus in B.C. Correctional Centre Inspections*; Representative for Children and Youth, *A Review of Youth Substance Use Services in British Columbia*; Office of the Registrar of Lobbyists, *Investigation Report 16-06*, lobbyist Dana Hayden; Elections B.C., *Report of the Chief Electoral Officer on the 2016 Vancouver–Mount Pleasant and Coquitlam–Burke Mountain By-elections*, February 2, 2016. And the following annual reports for 2015-16: Auditor General, Conflict of Interest Commissioner of B.C., Information and Privacy Commissioner for British Columbia, Office of the Ombudsperson and Office of the Registrar of Lobbyists.

### Petitions

**D. Eby:** I have 191 postcards to add to the thousands of emails and letters that the Housing Minister has received asking him to fix the housing crisis in Metro Vancouver. I have one more petition. It's asking the Minister of

Forests, Lands and Natural Resources to reconsider a decision to refuse to lease property in the University Endowment Lands for a Metro Vancouver works yard and forcing them to take land out of Pacific Spirit Park or a community green space for the facility.

[1420]

**J. Yap:** I have a petition signed by 3,591 residents in Richmond and elsewhere expressing concerns with regard to school and education funding.

### Orders of the Day

**Madame Speaker:** Government House Leader.

Interjections.

**Madame Speaker:** Members, this House will come to order.

Vancouver–Point Grey.  
Please proceed.

**Hon. M. de Jong:** In calling Bill 27....

[Interruption.]

I wasn't sure where that was coming from, actually. [Laughter.]

In calling Bill 27, I am seeking leave and the government is seeking leave of the House to allow for Bill 27 to pass through all stages of the debate this day.

Leave granted.

**Hon. M. de Jong:** Bill 27.

### Second Reading of Bills

#### BILL 27 — HUMAN RIGHTS CODE AMENDMENT ACT, 2016

**Hon. S. Anton:** I move that Bill 27 now be read a second time.

The purpose of this bill is to amend the B.C. human rights code so that it explicitly protects transgender persons from discrimination. The code has already been interpreted by the courts as protecting transgender persons from discrimination under the ground of sex. However, the proposed amendments make this protection explicit by adding gender identity or expression to prohibited grounds of discrimination listed in the code.

If these amendments are approved, British Columbia's legislation will be broadly consistent with legislation in most other Canadian provinces and territories and with the federal government's proposed amendments to the Canadian Human Rights Act. Some groups may oppose

explicit recognition of gender identity or expression in the code. However, the courts and the B.C. Human Rights Tribunal have already ruled that discrimination against transgender persons is prohibited by the existing language in the code.

So is this amendment strictly required by law? Many are sympathetic to the analysis that it's not necessary. They worry about developing a long list of defined protections in federal and provincial human rights legislation.

Constitutional law generally and human rights law in particular have long been characterized by the courts as a living tree, capable of growth and expansion. The living tree doctrine was first established by Lord Chancellor Viscount Sankey in the *Persons Case*, a 1929 decision of the judicial committee of the Privy Council when he stated: "The British North America Act planted in Canada a living tree capable of growth and expansion within its natural limits."

In the early days of the Canadian Charter of Rights and Freedoms, Chief Justice Brian Dickson of the Supreme Court of Canada suggested that the living tree doctrine applies to human rights law, particularly Charter interpretation. The living tree doctrine enables the law to evolve over time while still remaining rooted in its original intentions. The doctrine balances seemingly contradictory goals: durability and flexibility.

This is the challenge that we face as a government when assessing amendments to the human rights code. It is clear to all that the purposes of the code include the promotion of a climate of understanding and mutual respect where all are equal in dignity and rights.

[1425]

So why make this change? Because it is the right thing to do. It is not just the law; it is the expression of the law.

Based on meetings with many transgender persons, a review of submissions from the community and meeting members of the community, advocates and many others over the past number of months, I know that many persons in the transgender community sincerely believe that the broader community is not aware of the rights of transgender persons to be free from discrimination. I share that concern.

There is no question that transgender persons can face challenges. They face violence. They face discrimination. They may be refused tenancies. They may be refused employment for no other reason than that they are transgender. They may be fired. It is important for transgender persons to know that they are protected, to know that government is with them.

It is important for all of us in society to know that we may not discriminate against a person based on their gender identity or expression. It is important for all of us to treat each other with respect, but in particular, when one group of people suffers discrimination which is unusual in society and particular to them, it is very important that their rights be recognized.

That is why we are proposing specific amendments to the human rights code in order to reflect the common law in explicit language in the code itself. This will achieve the goal of greater public awareness and help all British Columbians to know that discrimination against transgender persons is against the law. For coming generations of British Columbians, this will be clear on the face of our human rights code.

I'd like to thank all of those, many of whom have been in the House today — individually, collectively, advocacy groups, friends, allies, family members — who have pushed this agenda, shall I say, over the past number of years and have been most persuasive in their case that it is important that people be protected on the basis of gender identity and of expression and that that be explicitly stated in our human rights code in British Columbia.

I'd like to recognize the member for Vancouver–West End, who has worked long and hard over the years as an advocate for these amendments.

I am very pleased to introduce this legislation on second reading, and I look forward to the debate ahead.

**S. Chandra Herbert:** Well, I'm almost speechless. But no, you don't get that benefit of a lot of silence because there's so much to say. There's so much to say about why this is necessary.

Members on the opposite side of the House, members on my side of the House, probably can start to guess what I might say, as I've said it a few times before in this Legislature. They might be able to repeat some of the arguments I've made before. But for the benefit of those who didn't get to hear them, I will make the case once more of why this legislation is so important.

Imagine, if you will, going for a job interview. The person looks at you and says: "Oh no. I'm not going to hire you because of how you look, because of who you are."

Imagine going for housing. You've got it, in this low-vacancy world we live in right now where it's really difficult to find affordable places to live. You find that housing. You've made the call. You've made the email. You've connected. You've looked at references. You get to the door, or you make the phone call, and they listen to your voice, and they think you don't sound like they think you should sound like or you don't look how they want you to look like because you are transgender, and they believe it's their right to discriminate against you because of who you are.

Unfortunately, those stories happen all the time in B.C., across Canada, across this world, where people have taken their ignorance and, in some cases, their hatred out in a discriminatory way.

Now, as I've said from the beginning about why we need this legislation: yes, judges may have interpreted our human rights code to read gender identity or expression, but I bet you if you talk to the average citizen in B.C. today, they wouldn't know that.

Most importantly, if you talk to somebody who's transgender or gender variant, many of them would tell you that no, when reading the human rights code, it does not say gender identity. It does not say gender expression.

[1430]

If we pass this legislation today, it will finally be there in black and white so that when you read the human rights code, you know you're protected. When an employer reads the human rights code, or a landlord or an elementary school student... When reading about the law, they will know that transgender people are protected. It is impossible to enact a law, to enforce a law, to call for help to enforce a law, if you don't know that the law is there to protect you.

That's why I'm so glad that finally... This will be the fifth time lucky, the fifth-time-lucky charm. Normally it was third time, I said, but no, it takes five times, sometimes, before we get change. This time the government will be introducing this legislation — has introduced this legislation — and has indicated they will make this law. And it gives me great pleasure that they have heard, finally — finally heard the winds of change, finally heard from those who have been pleading for years and years for action.

This is not just about changing a law and we'll leave it there. This about changing a law so we can help change a culture to be one that's more inclusive, one that's more accepting, one that embraces difference and diversity.

Gender is a tough issue. We have lots of issues in gender, whether or not it's sexism, whether or not it's misogyny, whether or not it's being critical of somebody because they look too masculine, they look too feminine, they don't look like your version of what a boy or a man or a woman or a girl or somebody who doesn't fit into any of those categories looks like.

It's hard. Somebody said: "Well, you know, if you're going to talk about this legislation, you can't just talk about what transgender people have told you about why we need it. You need to talk about why it matters to you as well." Well, it matters to me, obviously, because too many of my friends have been hurt because they are different. It matters to me because too many people have faced incredible losses in their personal lives — of housing, of employment, of family members — because they are trans or they just don't fit the gender binaries as they are supposed to.

I was thinking about it. What are my earliest memories of gender? What were my earliest memories of going, well, things maybe can be a little different? I think many of us will have memories of elementary school, where somebody told you that you should be not quite how you were.

Well, I've got to tell you, some of the boys in my elementary school were dirty. They enjoyed playing in the muck. They enjoyed pushing people around, a little rough and tumble. I can do that. I'm good at that. But you know,

sometimes the girls were just smarter. Sometimes they just had a little bit more to offer in terms of a conversation. So I hung out with them sometimes, which, of course, got the charge of the other young boys saying, "You're too much of a girl, girly man," and those kinds of things.

I took it in stride. Whatever. I wasn't going to let them try and change who I am as a person and the things that I enjoy. Eventually the boys smartened up. It takes us a bit longer. We mature a little bit later sometimes. But you know, now I'm comfortable with everybody, so I can be the macho man. I can be the girly man. It all happens sometimes in the world of the wonderful diversity that I like to live.

But for too many, those instances can shut them down. Those instances of somebody trying to enforce how you're supposed to be makes them give up. For too many, that can be the breaking point of them having confidence and going out in the world and them saying: "I'm different. Nobody likes me. Nobody loves me. I shouldn't exist." Unfortunately, that's why we know that there are still many people who can't live life the way they are. That's why we know suicide remains as something that kills far too many in our society, particularly transgender and gender-variant people.

We as a culture have not changed to embrace that full diversity yet. We're changing laws, even though we're not leaders in Canada in terms of changing this law. We'll be the third-last province to act. But we can become leaders. So I'm going to take this opportunity to call on us all to look at what more we can do, what more we can change.

Lately, it's become a trend to apologize for things governments have done 40 years, 50 years, 100 years ago, because we recognize that in order to change, we have to recognize where we've done wrong in the past, learn from those lessons and then resolve to do better. Well, sometimes I think that, rather than wait 40 years, we should change now. We know that there are still too many people who face hatred for who they are, and we could act in a number of ways.

[1435]

In our schools. As I know, my friend across the way in North Vancouver–Seymour, as well as my colleague from the Stikine who is the vice-Chair of the Standing Committee on Children and Youth... They called for explicit protections, explicit policy in our school system to make sure that every kid that goes through a B.C. school has the support, has the knowledge, has the acceptance and the education to embrace diversity in all its many forms. Particularly, in this case, due to the high level of violence faced by lesbian, gay, bi and trans kids, the focus was there.

Dr. Elizabeth Saewyc, who was with us earlier today, has incredible research which shows if we bring in explicit policies, not only do schools get safer for LGBT kids; they become safer for all kids. All kids prosper.



As a New Democrat, that's always been my belief in terms of how we should live in society. If one person suffers, chances are there's somebody else suffering too. Chances are that that, then, extends out to all of us. No person is an island. "No man is an island," as that great poem goes. In fact, we are all connected, as any good scientist would tell you. We all have that connection now, and we have to work with that understanding.

How did we get here? If you'll forgive me, I have to do a little bit of history of how we came to this great day, this historic day for B.C. I asked the Legislative Library to help me out. When was the first time the word "transsexual" was ever said in this Legislature? Well, it would surprise you. It actually was way back in 1973. In 1973, the NDP was arguing for a change in the law, so that if somebody underwent gender reassignment surgery, their IDs could be changed to match their gender, something which, after much to-and-fro, was passed, and that law became law for B.C.

In an interesting note, just last year or the year before, I think it was, we updated that law, more than 40 years later, to say that the surgery didn't necessarily have to happen. We know — and I think there are some in the House today who know that very personally — that sometimes, when you're a very young person, that kind of surgery is too much. Your birth certificate should match who you are as a person, no matter what the surgery might say or medical doctors might try and force onto you. We need to recognize the whole person and where they came from. We did update that law most recently. That was the first time.

When did "gender identity" first enter the debate in this House? Well, it came back in 1988, and again it was a New Democrat making the case for reassignment surgery to help people feel their full person, as they need to be.

Later, when did "transgender" enter this House? First time was 1996, when one of my predecessors as an MLA, Tim Stevenson, spoke with pride about the transgender community in the neighbourhood we live in, in the West End.

So on and on. But when did the first call in this House really come for pushing for changes to the B.C. human rights code? Well, it actually goes to my colleague from Vancouver-Hastings, in bringing a petition forward from his constituents, calling for gender identity and expression to be put into this Legislature and into legislation. I think that was in 2010.

In 2011, I brought a private member's bill, for the first time, to do that, and then three times after that. There's a quote that has often been attributed to Gandhi. I don't think it was actually him that said it, but an incredible leader, so let's attach it to him. "First, they ignore you. Then they mock you. Then they attack you. Then you win." Well, that's somewhat what it felt like for me in going through this journey.

The first time I moved the legislation, the petition came

to the House, there was no response. Nobody said nothing. There was almost.... There were a few stories in the media. I think it was myself and a woman named Marie Little, from the Trans Alliance Society, standing here saying: "Let's act." There were just two of us.

The next time we had some more of us. I think I got a nice note back from the Attorney General at the time saying: "Thank you for your work for human rights. We will consider doing this the next time we consider the human rights code." Okay, so they're not ignoring me now.

Maybe getting into a bit of ridicule. How? I wrote back to the Attorney General at that time and said: "So you're going to consider doing this the next time you consider changing the human rights code. When is that going to be?" What was the response? "We have no plans to actually consider changing the human rights code." Now, this was back in 2011, so it's not the current Attorney General. But that was the time then.

[1440]

When did the attack come? Well, sometimes we do things we don't mean, and this spring I was told in this House that there were two problems transgender people face in B.C.: incredible rates of violence and discrimination, and myself. Apparently, I was a problem, according to the words of the other side, for continually raising the need to address gender identity and expression in the human rights code. I've always been clear that judges have read it into the law, but you can't defend yourself if you don't see yourself in the law. That's the problem that we are fixing today.

So there was the attack. And then just this last week, we had a reach-out, a really good reach-out. I'm really glad that the government did do the outreach, to say that maybe things didn't need to quite go the way they did — and a desire to fix them. I give great credit to our trans allies, of trans community, and to the transgender people themselves, who called members opposite, who called members on this side, who called the minister, who organized meetings, who did emails, who did petitions, who shared very personal stories about why we needed to change and what it meant to them. That worked.

That's how this place should work: when community reaches out with needs, we as members listen, we work together, and we come to a solution. It gave me great pride to stand with the minister responsible, the Attorney General, on Wednesday last week, to say that we were uniting in support of this legislation. This has been the dream, I think, of many — that we as a House could come to unity on this. This certainly was my hope from the beginning, because when we speak loudly as a House, as a Legislature, as the governing body for the people of this great province, our voice carries weight.

You know, when I have people calling me now, saying that they feel for the first time like a full person, like somebody has decided, "No longer are you an aberration; no longer are you something on the sidelines that

is not acknowledged, not spoken of; no, you are a person, in entirety, in full meaning, in full worth, in full value," that's a pretty incredible thing. That's a pretty incredible thing for that person to share and for us to be able to do.

I'll just finish this by saying that human rights are won; they're not given. None of us are here giving somebody a human right. They're won, because these people deserve that right. It was their right, I would argue, from the beginning; we are merely catching up. We are merely catching up to say: "You're right; we should have acknowledged that before. You are a full human. You are loved. You are celebrated."

To all the haters out there — and there are haters; I get the emails, I get the tweets, and I'm sure there'll be some today: look in your heart, find a little love and find a little appreciation for difference. Ask yourself some questions. If you've got such hatred in your heart, there's got to be something in there. Pull that rock out of your shoe. Find some love, find somebody to tell you you're a good person, because we all should be loved.

I believe firmly in my heart that 100 years from now we'll be looking at this, going: "What the heck was the problem? Why were they even having to have this debate? Surely we could acknowledge that we're wonderful in our diversity, in our majesty, in our magnificence of how different and wonderful we can be, and we're united in celebrating that."

I'm very happy to be here today. I want to acknowledge all those who have gone before, many whose names we will never mention in this House because we don't know them — people who called, back in the '80s, the '90s, the 2000s and 2010 onwards, for this kind of support, who called for this kind of legislation. They may not have used the exact words we're using today, but they're the heroes that this is built upon. They're the ones that have made this victory possible.

As legislators, we're mere vessels sometimes for the whims, the desires.... Sometimes it's whims, but often it's the heartfelt desires for change, which we can take action and leadership for. We should be leaders here, but in the end, it's our communities that lead. I want to thank and acknowledge every one of those community leaders out there, but if I start a long list, I'm going to get into a lot of trouble. There's a long, long list, and I want to give other legislators a chance to speak today and not go on much longer, because I think it's important that we all get the opportunity to share why this matters to us, so that we can then live that value every day in our communities.

It's great. We're going to pass this bill in one day if all goes according to plan. That's historic in itself and, I think, sends a very strong message of unity and sends a strong message of acceptance. Hopefully, the next time the community reaches out for help, we will be there much, much faster, and be there in a proactive way, speaking strongly with one voice for diversity, for transgender human rights and for the British Columbia that we all want to live in. [Applause.]

**J. Thornthwaite:** Thank you to my colleague across the way and in all your advocacy, as well, with regards to this bill.

I'm very pleased to be able to have the opportunity to speak to the Human Rights Code Amendment Act, 2016. I'm very proud of British Columbians today and our track record in the past for protecting our province's most vulnerable groups from discrimination and harassment.

For years, we have been a leader in the protection of human rights, through a robust legal regime that ensures that each and every individual is treated as equal before and under the law, whatever their race, gender or sexual orientation.

[R. Lee in the chair.]

But today I'm incredibly pleased to see that our government is taking the next step in strengthening this regime by amending the human rights code to include explicit language that reaffirms the fact that transgender persons are clearly protected by the law.

We must always work to strengthen our laws to ensure that every citizen feels they have the equal protection of the law, and the bill before us today is a definite step in that right direction. While the protection of transgendered persons by the human rights code is already affirmed through decisions by the province's courts and Human Rights Tribunal, the explicit recognition of protection will give transgendered persons and the larger LGBTQ community the certainty of protection that they deserve.

Having worked closely with the LGBTQ community during my time as an MLA, as well as Parliamentary Secretary for Child Mental Health and Anti-Bullying, I understand just how important this bill is and what it means to be brought forward to transgendered persons here today. I've been a supporter and an ally of the community, and I am proud to say that several of my constituents joining us in the gallery today are outspoken advocates for the LGBTQ community as well as human rights here in British Columbia.

My support for the community also was strengthened by my work on the Select Standing Committee on Children and Youth and the special project we undertook on mental health. My time on the committee made me aware of just how disproportionately impacted LGBTQ youth are by bullying, harassment and mental health issues. Last January the committee released its final report on child and youth mental health in British Columbia, called *Concrete Actions for Systemic Change*.

The findings of the report were troubling and brought attention to the need for our province to do more to safeguard and protect the rights of all LGBTQ youth. The report noted that there are about 12,000 trans children and youth in B.C., and 74 percent of transgendered youth are the target of verbal harassment because of their gender

expression and orientation. But most troubling, an estimated 78 percent of transgendered students reported feeling unsafe while at school.

Even today, as reported in the *Vancouver Sun*, there is an article re disordered eating that worsens among young lesbians, bisexuals and gays. Dr. Pei-Yoong Lam — who actually presented to our committee — a pediatrician in the eating disorders program at B.C. Children's Hospital, has said: "Kids who are lesbian, gay, bisexual or transgender are at risk of various conditions, particularly mental health conditions such as depression and anxiety." She said that bullying and rejection over sexual identity has an impact on various mental health conditions, including eating disorders among children.

That's simply unacceptable in our society, and we are taking action. Our legal system is based upon the belief that each individual is entitled to respect and dignity, whatever their gender identification is and regardless of how they want to express themselves. We can and must do more to protect these individuals and make sure they feel safe and welcome in our schools, in our communities and in our province. While the law made through our courts and B.C. Human Rights Tribunal is unequivocal in stating that transgender people are entitled to the same protections as every other citizen, societal attitudes towards the LGBTQ community may, unfortunately, take a lot longer.

[1450]

It is my hope that the amendment within this bill will be an important catalyst in changing public opinion and move our society closer towards the promise of equal protection for all. I believe that it will educate more British Columbians on the need to treat everyone with respect and dignity regardless of their gender orientation and, in doing so, make LGBTQ persons feel more welcome in our community and in society.

I am proud to stand in support of this legislation, and I encourage all members of this House to do the same.

**G. Heyman:** I think pride is the right word to use for how many of us will feel about having the opportunity to speak to and vote for this very important bill.

Let me begin my comments — which won't be lengthy, as there will be many others who want the opportunity to speak — by, first of all, expressing great appreciation and respect for my colleague from Vancouver–West End, who has been a champion of this and other issues for many, many years with great integrity, with love in his heart, with a clear understanding and appreciation for what such a change in the Human Rights Act would mean for transgender people. He's been very clear in his expression of that.

I think the fact — it won't show in *Hansard*, but perhaps it will if I mention it — that members on both sides of this House gave the member a standing ovation at the end of his remarks was well deserved and, actually, a measure of appreciation and respect that we don't show

enough in this chamber. Perhaps as time moves on and we learn other ways of more collaboratively designing legislation and listening to each other, we might see more of that in the future. I would certainly welcome that. I think many British Columbians would as well.

I've learned a lot from my friend the MLA for Vancouver–West End on this issue, on pride, on the challenges and the rights for gays, lesbians, transgender people, queer people. He has taught all of us in our caucus who haven't lived these challenges personally what they mean and what we can do about it as allies. For that, I want to thank him and express deep appreciation.

I think all British Columbians owe the member a thank-you. I know many people joining us in the gallery today will have expressed those thanks to the member directly. Others who aren't able to be with us today but who will be impacted, whose lives will be made better by this bill, will and have expressed that appreciation to him.

Today marks the fifth time this member has been able to speak to a bill to extend protections for gender identity and gender expression in the Human Rights Act. Today is the first time he has been able to do it at second reading, and that is a significant event — not so much for him but certainly for the people who will be beneficiaries of this change. While I think we've all been clear the protection is there, as the member has said, some people need to see it clearly in writing to know it's there, whether they're the recipients of discrimination or whether they're the discriminators.

I will say that.... Earlier this year at a luncheon that was sponsored by Out on Screen/Out in Schools, I had the opportunity to really hear firsthand, very directly, in a very clear and moving way what it's like to be a young person in school struggling with gender identity, becoming clear about what that person's gender identity is and then living with the challenges of talking to family, talking to school mates, talking publicly.

The student who brought that home is Tru Wilson. She gave a very moving speech. It was a very articulate speech. It was a speech she wasn't necessarily expecting to have to give at this luncheon, but I think everybody in the room was moved. Everybody's understanding was deepened.

[1455]

Perhaps part of the result of that deepening understanding may be the fact that we see today a change in the government's position that these amendments were not necessary, which we heard all too often in the past. We disagreed with it, and therefore, it is good. It is a good day today to see the government recognize that the change is needed, to bring it forward, to include my colleague from Vancouver–West End in the announcement and to give us all, today, the opportunity, as we've had throughout the day, as we had this morning, to stand on the steps of the Legislature.

When we were in the pre-photo period, we had a chance, many of us, to mingle, to talk to some of the

trans people who were invited to attend, to be part of the celebration of this historic change in legislation in British Columbia and to feel — I hope joy isn't too strong a word — their excitement, their joy, their affirmation at being here today to finally see their human rights fully and explicitly validated in legislation in this amendment, in this bill, that will result in protection of gender identity and gender expression in the Human Rights Act. Long overdue.

Whether or not that protection is there, it is important. It is important messaging to tell people that they are full humans, that they have full human rights and that discrimination and violence will not be accepted.

This bill alone, this act when it's amended, will not be enough to stop all the violence. It won't be enough to stop all the hatred, and we'll have a lot more work to do. We know, through our experience, that many prohibited grounds of discrimination within the Human Rights Act do not stop, in every case, some people in our society from discriminating, from gay-bashing, from violence, from firebombing, in some cases, as we've seen in synagogues and in other cases. But it does make it clear that we who are elected to set the legislation that guides the province, to some extent are elected to lead, are saying: "We are taking this step to make sure nobody is under any illusion that this form of discrimination is acceptable or will be going forward."

We need to do more in terms of enforcement. We need to do more in terms of education. We need to do more in terms of reaching out. We need to do more in terms of supporting. We need to do more in marching and standing with trans people to ensure that this change today has full and ongoing meaning and really becomes a transformative change for our society.

I'll simply close by thanking not all of the people who have been part of advocating for this change, because let's be clear. This change is coming today as an act of this Legislature because of incredible courage and advocacy by the Trans Alliance Society, by many individuals in the community who have said, "We will not rest until our rights are fully protected," just as gays and lesbians before them said: "We will not rest until our rights are fully protected, until our sexual expression is no longer illegal and until we have protections from violence and hatred."

The Trans Alliance Society, Marie Little, Adrienne Smith, the group Out On Screen, a number of unions who have been active in their support over the years, Morgane Oger, the Pride Society. I've mentioned Tru Wilson. I hope some of my colleagues will mention some of the people that I've forgotten. It's certainly not my intention to be in any way exclusionary or leave anyone out. These are the groups and individuals that come to mind because they've been strong advocates or I've seen them today.

Let me close by saying that it was frustrating to repeatedly sit in this House and listen to my colleague from

Vancouver–West End articulate so clearly the need for this amendment and to hear the answers come from the government side that it wasn't necessary.

[1500]

Today is not a day of frustration. Today is a day where I am happy to see a bill before us that we can wholeheartedly support. It may be overdue, but it is here, and that's what counts. The support from people on the other side of the House, whether it's by standing to recognize and appreciate the efforts of my colleague or standing in support of the bill, is appreciated, and we're happy to stand together on this bill today.

With that, I will take my place.

**Hon. A. Wilkinson:** I'd like to support and follow the remarks of the member for Vancouver–West End and the member for Vancouver–Fairview, two of my colleagues in this House representing the city of Vancouver, where so much of the activity related to this issue has arisen.

This is a truly bipartisan effort. It's, I think, notable that so much has been said and continues to be said about the many, many hours, the many, many meetings, the many fine minds that are in the gallery today that have committed themselves to bring us to this point. It has been a long journey. That should never be underestimated. But nonetheless, we are here, and the key point today is that we are here on a very bipartisan basis to get this done.

This is the culmination of two threads, the first being the rather legal approach to this, where statutes codify the law and the courts interpret the gaps between the statutes and interpret the statutes themselves. We've got the massive common-law system that is used in the English-speaking world. It's a very robust system. It's very flexible. It forms the core of our law. But it also is very slow to move.

We had initial decisions in 1998 dealing with this issue, and that was deemed to be the common law that filled in the gap in the statute dealing with trans issues and the rights of trans people in our society. Here we are, 18 years later, filling that gap in the statute.

It's been a long journey, and there's been a lot of patience on the part of the communities that are in the gallery today, but nonetheless, there has been a persistent and focused desire to get this codified, to get it written into the statute, because statutes do summarize the case law. They respond to changes in the law as determined by the courts, and it's up to us as the Legislature to make those changes in the statute to effectively, in this case, catch up with the common law.

That's why we're here today, because it can only happen in one place: in the Legislature. The Legislature sometimes leads social, economic and cultural change. In many ways, it reflects that change. In this instance, as I've said, the courts have led the way, guided by the LGBT community, and it's time for the Legislature to catch up and codify what is the state of the law.

Statutes are needed sometimes to crystallize the social change that has occurred, to bring it into focus so as, as my colleagues have said, to make it readable for the classroom — rather than telling them that it's in the law library somewhere, to tell them: "Here it is. It's in the statute."

That's the first thread. The second thread is something that we've all experienced. We all remember, I think, beyond a certain age.... Perhaps the member for Vancouver–West End is too young to remember this. As we learned to read newspapers in our youth, there were sections for "Help Wanted, Female" and "Help Wanted, Male." As a youngster, it was never clear to me why there were two different sections because some of the jobs seemed to be fitting into both sections, so why was there this distinction?

It was not until the early 1970s that that distinction disappeared through a combination of legislative change, human rights law developing for the first time and the all-important social change that asked that question: why does this exist? Why is the status quo discriminatory?

In the intervening 45 years, we've made huge progress in recognizing that discrimination in and of itself is intolerable. It cannot be accepted that one human is treated differently from another human just because of who they are. In many parts of the world, this would be viewed as a luxury. But here, we are fortunate enough to view it as a right, and we should persevere and codify and clarify these rights so that all of us can work in our communities knowing that we are all equal and that we can all be treated effectively and protected by the law.

[1505]

There was the long, long journey, which members of the audience know much better than I do, of gay and lesbian rights. We have mostly heard about the Stonewall riot, which was circa 1980. Long before then, the efforts to recognize gay and lesbian communities and to recognize their equality before the law and their rights was a work in progress. It was very slow.

I remember moving to Vancouver in 1984 as a young doctor and seeing my first patient in St. Paul's Hospital who was HIV-positive. This was a revelation to me coming from Alberta, where there were none. For me, it was the first crystallization of seeing a gay community come together, because it had been so effectively suppressed in Alberta. Yet in Vancouver, it was highly visible and highly supportive of the necessary steps to get recognition for the needed treatments for an ailment that had struck the gay community like a bolt of lightning.

That was my first exposure to the needs of a community that had crystallized around an issue that was irrefutable. It had to be dealt with, and fortunately, medical progress has alleviated that condition, although it is still with us. Perhaps the silver lining in that very dark and very large cloud is the recognition of the need for crystallizing the rights of the gay, lesbian, trans and bisexual community amongst us. These are our citizens. These are

our friends. These are our relatives. These are the people we live and work with, so the necessity of recognizing their equal rights is now, as I say, irrefutable.

Here we are. Those two threads: the common law having developed as it did; the social environment having developed as it did. It is now incumbent on us to crystallize this into law. The net effect is the inclusive society that we desire, with equality and legal protections for all.

We are a deeply egalitarian society. That's why most of us are here. We seek to protect that egalitarian character that typifies our society. By doing this today on a bipartisan basis, on both sides of the House, on an expedited basis, we are demonstrating that our society is built on fairness, on equity and equality before the law. We're all in this together, and we're going to prove it today.

**M. Elmore:** I'm very pleased to rise on this occasion, a very historic occasion, to speak in favour of Bill 27, the Human Rights Code Amendment Act, where we will be bringing into force and adding gender identity or expression as protected grounds under the B.C. human rights code.

I'm going to follow on some comments that were made by previous colleagues in the House and start by acknowledging and thanking the initiative from my colleague the MLA for Vancouver–West End for bringing his private member's bill on these grounds four times.

Today we are seeing the adoption of that and the inclusion of gender identity and gender expression in our B.C. human rights code, bringing British Columbia into the 21st century and, I think, on a standing of acknowledging the importance and inclusion of individuals with variant-gender expressions or identities and the need to uphold their human rights.

I want to make a couple of comments about the significance of the inclusion today and just mark that we're seeing that — I think to follow on the comments that the member for Vancouver–West End made — human rights are not granted; human rights are won.

This is an occasion where we can see that it's been the great commitment, the perseverance, the courage of many activists, transgender activists, in British Columbia — across our province, across our country and around the world — in really bringing these issues to the forefront and really demanding that they be respected and have their human rights included in our legislation but also that they be allowed to be recognized as full people and participate fully in our society without fear of discrimination and violence.

[1510]

The reality is that individuals who do not adhere to strict norms of gender really face these realities of the worst type of violence and discrimination. We know that youth, in particular — trans youth — experience a higher degree of suicide. They are represented in higher numbers as homeless youth on the street. In particular, racial-

ized trans youth are also more marginalized.

Taking this step of including the prohibited grounds of gender identity and gender expression is an important step to ensure that all individuals in our society are treated equally. And so it's a great occasion to celebrate that and to thank all members of the House for their support, to recognize the leadership of the member for Vancouver–West End and activists across the province who have really worked on this issue.

I came out as a lesbian when I was in my first year of university and got involved pretty actively to bring an end to homophobia in the gay and lesbian club at UBC and running workshops, really, to bring an end to homophobia. The member for Vancouver–Quilchena marked the initial Stonewall riot, which gave the first push to the official gay liberation movement.

The issue of trans rights really coming to the forefront has built on the success of the gay, lesbian, bisexual and transgender movement. Today we're seeing the recognition of that. The point I want to make is that I'm very heartened by the support from all members of the House across the other side but also recognize that there's much that needs to be done.

It's important that these rights are written down in our human rights code, that we have laws on the books. But it also needs to be taken and internalized. We need to overcome the many negative cultural stereotypes and perceptions and attitudes in our communities, to ensure that all individuals, regardless of gender identity or expression, are treated equally. I'm hoping that this is going to be a good opportunity to come together and to really put in place steps that are going to benefit individuals and move this forward, move us forward.

I'm talking about the importance of having a provincewide policy for our schools that shows leadership on addressing sexual orientation and gender identity and expression so we can ensure that our youth in schools are treated respectfully; that we can look at the many issues and challenges that transgender individuals face; that we need to see leadership in terms of positive role models; and that issues of dress code, access to restroom facilities and adequate names and pronouns are respected.

These are issues that, in the everyday lives of individuals, are important. We need to make changes. We've seen a positive step in the Vancouver school board, but it's a piecemeal approach. It's particularly for youth that the province has an opportunity and can show leadership and must show leadership to ensure that youth are safe, that they feel that they are accepted, and that they can really fulfil their potential.

These are positive steps that we can take. I look forward to engaging on these issues and would appreciate the full support and unanimous support of the House to bring in a provincewide policy in our schools to address sexual orientation and gender identity expression.

[1515]

As well, we need to reframe progressive family values that include LGBTQ youth that are accepting and that ensure that all children and our families are very diverse. These are positive steps that we can take.

There are more challenges as well in terms of addressing initiatives to deal with health concerns around individuals who are transgender. That will be an ongoing challenge. There's more work that needs to be done. There is more that we can do to take the leadership, as we are elected. This is our job as MLAs — to take that leadership and to ensure that individuals.... Particularly, my concern is with youth and young people.

You know, we've seen great courage from our spokespeople coming forward to talk about their experiences, the support of their families and professionals and people in the community. This is what I think has moved us here. It's incumbent on us as legislators to take that cue from them and continue to ensure that our schools and our communities are fully included.

We have a great and a very inspiring young person, Tru Wilson, who's here and sharing the story that she's gone through. I think we can take the lead from Tru and really move forward to adopt these changes and bring in additional changes that are going to help and support young people and all individuals of transgender, who are either gender-variant, and ensure that they are fully respected in our province.

I'm very pleased to be speaking to and seeing the amendment to our B.C. human rights code today, and I look forward to voting to pass that into law.

**L. Throness:** It's a pleasure to speak to Bill 27 today. I want to thank the government for allowing me to speak. This is a freedom afforded by our B.C. Liberal coalition that might not be available in some parties across Canada, so I'm grateful. And, of course, my views are my own and not those of the government.

I want everyone to know that I respect and appreciate all British Columbians, no matter their gender expression or sexual orientation. I certainly wouldn't want to discriminate against anyone in matters of employment and tenancy and the other grounds enumerated in the B.C. human rights code.

Because the House is unanimous in this respect, it's difficult for me to share some concerns that I have with this bill, and greater societal concerns as well. So today, I suppose, I'm testing not the tolerance of this House for the transgender community but the tolerance of this House for me and for people like me.

I have a few problems with the bill, and I want to explain myself in a thoughtful way. In the bill before us, we have a new category added — that of gender identity and expression. It was formerly subsumed under the category of sexual orientation, but this bill will lift it from that place to be given its own explicit category in law.

I would point out that this has not been done for any

other group. This is the only one. First Nations people, whose vulnerable children are committing suicide at a terrible rate, are not named in the law. One might think that vulnerable elderly people are often discriminated against, but they remain hidden under the category of age.

One might specify certain races or religions or ethnicities. I can think of many disabilities, say of developmental delay, or perhaps impairment of sight or hearing or some other impairment, who must experience discrimination as well. But the government has named only one group.

Taking this unusual step may well open up the door to other demands, and why would we not assent to others if we want to be fair to everyone? There are many vulnerable groups in society, not only transgender people, who may lay equal claim to special mention in the code.

As a matter of law, this bill is unnecessary. The government has steadfastly maintained in this chamber for years that gender identity and expression are already covered under the category of sexual orientation, so this bill is not about further protection of rights.

Nevertheless, to my mind, the elevation of gender identity and expression is not window dressing. It has great symbolic and political import. If it meant nothing, it would not have been requested.

[1520]

In my opinion, this special recognition reflects the strong and growing political influence of the LGBT community. Transgendered people are a vulnerable group, for sure. But in a paradoxical way, they are also very powerful. Indeed, in this bill, they have turned around an entire government, caused it to do an about-face on a policy the government has stood on principle against for years.

There are various indications of power we could turn to. When the White House is bathed in rainbow colours, it's not a symbol of weakness but of strength. Look at Vancouver or Toronto's pride parade. These are all displays of power. Politicians and academics, human rights tribunals, the public service, LGBT organizations and the media — all these elements of society are ready to descend on the head of any offender, wielding two great weapons of shame and condemnation at the mere rumour of discrimination or even if someone refuses to applaud.

The people of Steinbach found this out a few weeks ago, when some local politicians declined to walk in the first pride parade. They didn't attack or even criticize. They just withdrew. About 5,000 people quickly arrived in the town for a celebratory parade, but it was also a massive, pointed rebuke to the inhabitants, backed up, of course, by an ever-compliant and uncritical media.

The movement would brook no difference of opinion in Steinbach. I thought the whole thing was in rather bad form. After a generation of demanding and receiving tolerance, I wonder if the now-powerful LGBT movement is very tolerant of difference in this country.

Closer to home, Trinity Western University wanted to keep its sexual ethic, an ethic that's 2,000 years old and practised by a billion people around the world. Trinity didn't criticize or attack anyone. It just wanted to withdraw from certain behaviours. But lawyers rejected Trinity Western's law school, even though section 41 of the very code before us today states that it is not discrimination for a religious or social group to prefer its own. It seems that the B.C. human rights code, as well as a global religion, are of little consequence when they conflict with the values of this powerful movement.

I'm always protective of the public interest, the collective welfare of all British Columbians. Certainly, the LGBT community is a legitimate interest, but it's not the only one. I don't care if it's a Christian or some other religious group, an industry or a powerful business lobby or a rich person or an insistent organization. When some person or group becomes irresistible to the government, when the government can no longer say no to them, I get uncomfortable with that, because if government ever aligns itself with any partial or private interest rather than the public, someone else's interest is going to suffer.

Moving on, not only the category of gender identity but also the category of sexual orientation is added to section 42 of this bill, which are not defensive provisions. They're about positive action in employment equity programs and programs designed to ameliorate their condition. They didn't need to be added, either, I'm told. They were already protected through decisions of the courts.

Employment equity means preferential hiring in the public service. Until now, B.C. has only given First Nations employment equity programs. We can now expect the LGBT community to ask for preferential hiring throughout the public service.

Then there are programs of amelioration. What programs might be designed? Well, they've been suggested by the speaker before me. Off of the top of my head, I can think of programs in schools, school curricula, building codes, government communications. The list goes on. Really, anything is possible.

Inclusion of the terms "gender identity" and "expression" is a political statement to be followed by requests for programs of employment equity and amelioration. The government wouldn't add the terms if it didn't intend to follow through and put them in place, so for sure we can expect them. Indeed, the member for Vancouver-Kensington has already begun by calling for province-wide programs, so this is just the jumping-off point.

To sum up this point, I don't really think this bill is about protection, because transgendered people have always been protected in the B.C. human rights code. This is not about protection as much as it is about the programs that will flow from this special recognition.

This leads me to my main concern. I want to move on to talk for a moment about the content of the programs to come and how they might affect people, particularly

children, youth and impressionable people.

This is my opinion. There are two alternatives — two logical alternatives — regarding gender. There is the view of gender fluidity. The transgender movement is predicated on this belief, that gender is fluid, that in some cases one's gender does not match one's biology and a person must therefore transition their body to more closely resemble their true gender, often by altering their bodily characteristics in a number of ways. This can be a long and painful journey. That's one view.

[1525]

There are many in this province who take a different view of gender, a fixed view. This view would say that while there is a reasonable range of natural variation, where a man may be more feminine or woman more masculine, gender is not divorced from one's biology. It remains rooted in a person's sex characteristics, and there is a natural psychic attachment to one's biological self which, of course, is internal and can never be changed. That bond is very difficult to break. Therefore, biology is destiny. Gender is broadly consonant with one's biology, and how we were born is who we are meant to be. This is a legitimate position to take, and I believe it to be true.

For me and thousands of my own constituents, this position is rooted in Christian faith. I might, for example, quote the following passage from the Book of Psalms where David is talking to God, and he says: "For you formed my inward parts. You knitted me together in my mother's womb. I praise you, for I am fearfully and wonderfully made. Wonderful are your works. My soul knows it very well."

Parents might read this verse to their children and assure them: "You are wonderful and wonderfully made. You are beautiful just the way you are. Your gender and your biology are not an accident; they go together. There is meaning and value and purpose in the way you were made, so rest in who you are. Accept and be content with your body. Rejoice in the fact that you are a boy or a girl. Celebrate your womanhood or your manhood."

I'm informed by my faith on this matter, but that isn't necessary. You don't have to be religious to give this message to your kids. I think this is a positive, healthy message that many parents, religious or not, would like to teach their children and would like their children to be taught in school, because children are, by definition, immature and impressionable. Their developing self-concept might be swayed by suggestions that cast doubt on the stability of their own gender, and they could make premature decisions that they would not otherwise have made that could drastically alter their lives, some in hurtful ways.

To me, who takes the fixed-gender approach, the message of self-acceptance is the healthiest message we can deliver to children, youth and impressionable people. However, today, in this bill, I'm concerned that our government is symbolically aligning itself with a partial

interest that takes only the other view. Any programs designed to encourage greater acceptance of transgender people may be informed only by them, as a sort of societal project.

As a recent editorial in the *Huffington Post* said: "It's time we stopped trying to fix transgender people. It's time to fix society." Programs might, therefore, assume, imply or even assert that gender is a fluid concept, suggest that everyone's gender may be in question, that people should explore different lifestyles and look deep within and finally make a decision to embark on that difficult journey.

Many parents I know would be distressed if their children were exposed to these suggestions, and some children could eventually experience harm. I think parents should be free to advise and encourage their children to love and accept their bodies, including their birth gender, and they should have the option to choose institutions that support that belief.

As I said in the beginning, the beauty of democracy is that we can believe different things. Or can we? I have some questions. My first question is for the LGBT community. Now that the movement has arrived, now that its view dominates in our society, is it mature enough to tolerate difference, or will it brook no dissent, no other view?

My question for my own government, which I'm proud to support, is this. Will parents be able to send their children or young and impressionable people to an institution that supports the acceptance of one's birth gender, or will government take a monolithic approach that supports the concept of gender fluidity alone?

In fact, the questions I have just asked are the very kinds of questions the LGBT community asked of society decades ago. Is society mature enough to tolerate the LGBT movement? Can there be more than one view, or must society be monolithic? Do our feelings matter?

Society certainly answered the LGBT movement in the affirmative. Today the shoe has been firmly and formally placed on the other foot. How will, now, the LGBT movement deal with difference now that its view dominates? This, I would assert, is a test of maturity, it's a test of democracy, it's a test of liberty, and it is a test of character.

I can tell you that there would be distress concerning this matter among thousands of parents, hundreds of churches and independent schools and other organizations around the province if they had no input on this question.

[1530]

Politics these days is so driven by feelings. Everyone has feelings. Transgender people have feelings, and I want to be sensitive to them, but so do others — good and reasonable people, salt-of-the-earth people, not people who hate anyone or who would want to discriminate against others but people who feel genuinely concerned about this. They are just as much a part of the province as anyone else, and they, too, are worthy of respect.



I have wrestled hard with how I'm going to vote on this bill. I have decided that the most accurate way to represent my feelings is to abstain from voting. I don't want to vote against anyone's rights, but neither can I support what I think threatens to be the entrenchment of the fluidity of gender.

So I'm asking the government, as it moves forward with programming, to be sensitive to the beliefs of everyone in B.C. We need a balanced approach to offer concerned parents and other leaders options for the content of government policies and programs directed toward children, youth and impressionable people.

We are all British Columbians. Everyone's view is important. We all deserve to be heard.

Finally, I want to end on a positive note. The member for Vancouver–West End is rejoicing today, and I want to congratulate him and our friends in the gallery who are with us. I want to affirm all British Columbians, including gay, lesbian, bi and transgender people, and those who are not quite sure yet. You, too, are wonderful and wonderfully made. Your biology is beautiful. You bear the majestic and noble image of God most high, and your life has meaning and purpose. However you have chosen to express yourself, may grace and peace be with you.

**V. Huntington:** I have listened to the words and discussion of the member for Chilliwack–Hope with great attention and know that what he says is a difficult thing for him to say, difficult for some of us to listen to, perhaps, and a fascinating discussion of opinion in a modern world, a world that is changing substantially.

I'd like to comment on a couple of the words that he chose to use. The phrase that he said suggested that how we are born is who we are meant to be and that the meaning and value of purpose is to live as we were meant to be and be happy and rejoice in that.

I guess my answer to the member, with great respect, is that this entire discussion is about the very fact that how we were born is not who we were meant to be and that the meaning and value and purpose in life for some is found in the opposite of how they were born and what they were meant to be. Really, what they are telling us, my dear colleague, is that how they were born is not who they were meant to be. I think it's that discussion that drives the opinion of so many of his other colleagues in this House.

That being said, I agree wholeheartedly that one should have the choice of institution and would stand and defend that in this House too.

That being said, I would like to start my formal remarks by thanking my colleague from Vancouver–West End for his work to amend B.C.'s human rights code to include explicit protections for gender expression and gender identity. I'd also like to thank the Minister of Justice for finally listening to individuals who, for so very long, have been telling her government that they need the

comfort of a specific designation in the code.

Most importantly, I would like to thank trans rights advocates, including the Trans Alliance Society of B.C. and trans British Columbians, families and allies across this province for their tireless work on the issue. It is you who have been calling for these changes, and it is because of you that we are here to pass these amendments.

When a discrete group of British Columbians asks their government to change a law in order to help end discrimination, harassment and violence, it is incumbent upon legislators to act. It has taken far too long for government to respond. However, this long-overdue change of heart — that is what it is, a change of heart — is welcome and needed and wonderful. For this ethical change of heart, we have not only the advocates for transgender rights but also the member for Vancouver–West End to thank.

[1535]

It is a happy day for so many, but a proud day, a day of enormous accomplishment for the member. It was only a few short weeks ago that the Attorney General of the province said: "It is absolutely crystal-clear that transgender people's rights are covered under the human rights code." But we knew that a legal interpretation of the human rights code is an implicit protection only. As the Trans Equality Society of Alberta wrote, "Protections for gender identity and gender expression in B.C. were not explicit," and they were so right.

It has been such an effort by so many souls to get to this point — and why, I will never understand. Each of us has a right and a place on this planet. Each of us has a right to respect from our public institutions, and each of us has the right to have our dignity and person protected by law. But the standard refrain from government was that inaction was the best way forward. The amendments before us today, we were told, would have no effect, because protections were already there.

But it is a society that protects its most vulnerable, in all their forms and dimensions, that is a truly compassionate and democratic society. Protecting the minority among us is part and parcel of living in Canada. Learning to respect the minority among us is the mark of a great culture. Maturity is realizing that an individual's dignity must sometimes be protected by law so that social change can take place as peacefully and respectfully as possible.

What is happening in this place today is an evolution of society and law. It is the parliamentary system at its finest. Like common law, it is a system that responds to public pressure and moulds our laws and society as it moves forward. Too seldom does it lead, and it often takes far too long to move, but eventually it does respond, albeit often kicking and screaming and under protest. How quickly things can change when government recognizes that it has fallen behind the public instinct, especially during the pre-election period, but we will take what we can get when we get it.

I am pleased today and thrilled for all those who demanded that gender identity and gender expression were deserving of explicit protections under the law of British Columbia. We have finally caught up with the rest of our country. That begs the question: why are we always trying to catch up in British Columbia? Why haven't we been leaders on this issue? Why has it taken so much time to entrench these rights, to end the disproportionate violence and systemic discrimination that trans British Columbians face every day?

The Trans Alliance Society of B.C. has compiled numerous statistics that show just how far as a society we have yet to go. A 2015 UBC study of trans youth found that two-thirds of participants had been discriminated against because of their gender identity, because of who they felt they were; 70 percent reported sexual harassment; and more than a third had been physically threatened or injured during the past year.

Over half of the participants in a study on medical care for trans individuals reported that they had had a negative emergency room experience because they were trans. According to the Public Service Alliance of Canada, 97 percent of trans people have been harassed at work, and 10 percent have attempted suicide. These numbers are heartbreaking.

As important as this legislation is, as necessary as it is, we won't stamp out systemic discrimination and violence with amendments to the human rights code. But what we are doing is sending a firm signal that society has changed and that we will not put up with discrimination and violence meted on individuals who do nothing more than express their differences.

We have responded in fashion to the United Nations call on all states to act urgently to end violence and discrimination against lesbian, gay, bisexual, transgender and intersex adults, adolescents and children. I'm hopeful that this bill is a good start in that much longer fight ahead to end discrimination against trans individuals.

We must also listen to trans British Columbians in an effort to provide the tangible services they say that they need. For some individuals, that might be access to sex assignment clinics in British Columbia, rather than being forced to go to Montreal. For other individuals, a step forward would be the day they can walk into a Service B.C. centre, a city hall, a hospital or a police station without fear of discrimination. We're not there yet, but one day that sense of freedom will arrive.

[1540]

Other protections are also necessary to secure that sense of freedom. According to the B.C. Poverty Reduction Coalition, queer and trans youth are twice as likely to live in unstable housing. Trans Rights B.C. notes that aboriginal trans women and trans women of colour are at an even greater risk of homelessness, and a third of trans individuals report being turned away when trying to access shelters.

If the government is truly committed to protecting trans individuals, then we must also need income assistance rates that are above the poverty line, and we need to make improvements to the accessibility of decent affordable housing. The B.C. Poverty Reduction Coalition is absolutely correct when they say: "Poverty is also a queer and trans issue."

Bill 27 presents an amazing accomplishment by trans rights groups, the opposition and the government. It is an invaluable piece of legislation, because human rights and anti-discrimination laws for marginalized and stigmatized groups are important fundamental protections. Today B.C. finally provides gender identity and gender expression with the explicit protections afforded to sexual orientation and religious faith. It is a day to celebrate and a day to look to a better and more inclusive future for all of our citizens.

For this moment, I look especially to the member for Vancouver–West End and thank him for his commitment to making things right.

As long as people are being harassed because they are different, as long as people are contemplating it as a result of that discrimination they face because they are different and as long as people are being murdered because they are different, we as legislators must never again fail to respond to a cry for help. Our complacency is silent assent, and it is not worthy of this place.

**Hon. A. Virk:** It's my honour and privilege to stand up and speak on Bill 27.

My views of the world and our collective views of the world are sometimes informed by our collective experiences — how we're born, perhaps where we're born, how we grew up, what we saw and what we observed. I can only relate my own personal experiences, coming to Canada at a very young age. There's a certain expectation that my rights, as someone who was somewhat different, perhaps, from the rest of the classroom.... There was an inalienable right irrespective, for me, of race or creed or age or background — that I was equal to all those who were around me.

Those rights were explicit within the laws of British Columbia and within the laws of Canada at the time. However, that didn't mean that those rights were not stepped on or violated or there wasn't bias or prejudice, and I saw that as a very young man. I observed that as my father went around his business in a beard and turban. Explicit laws and rules did not result in complete protection. Education does. Education and understanding is what allows that.

So that same view.... Many years later, I joined the Royal Canadian Mounted Police for about 26 years. At the same time, I swore to uphold the rights of all Canadians, irrespective of who they were — their background, their race, creed, religion, age and sexual orientation. Then, yet again, despite the laws of this land being

very strict — and, I would suggest, perhaps the best in the world — there were times.... There were individuals that, as a result of ignorance, would choose to fetter those abilities. Even myself serving in uniform, I believe and I've seen many times that bias was directed towards me, irrespective of the laws of this land.

What we need to do is we need to continue to ensure that we have education — education on top of legislation. Education on top of legislation, on top of laws.

[1545]

Let me relate those experiences to Bill 27. It's my experience — my personal beliefs and what I have seen — that we have to make sure that we vigorously defend views, that we vigorously defend differences. And when individuals such as the transgender community feel and observe that their views and who they are, are not appropriately protected, there is never a wrong time to do the right thing.

As I see this, adding gender identity or expression, making that change in Bill 27, is something that I support wholeheartedly. When we have a community that can feel, as a result of this change, that you're a part, you're no different, your rights are the same as everyone else's.... I hope that will add to educating the rest of British Columbians.

I'm a very proud nationalist. I'm a very proud British Columbian. Our rights are the best in the world. While we may have had some dark histories and dark incidents in the past, we are a nation of people, we are a province of people, that is protecting each other, that is protecting minority rights. We're protecting it, I would suggest, better than most places anywhere on the planet, and we're going to continue in that manner.

In support of the amendment in Bill 27.... I hope that the additional benefit of this will be education, education and understanding not only for the current generation but for generations to come — that irrespective of how we have been created, we are absolutely equal and we enjoy the same rights and the same expectations, whether that's in employment, whether that's in life, whether that's in residences or whether we're walking the street.

With that, I fully.... My own views, my own family's views, my own experiences are in full support of this amendment.

**S. Simpson:** I'm very pleased and I'm proud to be able to join in the debate on Bill 27, the Human Rights Code Amendment Act, which will bring transgender rights into the human rights code.

I want to thank the minister and thank the government for introducing the legislation. It is an important piece of legislation. It is an important step down the path, and I thank them for that.

I particularly want to thank my friend, the member for Vancouver–West End, who has truly been the champion of this issue. Four times a comparable piece of legisla-

tion was introduced into this House by the member for Vancouver–West End. I know that he has demonstrated the level of resilience and commitment to get this done since the day that he first entered this place as a member. Today he will have accomplished that objective.

He would be the first one to tell you that he did not accomplish this, by any means, on his own but that there are so many people in the community who have been strong voices, who have been advocates, who have been supporters, who have been strong, strong voices for justice and for human rights for people in the trans community. It's an important day that we have today to make this decision and to move forward.

Over the years that I've been elected in this place, I have on numerous occasions had members of the trans community who are my constituents come to visit me in my office. They've come to talk about issues and struggles they were having just living their life in a way that they chose to live it — with frustrations, with anger and with some sense, at times, of a hopelessness that there was no place for them to go. It was clearly evident that far too often, almost in every circumstance, the frustration, the discrimination, the injustice that they were feeling related directly to their gender identity issues — directly to those issues.

While I had some opportunity to provide support and to help get through some of those issues, I know — or, at least, I have to imagine, I guess — just what that struggle is like every day for people who were being told that they didn't belong. They were being told that they didn't belong in a whole variety of different ways.

[1550]

Today we're saying something very different to that community. We're saying that there is a recognition that you have the same fundamental rights that everybody else has. Those rights will be entrenched today in the human rights code.

That's an important step. It's an important step for the people who are walking the path today. It's an important step, a critical step, for young people in our society who are struggling with adolescence, with growing up, with issues around gender, with a whole variety of challenges and a lot of uncertainties as they set their own path moving forward — and a lot of complexity. We have an obligation to create as much opportunity for them to walk that path as we can. This law, this change, this amendment to the human rights code is an important step on that path.

There should be no illusions that the issue is now resolved. There should be no illusions that it still will not be a challenge for the trans community moving forward. It would be a mistake to suggest that discrimination will not still exist. It would be a mistake to suggest that there are people who do not believe in the inclusion of trans citizens in our community. That's a reality.

We will take today, when we adopt this legislation and make it law, a very important step down the path, a step

that says that we as the people who are the lawmakers, as the people who are elected by everybody across this province, have stood — maybe not unanimously, but a very, very strong consensus in the House. We are going to do everything we can to ensure that members of the trans community have as clear a path to live their lives as they choose to live them. That will include the force of the law in the human rights code.

There will still be much more work to do. But I know, for those members of the trans community who are my constituents, for those members of the trans community who have come to my office and sought help from me, sought advice, sought support to be able to live their lives, that they will feel a little bit better about things tomorrow, after this is done, that they will feel that their rights have value, more value than they may have thought that we paid them prior to today.

It's important that we move forward. You know, it's not all that common in this House that we all can come together around issues, that we can build the consensus that I believe is in the Legislature today on Bill 27. We don't do it all that often, but when we do, it's usually around pretty important and pretty fundamental societal issues.

I think we all should take some pleasure and some satisfaction that we are going to do that again today. We are going to build a consensus and send a very strong message with the passing of Bill 27 that there is a level of understanding in this place, across both sides of the House, a level of understanding that we have an obligation as legislators to ensure the rights of all British Columbians and that we are taking a step down that path today for a very special community.

I want to say that I'm very proud to be able to be part of that, and I'll be very proud to cast my vote when we get to that point in the next couple of hours.

Again, I want to thank the government for introducing the legislation and creating the opportunity. I want to again thank the member for Vancouver–West End for being a champion, being resilient, not giving up, not quitting and for providing a voice for a community that hasn't always had a voice, yet a community that has also demonstrated a level of resilience and commitment and determination that they were not going to allow their human rights to be set aside without them raising their voice strongly. They have done that over and over again.

[1555]

My friend the member for Chilliwack–Hope talks about power. Well, what I would say to the member for Chilliwack–Hope is that we should all be celebrating the power that the trans community has demonstrated. We should all be celebrating their strong voice that brought us to this place because it has made and will make British Columbia a better place tomorrow, for passing this legislation, than it was yesterday. I'm proud to have the chance to vote for this legislation.

**M. Hunt:** I rise to speak to the amendments to the B.C. human rights code.

I am a proud Canadian. I'm proud of our nation and that it was established on the principles of freedom and liberty. I, like every other member of this House, abhor discrimination.

I am proud of the long history of freedom and liberty which began in 1215 with the Magna Carta. The great charter, if you translate it into English, is simply a practical solution to a political crisis faced by King John in England. But it began a process which remains the cornerstone of our constitutional monarchy. It enumerates a set of fundamental values that challenged the autocratic rule of the king and provided a form of governance that has proved highly adaptable in the following centuries.

Its core principles were echoed in 1791 in the United States Bill of Rights, in the 1948 universal declaration of human rights and, of course, in 1982, in our own Canadian Charter of Rights and Freedoms.

Now, lest I give the impression that the 1215 document was perfect, I hasten to add that nearly a third of the text was deleted or rewritten within the next ten years. Almost all of the clauses have been repealed over the years as time and life move on. But as most famously stated in the 39th clause, all free men have a right to justice and a fair trial.

But what is justice? Who decides what is fair? Well, let me quote Sir Winston Churchill. Sir Winston Churchill spoke in the chancellor's address in the University of Bristol, July 2, 1938:

“There are few words which are used more loosely than the word ‘civilization.’ What does it mean? It means a society based upon the opinions of civilians. It means that violence, the rule of warriors and despotic chiefs, the conditions of camps and warfare, of riot and tyranny, give place to parliaments where laws are made and independent courts of justice in which over long periods those laws are maintained. That is civilization, and it's the soil that grows continual freedom, comfort and culture.

“When civilization reigns in any country, a wider and less harassed life is afforded to the masses of the people. The traditions of the past are cherished, and the inheritance bequeathed to us by former wise or valiant men becomes a rich estate to be enjoyed and used by all.”

That is my Canada, the nation that was built on hundreds of years of common law — not just in Canada but in English common law as well, over 800 years of it.

What is the motto of the RCMP? The law is right. Not the king. Not the Prime Minister. Not the Premier. Yes, not the B.C. Liberals or the NDP, for that matter. That's our heritage. Not that the king or the government has all power and gives some rights to the people but that the citizens have all of the rights and give a few of them to the government. If they don't like what we're doing, they'll kick us out at the next election and get rid of the bad laws that we've created. We are not a police state, but we have chosen to obey the law because we see the wisdom in it.

Abraham Lincoln is famous for a speech that he made

on November 19, 1863. It lasted about two minutes — obviously shorter than the one I'm making — and has been referred to as the Gettysburg address. It ended with his hope that “this nation, under God, should have a new birth of freedom and that the government of the people, by the people and for the people shall not perish from the earth.”

Now, many people think this was original and this applied to the United States of America, but in fact, that's not the case. It's actually a quote authored in 1384 by John Wycliffe — yes, almost 500 years before Abraham Lincoln. That's the heritage of our legal system.

[1600]

Now, some may wonder why I'm taking my time to give this history lesson. Well, before us today are some amendments to the B.C. human rights code. There are members of the LGBTQ community who feel that they are not covered by the code because their situation is not specifically mentioned in the code. But in its decisions, the Supreme Court and the Human Rights Tribunal have consistently confirmed that the definition of “sex” in the human rights code includes transgender persons.

[R. Chouhan in the chair.]

In 1998, B.C. human rights decision, *Sheridan v. Sanctuary Investments*, the deputy chief commissioner concluded that discrimination against a transsexual constitutes discrimination because of sex. Recently, in the case of *Dawson v. Vancouver Police Board*, the B.C. Human Rights Tribunal found that when Ms. Dawson, a postoperative, transgender woman, was referred to with male pronouns, it amounted to discrimination on the basis of sex.

The courts are clear in their decisions. Transgender people are clearly included in the B.C. human rights code. Now, the Jews aren't mentioned in the code, but they are covered. Bahá'í are not mentioned in the code, but they're covered. Chaldeans are not mentioned in the code, but they are also covered. They all have suffered persecution, have been discriminated against and even murdered, but they are not specifically.... They are all covered by the code even though they're not mentioned in it.

It's my opinion that these amendments are not necessary. Transgender persons are covered. But just like the Magna Carta has been changed over the centuries in its wording and the principles remain the same, so too the B.C. human rights code may change with these words, but the principles remain the same.

My only concern is: how many more unnecessary changes are we going to make over the years because there are people who, unfortunately, feel the pressure and the pain of being discriminated against? But today, we all want to again confirm that we all abhor discrimination.

**J. Rice:** I started the day out feeling quite elevated and

spirited, but I must admit that I'm quite taken aback by a couple of the last speakers on the opposite side of the House. I think, to quote the Prime Minister, it's 2016. Today would have been a good day to stay home or stay in the office because you're not contributing whatsoever — to portray trans people and the LGBT community as a special interest group with a big agenda. I can't believe that we're having this discussion in the House.

Today marks a big step for British Columbia. It's a step towards a more open, diverse and tolerant society.

Interjections.

**Deputy Speaker:** Members.

Please continue.

**J. Rice:** You know, we're here today to amend the B.C. human rights code to explicitly protect transgender people under the Human Rights Act. This is due to the tireless work of transgender activists and their allies. This includes organizations like the Trans Alliance, the Vancouver Pride Society, the B.C. Teachers Federation, West Coast LEAF and the B.C. Civil Liberties Association and countless activists and the people that are in the gallery today. I must say to my colleague from the West End, I'm proud to be your colleague and I thank you for your tireless work.

British Columbia is the eighth jurisdiction in Canada to make transgender rights explicit in their human rights code, and I think it's about time. As I was just mentioning earlier, before I was interrupted by comments from the other side, today marks a big step forward, a step towards a more open, diverse and tolerant society.

For years, New Democrats have joined with the LGBTQ community to fight for this change. We applaud them for their determination, and we're happy and proud that this legal recognition will now be in place. The explicit recognition of gender identity and expression under B.C.'s human rights code was well overdue. We know that transgender British Columbians, especially trans people of colour, trans people of aboriginal descent, experience high rates of violence and suffer from discrimination in housing and employment.

[1605]

Simply adding gender expression and identity to the B.C. human rights code won't eliminate discrimination and violence, but it sends a clear message, a clear signal, that transgender and gender-variant people are welcome in British Columbia and are equal under the law. At a time when transgender people in many places are under attack, it is more important than ever for our government to send a clear signal that they are protected under our human rights laws. We hope that this is just the first step taken by the government to make our province a more welcoming place for transgender and gender-variant British Columbians.

I was just going to close with those few notes of congratulations and celebratory spirit, but as you can see, I'm quite taken aback by the comments on the other side that mischaracterize the LGBTQ community as a special interest group with a big agenda. I think that's crass. I loathe those comments.

I remember when I came out as a lesbian at the age of 17, I did not participate in the Gay Pride Parade. I had the notion that I hear often from privileged heterosexual people saying: "Well, when there's a straight day parade, I will attend." I too had those notions. But it was my mother, my heterosexual mother who produced me, who said: "Jen, the day that you are not discriminated against, the day that you don't have to come out of the closet to me is the day that you don't have to go to Gay Pride." My mother.... I thank her for those words, and I have attended every Gay Pride Parade I possibly could since then. However, we don't have them up in Prince Rupert, in the north. We're not quite there yet. However, we do have a rainbow crosswalk, a rainbow pathway, so we're going in the right direction there.

Again, I just want to say thank you. Thank you to my colleague, and thank you to all those activists.

**L. Reimer:** It's a pleasure to be back here again in the people's House to speak on behalf of my constituents in Port Moody–Coquitlam. I'm grateful to be given the opportunity to speak in favour of Bill 27, the Human Rights Code Amendment Act. This bill is a small but very symbolic piece of legislation that provides explicit protection for our transgender community.

An important part of our strong liberal democracy is a belief that everyone is entitled to equal protection of the law regardless of gender, race or socioeconomic status. As I'm sure other members are aware, our judicial system has already written into law implied protection for transgendered persons under the human rights code. That's clear and unequivocal to some but was of concern to others.

The LGBTQ community has spoken, and they have passionately expressed the desire to have explicit recognition for the protection of transgendered persons by the human rights code. This is a completely fair and reasonable request. Though the human rights code does explicitly protect from discrimination on the grounds of sexual orientation, no such explicit recognition exists for gender identity or expression. One of the most important priorities for a government is to ensure that our citizens feel they are safe and that they're protected by our laws. Every person deserves the assurance that their rights are protected and their dignity upheld by our laws.

Though this amendment may seem minor to some of us, it will undoubtedly make a world of difference to transgendered persons and the larger LGBTQ community throughout British Columbia. I'm proud to support legislation which reaffirms that every one of our citizens

has the right to express themselves freely and be who they wish to be. This legislation is the right thing to do.

I must also recognize the effort and dedication that went into this day. The road towards this legislation was paved through the hard work of a dedicated community of activists, advocates, supporters and allies. Thank you to the member for Vancouver–West End and our member from North Vancouver–Seymour and to our Minister of Justice and Attorney General, who listened carefully. Kudos to the tireless advocates of our LGBTQ community who made their voices heard and told our provincial government that explicit recognition was the path towards respect and dignity for transgendered persons.

[1610]

In fact, my constituency of Port Moody–Coquitlam is home to many LGBTQ people who have been at the forefront of efforts to strengthen legislation protecting their rights. One particular individual in my constituency comes to mind. She is a very positive person who has had to overcome many barriers and challenges. She approached me on this issue and also met with the Attorney General. She was concerned about the fact that the existing law did not go far enough in explicitly recognizing the rights and legal protections of transgendered persons. She explained the difficulties of everyday life because of discrimination. A recent news broadcast that I watched highlighted these difficulties and the high suicide rate within this community.

I'm proud to call myself an ally of the LGBTQ community and proud to stand here and speak with you all today about the necessity of this legislation. It's my hope that this legislation will be another important milestone in the strengthening of our already robust legal regime and ensure adequate legal protection for all persons who feel threatened or discriminated against because of who they are. I hope it will lead to a better quality of life for us all as we live together in peace and harmony.

That's why I'm pleased to stand today in this House and support the bill before us. I encourage all my colleagues on both sides of the aisle to do the same.

**H. Bains:** It is my honour to stand here and speak on an issue that is very near and dear to my heart. Mr. Speaker, as you know.... You've been an activist in this field yourself over the years, ever since you came to Canada. I've seen many other activists continue to work to make sure that our human rights protection and enhancement continue to evolve for the better.

I must begin by saying thank you and congratulations to the transgender community, many other activists and my colleague from the West End for their tireless commitment and promotion of making changes for the better.

I've seen personally since 1971, when I first came to Canada, many good people denied job opportunities and other opportunities as equals because they look different. They were seen to be different, and many suffered

even physical violence as a result of that. Here, by adding gender identity or expression as one of the prohibited clauses in the human rights code, I think we're making another step forward.

The member here before me, the member for Surrey-Panorama, talked about how the courts have ruled that the transgender community is included in the human rights code. My question is: then what is the problem? He doesn't seem to disagree with the court decision. But he still feels that us, in this House, adding that particular community as one of the prohibited grounds somehow is unnecessary. Then he went on to how many other groups we would be adding to the human rights code as prohibited grounds.

Just look at the history. That's all he has to see. He had a history lesson here for us, going back to 1215. Just go back to the last few years, how the human rights code has evolved. We continue to add as we progress as a society. Gays and lesbians were excluded, on many of the grounds, from being equal. We added that to make sure that we recognized the community we have today.

There is a reason why we had all the other prohibited grounds, such as race, sex, religion, place of origin, colour, among many others. There is a reason we added all those. The transgender community was one that was missing from that group. All we are doing is adding that by amending this human rights code.

[1615]

I also heard from the other side that it's the education that will take and promote equality and eliminate discrimination. I think we should put that into practice, not just the empty words.

Education was the role of the Human Rights Commission — and, also, taking on issues of systemic discrimination. Now we don't have that capacity. The tribunal doesn't have the capacity right now to do any of the education, promotion or taking on systemic discrimination because the tribunal is supposed to be impartial. They cannot take sides. They cannot promote the elimination of human rights discrimination. I think here is one step we're moving forward, thanks to many people who promoted this idea.

I must say that I've heard some of those comments here — why the government was so reluctant over the last few years, as the member from West End was promoting this issue. He was ridiculed on many occasions, in this House and outside. But he stood his ground, because we are all about doing the right thing — not always the popular thing, as someone has said before. Our job is to do the right thing. This is the right thing to do today, what we are doing.

I think we need to go a step forward. This is only a beginning. Having a human rights act, you call it, or a code, as we have seen in history, going back and forth on those two things.... I think what we need to do is take the next step, which is even more important. It is to promote that

law through education and be advocates, someone out there to advocate to promote that law — a law of equality to end discrimination — and also to promote public interest.

Public interest is one of the reasons why we exist here in this House — to promote public interest. What better public interest than to eliminate discrimination in our society? We do that by education. We do that by being proactive. We have done that. We've proven, in the past, that it works.

I am so happy to stand here today to support Bill 27 and the amendments that we are proposing here. I hope, in a couple of hours, that the bill will be passed, and we will make history, in my view. Generations coming after us will look back and say that that House made the right decision at that time. Also, don't forget that everything is being recorded here, and they will also know who was against this very positive step that we are taking.

Thank you very much, Mr. Speaker. I just want to say that I'm thrilled to be part of the group that is promoting this bill and continues to improve our human rights code through education and through law.

**D. Plecas:** Today we are talking about a bill — that's Bill 27 — which talks about amendments to the B.C. human rights code that will spell out explicit protections for transgender individuals. With these amendments, B.C.'s human rights code will reflect the current state of law in our province.

Currently, transgender persons are protected under the broader definition of "sex" in the B.C. human rights code. While the courts have been clear on this fact, we know this addition will mean a great deal to those who have advocated for its inclusion. And of course they will. As we're here today, outside of this House there are individuals everywhere who are being discriminated against. They've been harassed. They're being hurt. They're feeling hurt. They're feeling hurt because they are simply members of the LGBTQ community, and there are those who are hurt because they can't even say they are. Horrible.

[1620]

What will this legislation do? It will put in black and white, make it clear, that transgender persons may feel less marginalized and more empowered in their everyday life. It will also help educate those people who don't quite understand that we shouldn't even have to have this discussion. It will help those who need to go through that perspective transformation about what it truly means to treat people as equals.

As legislators, it's incumbent on us to enact laws to protect our citizens, to protect all citizens. This will go some distance to our being able to say that we're taking a stand on this. It's an important symbolic step. As others have said, it's an important educational step, and, as others have said, it's absolutely the right thing to do.

I believe this legislation will afford greater protection

not only to transgender individuals but to our society as a whole. I'm proud to be one of those people who will be standing up, standing first in line to say that I fully support this bill.

I just want to end by expressing, as others have done, my admiration to the member for Vancouver–West End for his commitment to this issue and to the Minister of Justice for her work in making this happen and for reminding us again that it's simply the right thing to do.

**S. Robinson:** I, too, am proud to speak to Bill 27, to include gender identity and gender expression as part of our human rights legislation. I want to speak to the House wearing three different hats: as an MLA, as a family therapist and as a mother.

First, as an MLA, I want to extend heartfelt thanks and gratitude to my colleague, who I'm very proud of, the member for Vancouver–West End. He has introduced this legislation four times in this House. It shouldn't take that long — it really shouldn't — because it's always been the right thing, but it's here, now, before us. I'm very proud to support him, and I'm very thankful that he has continued tirelessly to bring it back again and again, that he didn't give up. He knew it was the right thing, and he continued to bring it forward in this House.

I'd also like to extend thanks to the B.C. Liberal caucus. I am sure it must have been interesting dialogue. I would have loved to be a fly on the wall in their caucus chambers. I think it was the right thing for them to do, and I am pleased that they have decided to act on my colleague's legislation and bring it to fruition and reality here today.

It is unfortunate that there have been some members opposite who have chosen not to engage in the celebratory mood of the House and have chosen, actually, not to recognize trans people and gender-variant people as a special group deserving of some special recognition in the human rights legislation.

If I heard correctly from the member for Chilliwack–Hope, it sounded like he felt the government got bullied by the LGBTQ community, given his comments. I suspect that that actually wasn't the case. I suspect that the government didn't decide to change this legislation because they felt bullied.

If anything, I think that the pride parade and that society took a stand last year. They took a stand last year that said: "If you want to enter our parade, if you want to participate, then you need to sign off that you support this legislation that the member from the West End brought forward."

If anything, I think that perhaps influenced the government, because they want to be part of the parade. It's a dynamic parade. There are 100,000 people. It's not cool in an election year to be left out of that parade. It would make sense. I don't think it was being bullied at all. I think it was being very thoughtful and mindful of what

the temperament is of British Columbians. I think that's the responsibility of government, and I think it was the right choice.

I also think it's important to thank the advocates and the allies. They have worked long and hard to make sure that the member from West End was properly supported. They worked long and hard to talk about the issue, to talk about the impact, to talk about the reality of the lives of people who did not fit what some might consider a stereotypical role, a common role, that this is what gender looks like — this is what woman looks like; this is what man looks like.

[1625]

There are a variety of different ways that people express their genders, and there is a particular group that was not fitting that mould. Recognizing them as a special, unique group is the right thing to do. So I congratulate my colleague, I congratulate the government, and I congratulate the allies and the advocates who worked long and hard to bring us here today.

Now I'd like to put on my therapist hat. It's a career that I had for 20 years before I stepped into the political world. I draw on it a lot in this House, because I think of all the people that I have served and all the people that I have worked with. I hear their stories, and they come in with me when I come into this House, because they're British Columbians. They're British Columbians who live their lives as best they can, and sometimes they bump up against things that make life hard.

I have to tell people in this House that when you don't fit the mould, when you don't fit the traditional stereotypes that we all have, life is harder. I've seen young people who were not sure of their gender identity, and they felt like crap. They felt like they didn't belong. They felt like they weren't worthy. They felt like they didn't deserve to be loved.

Now, changing this legislation, adding these special identities, this acknowledgment of gender expression and gender identity, isn't going to fix all of that. There's a lot of work to be done to address that. But we do know that those who have a different perspective of their gender, a different experience of their gender, their gender identity and their gender expression — they are a vulnerable group, and they are worthy of special protection.

We have a long way to go. I heard it here in this House, and I am so thrilled that people recognize that — that it's not enough to just change words in a piece of legislation. We need to act. We need to be bold. We need to find ways in our institutions to make sure that people feel welcome — all people feel welcome.

As a family therapist, I think it's important to push that. I encourage the advocates and the allies to continue to push in those places in our institutions where people still feel like they don't belong, where they still feel different. We have to help them be their voice, help them



find their voice and make sure that they feel whole and wanted and valued.

The last role that I want to speak to is the role that I am most proud of and the role that for me is the most emotional, and that's as a mother. I am the proud mother of a gay man. The voices of parents of those with either a different gender or a different sexual orientation, I haven't heard here in this House. I think it's an important voice that we consider.

When my son came out to me, when he was 17, it was about a week after he graduated. I wasn't particularly surprised. I was reflecting on the time when I did ask him some questions around: "So that time when you came home drunk, you were crying, you were sick, and you were saying that this girl that you said you liked was kissing Mike and you were distraught — what was that about? Was it Mike, or was it her?"

He said that no, it was her, and he was heartbroken — so it was a girl who broke his heart first — but that he was gay. He was okay with that, and I was okay with that and was like: "Well, of course you are." But I remember my heart breaking for him, not because he was gay but because the world wasn't ready for him.

Now, I'm Jewish, and I raised my kids to be proud of their Jewish identity. I raised them knowing that there would be people in this world who wouldn't like that they were Jewish. I felt it was my duty as a parent to give my children the protections that they needed, the tools that they would need when they would go out into the world, and the world wouldn't like them for their identity.

Now here was my son, who started a global issues club in his school, who was the class president, who was a leader — popular, loved by teachers, by students — and he felt that he couldn't come out in his school because the world wasn't safe.

Now, it wasn't that long ago that he came out. It was nine years ago. We're not talking ages and ages ago. As a parent, my heart broke because now he's confirming for me what I suspected, which was that he was a gay man.

[1630]

I thought: there are people in the world who will not be okay with who he is, and that's not okay. That's not okay for me, and it shouldn't be okay for anybody in this House.

So now we have another group, a group where it's a little bit different for them. Their physical gender and their experience of gender don't fit.

Now, there's a woman in my community who has come to me as a friend because her child is going through that very thing. This mother is heartbroken because there's no place for her child to take their angst. There's no place for her child to go and feel okay in the world. This piece of legislation is a start that says: "In British Columbia, you are recognized for who you are."

As a proud mom, as a family therapist and most definitely as the MLA for Coquitlam-Maillardville, I'm very proud to support this bill.

**J. Wickens:** I am happy to stand in the House today to speak to Bill 27 to include gender identity and expression explicitly in our B.C. human rights code. I won't be very long. I'll try and be short and sweet.

I'll start by just saying that the work that my colleague from Vancouver–West End has done with this bill is exactly why I got involved in politics, so thank you. Marginalized groups need leaders to stand up and fight for them. They need us to advocate for them because they need a voice here in the Legislature, and that's exactly what my colleague has done for years.

Now, I am a white woman. I grew up in the '80s and '90s, and as a white woman born in Canada, I am already one of the most privileged groups that exists. I try to know and understand that privilege. I try to reflect on it often, and I try to guide my actions and my work, understanding and reflecting on that privilege often.

Much of the work I also do today is with the added perspective of a mother, like my colleague from Coquitlam-Maillardville. I often ask myself: "What is the world I want my children to grow up in? What is the society I want them to be a part of? What do I want for them and their future?"

One of the hardest things that I have been through in my entire life is seeing my own child be discriminated against because he doesn't fit into a perfect little box of who we think people should be. Sometimes he has some odd behaviours, odd ways of speaking, odd ways of thinking. It wasn't until he acted out in some different ways that I truly felt what it was like to be looked at, stared at. As a mom, what I can say is that going through the whole year in public school and never being invited to a single birthday party is one of the most excruciating and heartbreaking things that you have to see for your child.

So today I am standing to celebrate this bill, because I know that it is one step in the right direction. It's one step in us doing the right thing for marginalized people.

Not too long ago a young girl came to talk to members of this Legislature, and her name was Tru Wilson. I remember when she stood up and told her story, and I was incredibly inspired and moved by what she has been able to accomplish in her young life. Colleagues of mine have talked about that story. But something that I remember is that I was sobbing. I was just bawling while she was telling her story.

[1635]

I went up to her mom after, crying and feeling a little bit embarrassed, because I've been told many times, now that I've been involved in politics, that when you get involved in politics, you have to grow a bit of a tougher skin. You have to be ready for the heckling. You have to be ready for some slander, sometimes.

At the end of that day, when I came back to the Legislature to reflect on why I was so moved and touched — and physically showed that — I realized that the day

I stop caring to that extent is the day I need to stop being involved in politics. We, I think, sometimes get so tough of a skin that we forget what is truly important in our work.

Today, I'm proud of the work and the advocacy that has made this bill a possibility. But one thing that I think I would say to my colleagues on the other side of the room is that I don't think it needs to be this hard. I do not think that advocating for the right thing, for human rights for all of us, needs to be such a battle. Chronic advocacy, chronic activism, takes a toll on our people. Parents who constantly have to fight for the rights of their children end up with mental health challenges. Families end up breaking up.

It is not good for anybody to constantly have to fight for what is right. Our children deserve better. Our province deserves better, and I think all of us, as legislators, can do better. I hope today is a lesson for that. I hope that today, after the day ends, we all go back and reflect on our roles in making positive change for the people that we were elected to serve, for our children and for our future.

Once again, I just want to say thank you to my colleague from Vancouver–West End. I want to thank all of the advocates in the transgender community for a tireless fight. It is not easy to constantly be fighting for your rights and for what you believe is right, and I admire you for that. It has given me more of a strength to continue on my road of advocacy. I know that we're in this House, doing important work, no matter how hard it gets. Today has invigorated me, and the work that you've all done has done that for me, so thank you very much.

**M. Farnworth:** It's my pleasure to rise and take my place in the debate on Bill 27. I think it's an important piece of legislation in this chamber. It builds on work that has been done by previous parliaments in previous years.

I want to begin my comments by thanking everyone for participating in this debate and for the different points of view that have been shared in this chamber. Overwhelmingly, I think, we have heard that this Legislature intends to endorse and vote for Bill 27, which will extend protections to transgender people and gender identity into the human rights code here in British Columbia. That is something to be proud of in this province.

I want to thank at this particular time, for the work done, my colleague from Vancouver–West End, who has worked tirelessly on this effort; the activists in the transgender community who have worked so hard to make this issue an issue that has made it to the floor of this House; the Attorney General, for tabling the legislation; and the government, for recognizing that this is an important amendment that we are considering today. The changes will improve the lives and the protections of some of the most marginalized people in our province.

I listened with interest to the debate that has taken place in this chamber, and I listened with interest for a number of reasons. I was first elected here in 1991. At that time, in 1992, sexual orientation was added to the human rights code in the province of British Columbia.

[1640]

To someone who is a gay man, that was very important, because what it said was that I and other gay people, lesbian people and bisexual people — this is at that time — were now recognized. We were equal in the eyes of the law with every other British Columbian. We were equal with everyone covered under the Human Rights Act of the province of British Columbia. That meant a lot to people who had been discriminated against, who could lose their job for who they were, who could be denied housing for who they were, who did not have the protections that everybody else in society enjoyed if they were true to who they were as people.

At that time, I remember, amongst the debate, were arguments advanced as to why same-sex individuals did not deserve or should not be covered by changes to the B.C. Human Rights Act. Many of those arguments were the same ones that have been advanced today, in very much a minority position. They were the same arguments, 25 years later, that somehow we don't need these protections. "You're already protected. There are 800 years of common law that is in place that will ensure you are protected." Well, the fact is that simply wasn't the case. It simply wasn't true. So with the addition of those changes in 1992, we took a big step forward in this province in ensuring that every British Columbian is covered by human rights legislation.

In 1996, a further improvement was made, which was legislation that allowed same-sex couples to adopt children. At the time, we were told no. The dissenting opinion was no. This was bad public policy. What this would result in would be the breakdown of the family unit. What would happen was that people were getting special treatment that nobody else.... No, what we were doing was ensuring equality. What we did was open up to people who were loving, in a relationship, who wanted to adopt or foster children, and we expanded the pool of people who would take care and look after children. There's no better, I think, or more noble calling than that.

We as a society improved significantly with that step. The world has not ended. The cultural values of our society, of respect for the individual and for the family, have not disappeared. If anything, they have strengthened.

We in this country became one of the first to have same-sex marriage. Again, the same arguments were advanced that this was wrong. The same arguments were advanced that somehow this would break down the family unit, that this was against what Canada was built on. Again, those arguments have been proven to be false, which brings us to today.

Before I get to today, I want to mention, briefly, an anecdote. A few years ago — I think it was around 2005 — I was driving back to Port Coquitlam. There had been a townhouse development built. There was a big sign. It hadn't sold a lot. It was a nice townhouse development. All of a sudden there was a big sign, and it said: "Now gay-friendly."

I looked at that, and I was struck by this. "Now gay-friendly." Two things went through my mind. One was, "Wow, that's rather progressive," in the sense that a company is marketing to the LGBTQ community and encouraging people that, in essence, it is now safe to come out to the suburbs from the downtown core.

[1645]

At the same time, I'm going: "Well, what did it mean yesterday, before that sign went up — that Port Coquitlam was not gay-friendly? If you are gay, you should not consider moving out here." What I prefer to think, though, was it showed how much we as a society have grown since the time before the inclusion of sexual orientation back in 1992. What it has shown is that our society has evolved. Our thinking has evolved. We understand that people should live their lives as who they are and not be afraid to do that, which brings us to today.

In recent years, I think all of us have become aware and, in many ways, sometimes complacent that.... Yes, our work in creating a society based on equality is done. It is complete. Well, the reality is that there are communities — the transgender community, in particular — where, despite court rulings, there was a very strong sense, based in too many cases on reality, that that was not the case, that that discrimination was still there, that somehow that discrimination was acceptable.

These amendments ensure that we send a strong message that discrimination is not acceptable, that we will not tolerate it, that we in this province believe in equality in its fullest sense. This is not about a gay agenda. This is not about the LGBTQ community demanding special privileges or special rights. What it's about is people, as a province, saying that we believe in equality — full equality, not partial equality. It's not equality based on "I believe you should have these rights but not those rights" but full equality before the law, before the policies that we as governments enact. That's something that I think all of us should be proud of.

You look around the world, and you see how, for example, in the United States.... The best way to describe it is that guns, God and gays seem to tear that country apart.

Up here, we took a different path. We have recognized the intrinsic value of every individual, and we haven't tried to divide people on the basis of who they are. I think that that's something we should be proud of.

In closing, I just want to say that I think this is a great step forward in the evolution of equality in the province of British Columbia. I want to thank all those who have participated in the debate. I look forward to continued

remarks, committee stage and the passage of this bill this afternoon because I think it is a testament to all of us in this House who value equality in the province of British Columbia.

**M. Mark:** It is my pleasure to speak to the amendments made to the human rights code — namely, these four important words to include "gender identity or expression."

I want to acknowledge all of the speakers in the House today, my colleague from the West End, who has been a tireless advocate, but to also recognize those in the chamber with us that stood in front of the Legislature today and stood here through these proceedings to bear witness to the history that has been made in this chamber today. It is your advocacy, your perseverance, your courage to stand with us and to stand with our colleague from the West End that has made this day possible. I lift my hands to you.

[1650]

It is very important in the First Nations community to acknowledge the witnesses, those in the gallery. It's your duty to carry on what you've learned today about the importance of fighting for people's human rights, to fight for the importance of equality and to understand, most notably, about how important it is to have bodies of law to protect people from discrimination.

I'll speak, as a member of the Legislature, to my riding of Vancouver–Mount Pleasant, where people are involved in the sex trade by no choice of their own, but because they're discriminated against in the employment industry, in getting a job, in securing housing. They are subject to violence, and it is laws like this that are going to protect their safety moving forward.

[Madame Speaker in the chair.]

I just want to lift my hands to those in the chamber. I just appreciate everything that Spencer and our allies from the civil liberties have done.

Sorry. It's still my rookie year. I'm going to use that one. It's still 2016. I apologize, Madame Speaker. You're not allowed to mention names. Back to my remarks.

I was speaking to the importance of why we need to have law. I worked with the Representative for Children and Youth for eight years. One of the lines that I used each and every day was "law trumps policy." It is imperative to have strong bodies of legislation to protect people's human rights.

We also need to support advocates on the front lines to make sure that those rights are upheld for those that are being discriminated against. As I mentioned, people that are trans are discriminated against and often face homelessness and joblessness, evictions, employment discrimination and terminations. They have no options, as I mentioned, but to work in the sex trade, and they

are subject to brutal hate crimes. We need to ensure that there are measures in place beyond today, beyond the days that the law is going to change, to ensure that there is good public policy throughout British Columbia.

I want to turn to some remarks that were made about children and youth. Tru Wilson was in the House earlier today. It takes a lot of courage to come out in schools and to speak about your orientation. Thankfully, she has parents that have stood with her. Not all families stand with you in the face of such storm. She is no longer here in this chamber, but I just want to lift my hands up to Tru and your family for being role models and for having courage and for, again, speaking out and bringing to light the importance of the trans community as our community — that we all have a place in society.

There has been lots of talk about discrimination. I am First Nations. I can tell you. There aren't so many days recently that I face discrimination, but I work in a riding where many of my constituents are faced with lots of discrimination based solely on their race, some on their sexual orientation, and so it's very, very important that we have strong bodies of law to protect our citizens.

I am going to end my remarks by lifting my hands up to Spencer again, to our witnesses here, and to thank the members opposite for supporting this law and standing in solidarity with us for human rights.

**J. Horgan:** I thank the member for Vancouver–Mount Pleasant for naming the member for Vancouver–West End. Because I'm not in my rookie year, I can't do that. But I'm very delighted that someone did, because he's done a spectacular job to get us here today.

Hon. Speaker, I'd like to speak to you and to those assembled in the Legislature, those who are in the galleries and those watching at home. The pride I have in all of us for doing what we are about to do today. The pride I have as a New Democrat that the member for Vancouver–West End has been tirelessly advocating for minority rights, for transgender rights, in this Legislature as the representative for the West End and as a member of the New Democratic Party.

For four years, the member has stood in this place and tabled private members' legislation that would bring British Columbia in sync with the majority of Canadians right across this great land. He's spoken during those interventions about the importance of recognizing our diversity; the importance of seeing it as a strength, not as a weakness; the importance of ensuring that minority rights are always front and centre in a legislature, a democratic institution such as this House, where we never forget that those who do not have power are often abused by it.

[1655]

It is speaking to power that we on this side of the House do as opposition members. It's we on this side of the House who say to power: "It's time to share. It's

time to recognize. It's time to acknowledge that we value equality, fairness and justice under the law for all peoples, not just a select few. We believe in love, inclusion and supporting all British Columbians regardless of their orientation, regardless of their identity, regardless of their colour, their creed or their religion." That's a foundational pillar of our democracy, and it's a foundational pillar, I believe, of what British Columbians in 2016 want to see in their Legislature.

The member for Vancouver–West End has demonstrated enormous grace in the acceptance of the government proceeding with the protection of transgender rights within the B.C. human rights code. I wish I had his grace. I've watched him stand, year after year, and raise these issues in this Legislature. I've seen him ridiculed. I've seen eyes roll. I've seen indifference and a lack of understanding of the importance of this issue.

I will try and take a grain of the grace from the member from the West End and thank the government and thank the Attorney General for bringing this legislation forward. Although it is in the dog days of summer, it is critically important that we as legislators, we as examples in our community, can leave this place together, united, and go back to our homes, wherever they may be, and say that the Legislature of British Columbia stands for basic, fundamental human rights. Regardless of your gender, regardless of your transitions, regardless of who you might be, in British Columbia, all people are created equal.

That is a grand thing for us to be able to do. I'm very proud of that. I'm proud of the government members who have spoken today in favour of this legislation, and I'm hopeful that when we do vote on this bill later today, it will be in unison that we stand as one to say to the people of British Columbia that in 2016, no matter who you are and no matter where you come from, you are a full British Columbian with all the rights and protections of each citizen.

Year after year, the member — I now want to repeat his name — for Vancouver–West End has spoken about what happens when you don't protect the most vulnerable in our society, what happens when power ignores those who have no power. It's that profound sense of fairness and social justice that the member brings to this issue. I think it's percolated, certainly, throughout the official opposition and, I believe, to members on the other side as well.

I've listened to the debate, and I'm proud of every member who stood, regardless of their point of view. I'm hopeful that when the vote is taken in a few short hours, we will be, in fact, in unison so that we can say, unequivocally, without reservation, that this Legislature stands for human rights no matter what they might be. It is always a fight to protect rights. If you do not have them named, it's difficult to fight for them.

I want to speak for a moment to those in the gallery

who came to experience this moment of democracy, this moment of recognition for transgender people. To those I see in the gallery who have been with us all day, we do this all day long, usually four days a week. Quite often, there is an indifference to the conversations that are going on. Sometimes people are not dialled in to what's going on.

Hon. Speaker, I know this will come as a shock to you. You're hanging on every word. On occasion, we have our dialogues and our disagreements, and people let it pass by. But what I've observed as we've watched this debate unfold is that those of us who have had our partisan cudgels out and beat each other over the head relentlessly during question periods and disagreed passionately on issues of social policy, economic policy....

Whatever those differences might be, I am so gratified to see in this later day, in July of 2016, that we're going to put aside those partisan issues, as much as it pains me as a partisan to do so, and take a bit of the grace that the member for Vancouver–West End has demonstrated over the past number of years and just be grateful for the opportunity for all of us to participate in what is a groundbreaking event for many people who did not have rights yesterday but will have rights tomorrow. It's a fantastic thing.

As a member of the official opposition and as the Leader of the Official Opposition, I am so very, very proud to stand and support this legislation with all of my colleagues. I can't wait to see unanimity when the vote is cast an hour and a half from now.

**Madame Speaker:** Seeing no further speakers, the minister closes debate.

[1700]

**Hon. S. Anton:** Currently, under the human rights code, transgender and gender-variant persons are protected. But they do not feel protected, which is why it's important to recognize that protection explicitly by including the words "gender identity and expression" in the human rights code. This is an important codification of the law. It says that if you are transgender or gender-variant, government is behind you. You are protected from discrimination. And, for example, if you are a landlord, an employer, you may not discriminate based on gender identity or expression.

In B.C., we are an open, tolerant society, but transgender and gender-variant persons do not always feel that way. I believe — and I believe that this House believes.... We expect that this change will change that. Today in British Columbia, if this passes, which I'm anticipating it will, we will be joining other Canadian jurisdictions who have statutorily recognized this common-law prohibition.

I thank all members for their comments and debate. I thank them for the intelligence, the personal reflections and the thoughtfulness which all members have brought

to their remarks today. When this bill passes, which I'm expecting it will, we will rightly celebrate the explicit recognition of the importance of freedom from discrimination based on gender identity or expression.

Thank you to everyone who has contributed to getting us to this place. With that, I move second reading of Bill 27.

Motion approved.

**Hon. S. Anton:** I move that the bill be referred to a Committee of the Whole House to be considered now, pursuant to the leave being granted earlier today.

Bill 27, Human Rights Code Amendment Act, 2016, read a second time and ordered to proceed to a Committee of the Whole House for consideration forthwith.

### Committee of the Whole House

#### BILL 27 — HUMAN RIGHTS CODE AMENDMENT ACT, 2016

The House in Committee of the Whole (Section B) on Bill 27; R. Chouhan in the chair.

The committee met at 5:03 p.m.

On section 1.

**Hon. S. Anton:** I'd like to introduce David Merner, executive director of the dispute resolution office, and Lauryn Kerr, policy analyst with the dispute resolution office.

**S. Chandra Herbert:** For those watching at home, those just tuning in, we have about seven sections of the legislation which are going to be changed if the House agrees. I think people will be amazed at how little has had to be changed, given the huge discussion we've had, but it really amounts to basically four words and a comma throughout a couple of sections, give or take, in a few areas.

I just wanted to first acknowledge the staff who, I'm sure, although they are lawyers, I know, may have taken many, many hours to draft this, given lawyers' fees. Just kidding. Ah, lawyer jokes.

[1705]

But really, this is a simple change. This is a change we've all clearly supported, so I'm not going to go on too long, but I will ask a couple of questions through each section.

If the minister, just to put it on the record, what her belief.... If she could speak about the sections that we're going to amend on each section, that would be helpful. If

I don't have any questions, we'll just move on to the next section. If the minister could explain, just for those viewing at home who may not have the bill in front of them, what we're amending in section 1.

**Hon. S. Anton:** Our human rights code in British Columbia deals with things within provincial authority. Members will have heard me referring to the Canadian Human Rights Act. There's been talk about that as well in public, of course, and the fact that the federal government is proposing a change to the Canadian Human Rights Act. The Canadian Human Rights Act deals with things within federal jurisdiction. The B.C. human rights code deals with provincial jurisdiction.

We have seven anti-discrimination sections, all of which we are proposing to amend by adding the words "gender identity or expression." Section 1 of the bill proposes adding those words to the first two as they appear in order in the code: section 7, which is about discriminatory publications, and section 8, which is "discrimination in accommodation, service and facility".

Section 7, discriminatory publication: "A person must not publish, issue or display," etc. a representation that "indicates discrimination or an intention to discriminate against a person or a group or class of persons" or exposes "a person or a group or class of persons" — I'm shortening it slightly — because of their "race, colour, ancestry..."

This is the list that we have had in the human rights code which we're proposing to add to today. The list is: "race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or that group or class of persons."

That is the list which has been in the code with the words in place and the position in which we propose to put them in each of the seven anti-discrimination sections.

**S. Chandra Herbert:** Thank you very much for that explanation. We'll just go through section by section. Obviously, I support this section. We could move on to section 2.

Section 1 approved.

On section 2.

**S. Chandra Herbert:** This is just to clarify. This is in respect to the purchase of property, this section. Again, making sure it's absolutely clear that someone's gender identity or expression cannot be used as a way to discriminate against them for the purchase of property.

I find this section really interesting because, of course, something I learned about the human rights code is that if you're buying a condominium, for example, you can

be discriminated against because of your age. However, if you bought the condominium and then you decided to rent out the rooms, you could not discriminate against somebody because of their age.

They are interesting pieces of the human rights code. Owners can be discriminated against, but tenants can't, in this case, which I found pretty interesting when it comes to the topic of purchasing of property.

[1710]

I would say that's one argument for a total review of the human rights code and, indeed, of the Human Rights Tribunal system — unfortunately, we're not going to get there today — and also, I think, an argument for looking at a human rights commission again.

I don't have any questions on this. I just thought I'd share that reflection.

Section 2 approved.

On section 3.

**S. Chandra Herbert:** This adds "gender identity or expression" to the provision of prohibited discrimination with respect to tenancy — so rental housing. It's something which I don't know if the minister has heard, but certainly many of us have heard people's stories about being discriminated against in respect to tenancy. That's right now.

Adding gender identity or expression into the code will help, I hope. But my question would be: given that study after study and story after story show quite strongly that housing and tenancy are some of the areas where discrimination happens at quite high levels, is the minister planning any extra action, any other actions, maybe with colleagues, to look at how we ensure that this legislation is actually there in spirit and not just in law?

Will she be taking any steps to ensure that landlords are well informed of this? What kind of action is she proposing to take to make this real in person, not just real in law?

**Hon. S. Anton:** Through the Ministry of Justice, we allocate \$1.3 million a year to an organization called CLAS, the Community Legal Assistance Society, which is charged with dispute resolution and education, amongst other things. We will be talking to them about next steps in terms of education around these changes in the human rights code.

**S. Chandra Herbert:** Yes, I know CLAS very well. They're a great organization and certainly do good work. I think my concern is that \$1.3 million may sound like a lot of money, but in a province as large as ours, with the number of tenants — hundreds of thousands; well, millions really — that doesn't go very far in terms of helping to explain the law in its myriad ways of dealing with situations.

Certainly, I would urge the minister to do more and to see this as an opportunity for education and being proactive, because sometimes the legal disputes that CLAS and other organizations see are reactive. They may make change long term, but they may not be necessarily on the forefront sometimes around education and the need to go out.

So I wonder if the minister might consider speaking with her colleague in the Ministry of Housing and seeing whether or not they may find a way to take some action around education there, because in the end, if you don't talk about it and we don't educate, it'll still just be words on paper. We have to take it further.

[1715]

**Hon. S. Anton:** The Community Legal Assistance Society is specifically charged with public education around the human rights code. At the same time, the Human Rights Tribunal has a very excellent website, which I recommend to people. The tribunal also has two information officers whose job it is to assist in matters of this nature.

We will be talking to Housing. I think the next steps do remain to be seen in terms of implementation, but there's no question that this is a change that can be brought to people's attention and should be brought to people's attention.

**S. Chandra Herbert:** This is a question I could ask for each section, but we can follow up afterwards. I would be very interested in what the Human Rights Tribunal is finding in terms of trends and what, in terms of.... Is housing discrimination against a particular group particularly problematic? Where is the government seeing discrimination now? I think, of course, that should inform action. I'm concerned that without a human rights commission, we may be dropping the ball in a number of circumstances around levels of discrimination.

I would believe that if we bring in a human rights code, part of the objective, of course, has to be that eventually we've all embraced the values so strongly that you don't need human rights tribunals and so on, because everybody agrees. Now, I don't know that we'll get there, but I think, certainly, an objective of government should be: how effective are we being? Have we seen the amount of discrimination — for example, against transgender people — decrease, in housing, because of the actions and education?

Maybe we can continue this conversation later, but I think now that we're talking about the human rights code, it's well past time that we actually look at how effective it has been in terms of reducing discrimination in these various categories.

**Hon. S. Anton:** I'm going to correct myself. It's not a change. I said a moment ago it was a change. These

protections have been exercised already by the Human Rights Tribunal. But what this is, is an explicit recognition of government and an indication of the full support of government. It was there, but the explicit recognition of that.... I think that that's what the member is alluding to when he wants to see government working with the different agencies involved, to make sure there's a full understanding of the law as it currently is and as it will continue to be, but more explicitly recognized.

So we are working with CLAS and the Human Rights Tribunal to monitor discrimination generally and assess changes and patterns of discrimination. I would agree with the member that it would be nice to not need a human rights code. It would be fantastic to be able to say in a few years' time that it's a non-issue.

We're not there at the moment. It is an issue at the moment. It is an issue that transgender persons face discrimination and often face challenges, but I'd like that to be not be true. I'd like it if nobody said that in a few years' time. But as I said, we're not there yet, and it's important for all of us to work to get there.

Section 3 approved.

On section 4.

**S. Chandra Herbert:** This section adds "gender identity or expression" to employment, advertisements, employment unions and associations. I think that it's really important that we just reference that, because the other place, aside from housing and washrooms, where I hear people are facing a lot of discrimination is in employment and at the workplace. Sometimes it's getting a job; sometimes it's losing a job.

I think sometimes we talk about, "Well, transgender people face all of this discrimination and all of this unemployment, all of these challenges," as if it's transgender people who are the problem. Of course, we could reframe our language to just say that a lot of people are discriminatory and that people are victimizing this community.

Words matter to me, and so in thinking about how we're talking about this, you've got to remember that there is the victim and then there are those that are causing the pain. Let's think a little bit about who those people are — that they're the ones creating the problem here. It's not the transgender people in this case. They're just living their lives. So just something for us to think about as we go through this.

What sort of outreach or education is the government planning in terms of ensuring that, again, explicit protections are understood? Obviously, they have been there but not very well understood with employers.

[1720]

**Hon. S. Anton:** Once again, this is something that we are discussing, through my team here, with CLAS. They

do have an outreach program, but they will be making changes to their website to assist in that outreach. They'll be working with our dispute resolution office and ensuring that their materials are current, and they will make education around transgender issues a priority in terms of education and outreach.

**S. Chandra Herbert:** Sometimes when speaking to advocates who do this kind of work, do the education and so on, they ask me: "Why am I getting money from the government to advocate?" And sometimes, in opposition to the government: "Why doesn't the government just start looking at its own operations and ensure that they're active in every body doing everything possible, whether or not it's through the ministry responsible for jobs, for example, or through the ministry responsible for housing?"

Sometimes a response can be, "Well, we've given some money to some group to do this work, so we're done," when sometimes the full power, the full force of government can change a lot more than a grant to a small organization here or a grant there.

Specifically, are there any steps the government is going to take internally, through its own practices, through those it contracts with, to ensure they understand the human rights code and to ensure they're living up to it?

**Hon. S. Anton:** The legal services branch, which, of course, is part of Justice.... Lawyers in legal services branch work for client ministries across government. We will be briefing our colleagues in the legal services branch on this issue and on government's commitment, and we will be asking the lawyers in legal services to work with their client ministries to make sure that there's a full understanding of the rights of transgendered persons.

Section 4 approved.

On section 5.

**S. Chandra Herbert:** This is an interesting section, as it's not just adding gender identity or expression with respect to the granting of a preference to members of an identifiable group or class of persons by certain organizations. It also adds sexual orientation.

I found this really interesting — basically, the idea being that we have women-only gyms or various other associations or groups that may do what they might call positive discrimination in the sense of saying "our members are only this religion" or "our members are only that group" and so forth.

Does the minister have any thoughts or any knowledge of how come we're now also adding sexual orientation, when — I think it was back in 1992 — the act was changed to add sexual orientation? That one just surprised me.

**Hon. S. Anton:** I think that's a very interesting question. I canvassed it with our legislative drafters, and I actually also checked through the *Hansard* when the sexual orientation changes were made to the human rights code. It's interesting that *Hansard* at that time, in 2001 or '02 or whatever it was....

Interjection.

[1725]

**Hon. S. Anton:** It was '92. Thank you.

I think the changes went through so quickly that there was almost no debate and very little discussion. The fact that it is missing from this section, I think.... There is actually no explanation for that, but what I'm cautioned is that one should not draw any conclusions from the fact that it was missing. There may have been a reason at the time, but that is unknown to us. What is the analysis at this point is that it should be added here. Whether it was left out deliberately or by mistake, we just don't know.

**S. Chandra Herbert:** Yes, I've looked at legislation too. Sometimes things are left out intentionally, sometimes not so much. That may have been the case. We'll never know, I suppose. I neglected to ask at the beginning whether or not the ministry is operating with any sort of set definition of "gender identity or expression". Or are we working more on the kind of living-tree theory — that it shifts, it builds, and it grows — rather than saying "This is exactly what it means," leaving it a little bit more open to interpretation?

**Hon. S. Anton:** As I have said a couple of times, the human rights code is a living-tree document. In other words, it can grow and develop with the common law, and the definition of "gender identity or expression" fits within that mode of the human rights code being drafted.

Section 5 approved.

On section 6.

**S. Chandra Herbert:** This is another one of those sections where we're not only adding "gender identity or expression" to the provision with respect to employment equity programs, but we're also adding "sexual orientation." Again, oddly, it wasn't present, but we'll never know why.

I'm just glad that it's there, because in the end, if people are discriminated against so much that they're not given fair opportunities to get employment, this is very important. I think we've heard most recently of a number of studies or trials where somebody will send a resumé into an organization with a name that sounds English or Christian or is "white-sounding," as they might say, and then that same person will change their name, maybe to



their real name, which may not be a typically Christian or English or white-sounding name.

Unfortunately, with the society we live in, and racism being what it is, the white-sounding name, the English or Christian-sounding name gets the job, even though the exact same person applied with the exact same credentials but used their real name. They don't get the job due to racism and those kinds of things. These programs, I think, are important.

Of course, it kind of goes down to that debate: "Do all lives matter?" or "Do black lives matter?" In this case, of course, all lives matter, but black lives in that debate have been targeted with violence to a degree that not everyone else has. It's one of those debates of privilege, I think.

I'm proudly supporting this section of adding "sexual orientation" and "gender identity or expression" to the provision with respect to employment equity programs.

**Hon. S. Anton:** The word "sex" is the word used in the Canadian Charter of Rights and Freedoms, and it's used in a very broad sense that includes sexual orientation, gender identity, gender expression. By codifying the language "sexual orientation, gender identity or expression" as we are, it is important to include it in each section. The straightforward word "sex," as I say, could be used, and is used in the Charter of Rights context in that same very broad context, but by codifying "gender identity and expression," we should include that codification in this section.

I will say that transgender persons already have access to such things as employment equity programs and to be free from discrimination. But as I said, we are today making that explicit.

As you have heard, there will be work done to ensure that the nature, the importance of that freedom from discrimination is exercised throughout government in terms of practices, in terms of knowledge and, indeed, throughout British Columbia in terms of knowledge of the community and the importance of protecting transgender persons from, for example, not being able to get a tenancy or to get a certain employment based on the fact that they are transgender.

[1730]

That's what's so important today — that explicit recognition and that that be recognized both by government and by all of us in British Columbia to help a group in society who has been vulnerable.

**S. Chandra Herbert:** To the minister: just to say thank you for being explicit in legislation, but thank you also for being explicit about what has gone on before in human rights — in how judges have read it and how it has changed over time, because I think it's very important.

[R. Lee in the chair.]

The last thing we would want to do, of course, would be to bring legislation forward which makes it explicit and then gives some people the idea that jeez, well, maybe in the past it didn't really exist, and then those court rulings and so forth don't matter. So we want to be very clear about that and to thank the minister.

I'll just finish with.... Just to say that human rights in B.C. has been a controversial topic and a topic that has brought real unity over time. I think it was back in 1956 when the Fair Employment Practices Act was brought forward. At that time, the only concern was race, creed or colour — the practices that were supposed to be defended against discrimination. But of course, they found later that it didn't work very well and it was very difficult to make real, which is why in 1973 the NDP brought in B.C.'s first human rights code. Then there was, basically, a political football on that one for years. The act was there, but the new government — the Socred government — refused to support doing anything with it. But the public supported it and would not see the human rights code being torn up.

That's continued with successive governments — some supporting, some not. In 1984, of course, we added disability to the act. In 1992, sexual orientation and family status. Then we had, later, some age discrimination codified and brought in there too. And now, today, we will bring gender identity and expression in.

It's been a pleasure working with the minister on this very briefly, over the last two weeks, and I hope that in the spirit of cooperation, we can continue working on these....

**Hon. S. Anton:** One week.

**S. Chandra Herbert:** Just one week. That's correct. I guess that's right. It's Monday — less than a week. But hey, we can get a lot of things done very quickly if we want to, as this clearly shows — adding gender identity or expression to B.C.'s human rights code in one day from the first introduction, if all goes according to plan in a few moments.

I'll just finish that up by thanking all the advocates, and we'll keep fighting.

Sections 6 and 7 approved.

Title approved.

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

Motion approved.

The committee rose at 5:33 p.m.

The House resumed; Madame Speaker in the chair.

[1735-1740]

[Applause.]

**Report and  
Third Reading of Bills**

BILL 27 — HUMAN RIGHTS CODE  
AMENDMENT ACT, 2016

Bill 27, Human Rights Code Amendment Act, 2016, reported complete without amendment, read a third time and passed unanimously on a division. [See *Votes and Proceedings*.]

**Hon. M. de Jong:** It's a good day's work.

Hon. M. de Jong moved adjournment of the House.

Motion approved.

**Madame Speaker:** This House, at its rising, stands adjourned until 10 a.m. tomorrow morning.

The House adjourned at 5:42 p.m.

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