



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

Fourth Session, 41st Parliament

OFFICIAL REPORT
OF DEBATES
(HANSARD)

Thursday, October 24, 2019
Morning Sitting
Issue No. 280

THE HONOURABLE DARRYL PLECAS, SPEAKER

ISSN 1499-2175

PROVINCE OF BRITISH COLUMBIA

(Entered Confederation July 20, 1871)

LIEUTENANT-GOVERNOR

Her Honour the Honourable Janet Austin, OBC

FOURTH SESSION, 41ST PARLIAMENT

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Honourable Darryl Plecas

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THURSDAY, OCTOBER 24, 2019

The House met at 10:07 a.m.

[Mr. Speaker in the chair.]

Mr. Speaker: Hon. Members, I ask you to rise as I invite Elder Shirley Alphonse of the T'Sou-ke Nation to offer a blessing, followed by Elder Butch Dick of the Songhees Nation to offer a land acknowledgment, followed by drumming by the Lekwungen Traditional Dancers.

S. Alphonse: Good morning, everyone.

First of all, I want to say good morning to the Premier, Speaker and all members. It's truly an honour for me today to offer a prayer for our people.

[T'Sou-ke was spoken.]

Creator, Great Spirit, we thank you for this new day as we gather this morning with our leader, our elected members of British Columbia. Thank you for each one here.

Thank you for this land we stand on, the air we breathe, the water we drink, the blessing of Mother Earth providing for us.

Thank you for the mountains with forests.

[10:10 a.m.]

Thank you for the oceans, the rivers, the lakes.

Thank you for the water dwellers, the winged ones, the four-leggeds we share our lands with.

Thank you for the sun, the moon, the stars; the rain and the wind. Thank you for all these blessings.

Thank you for all nations of the world, of the black, red, yellow, white.

Creator, Great Spirit, thank you for each one who walks with us, we who are the First Peoples of the lands around the world.

Thank you for each one who supports us in preserving our rights, preserving our language, preserving our culture, preserving our teachings of our ancestors — teachings that keep in mind the lives of generations to come, teachings of kindness from the heart, teaching of care and compassion toward one another and toward Mother Earth.

Creator, Great Spirit, may we all make our journey a happy one, because we are all here to walk each other home.

[T'Sou-ke was spoken.]

Butch Dick: [Ləkʷəŋjɪŋəŋ was spoken.]

Good morning, my friends and family. Thank you for the invitation to be here this morning to help with this occasion.

I'm here representing not only my family, which is partially here, but also the Songhees Nation and Chief Ron Sam and the council. I thank them for this honour to be here.

I want to start off by acknowledging our Hereditary Chiefs that are in this House today and also the elected Chiefs that are in this House today. We thank them for all that they give to our nations always.

I would be remiss if I didn't mention the ancestors and the

Elders who have gone to the other side. If it wasn't for them being champions, we wouldn't be here today. We acknowledge that readily — that they have given us not only a language to carry us on but also the teaching attached to the language and the land that's attached to that teaching.

We thank the ancestors for that — for their sustainability and their resilience. We always lift up our hands and acknowledge those who are on the other side and help and guide us through our daily lives, in how we walk in two worlds.

Thank you for this honour. I'd like to do a paddle welcome song.

First, I must acknowledge my late uncle, Ray Peters, who passed this song along to us. He also said that we should sing it in a good way, with a good heart and a good mind.

We hope, Uncle Ray, that I'm doing exactly that.

So *Hay'sxw'qa si'em* for being here this morning.

[Ləkʷəŋjɪŋəŋ was sung.]

[10:15 a.m.]

Mr. Speaker: Members, please be seated.

Beth Dick: Good morning. My name is Beth. I'm from the Lekwungen Traditional Dancers from the Songhees reserve, and we are blessed to have this opportunity to be here with you this morning. I'm very excited and somewhat nervous, I will admit.

We have Mikey with us. He is from the Esquimalt Nation.

We're just going to do a quick song for you right now. It's our prayer song. This is a song that was given to us, also, by the late Ray Peters from Duncan.

This is our prayer.

[Ləkʷəŋjɪŋəŋ was sung.]

[10:20 a.m.]

Routine Business

Mr. Speaker: On behalf of all Members of the Legislative Assembly, I wish to extend a very, very warm welcome to all of you who are joining us in the House today.

Introduction and First Reading of Bills

BILL 41 — DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT

Hon. S. Fraser presented a message from Her Honour the Lieutenant-Governor: a bill intituled Declaration on the Rights of Indigenous Peoples Act.

Hon. S. Fraser: I move that the bill be introduced and read a first time now.

Today I am proud to introduce Bill 41, the Declaration on the Rights of Indigenous Peoples Act. It's like a dream.

[10:25 a.m.]

Our government is firmly committed to advancing recon-

ciliation with Indigenous peoples in this province. Every B.C. minister is mandated with the implementation of the United Nations declaration on the rights of Indigenous peoples and the Truth and Reconciliation Commission's calls to action.

The Truth and Reconciliation Commission called on all levels of government to adopt the UN declaration on the rights of Indigenous peoples as the framework for reconciliation. That is what this legislation does. It is a commitment to respect, promote and advance the rights of Indigenous peoples.

Indigenous peoples have suffered historic injustices as a result of colonization and dispossession of their lands, their territories and their resources. Meaningful reconciliation calls upon all of us to act to address these wrongs so that we can build a brighter, more inclusive and equitable future for everyone.

Through this legislation, we are recognizing the human rights of Indigenous peoples in law. The legislation sees us bring provincial laws into harmony with the UN declaration over time. It will see us develop an action plan for how to meet the objectives of the UN declaration. Developed in consultation and collaboration with Indigenous peoples, with regular reporting on progress, this will provide transparency and accountability for all the work ahead.

The legislation also creates room for decision-making opportunities for Indigenous governments on matters that impact their citizens. It creates flexibility for the province to make agreements with more types of Indigenous governments, supporting self-determination and self-government. The legislation will give us a path forward, creating clarity and predictability for all people in British Columbia.

By working together, we get better outcomes. That is how we create opportunities for Indigenous peoples, for B.C. businesses, for communities and for families everywhere.

I also want to talk briefly about the drafting of this bill. It involved what may be an unprecedented process in British Columbia, perhaps in all of Canada. The legislation was developed in collaboration with Indigenous partners — the First Nations Leadership Council that's representing the B.C. Assembly of First Nations, the First Nations Summit and the Union of B.C. Indian Chiefs.

I acknowledge them here in the Legislature with us today for this momentous occasion: Regional Chief Terry Teegee, Grand Chief Stewart Phillip, Cheryl Casimer, Chief Don Tom, Kúkwpi7 Judy Wilson, Robert Phillips, Lydia Hwitsum. I thank them for their support in bringing this important legislation to where we are today.

Many others who have worked to help bring this moment to us are in the gallery and on the floor to bear witness. I'm proud that we have all done this together. This is truly reconciliation in action.

I also want to acknowledge Grand Chief Ed John, who worked on the development of the UN declaration itself. Ed is the Hereditary Chief of the Tl'azt'en Nation in northern

British Columbia. Ed, it took more than 20 years in the making, but look where it's got us today.

I know that my speaking is a little longer than it's supposed to be, but this is no ordinary bill, and our proceedings today are certainly extraordinary. I hope you'll indulge me just a few moments longer.

I want to finish off by saying that we believe that implementing the UN declaration on the rights of Indigenous peoples will help us continue to build a stronger British Columbia that includes everyone. This is about ending discrimination, upholding human rights and ensuring more economic justice and fairness.

We are at an important moment in history. This new law is a critical step towards true and lasting reconciliation. If the declaration on the rights of Indigenous peoples is passed, British Columbia will be the first province to bring these internationally recognized standards into provincial law.

I am proud that B.C. is a leader in Canada in advancing reconciliation together with Indigenous peoples.

Let's make history. [Applause.]

Mr. Speaker: Members, the question is first reading of the bill.

Motion approved.

Hon. S. Fraser: I move that the bill be placed on the orders of the day for second reading at the next sitting of the House after today.

Bill 41, Declaration on the Rights of Indigenous Peoples Act, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

[10:30 a.m.]

Motions Without Notice

ADDRESSES TO HOUSE BY FIRST NATIONS LEADERS AND DEFERRAL OF ROUTINE BUSINESS

Hon. M. Farnworth: By leave, I move:

[That the House suspend proceedings in order that Grand Chief Ed John, Cheryl Casimer, Regional Chief Terry Teegee, and Grand Chief Stewart Phillip may address the Legislative Assembly, and that the addresses and statements by the Premier, the Leader of the Official Opposition, and the Leader of the Third Party, or their designates, be printed as an appendix to the *Official Report of Debates of the Legislative Assembly* of today.

And further, that all remaining items of Routine Business, including Statements by Members and Oral Question Period be deferred to the start of the next sitting of the House.]

Leave granted.

Motion approved.

Mr. Speaker: This House stands recessed.

[See appendix.]

The House recessed from 10:31 a.m. to 11:44 a.m.

[Mr. Speaker in the chair.]

Hon. M. Farnworth: I would remind all members that there is now a reception in the Hall of Honour, to which everyone is invited.

Hon. M. Farnworth moved adjournment of the House.

Motion approved.

Mr. Speaker: This House stands adjourned until 1:30 this afternoon.

The House adjourned at 11:44 a.m.

APPENDIX

Mr. Speaker: Members, I invite Grand Chief Ed John, Cheryl Casimer, Regional Chief Terry Teegee, and Grand Chief Stewart Phillip to take the distinguished seats in the centre aisle.

Ceremony Regarding the Introduction of Bill 41 — Declaration on the Rights of Indigenous Peoples Act

Hon. J. Horgan: I want to thank Elder Shirley Alphonse, for getting us started in a good way, and Elder Butch Dick, for his welcoming to the territory of the Songhees and Esquimalt First Nations. To the Songhees dancers, thank you so much; and to Christina and, most importantly, little Skye, to be here to remind us of exactly why we're doing this.

It is truly a great honour to stand in this chamber alongside Indigenous leaders, Elders and peoples as we introduce a bill together. For those on the floor, for those in the chamber witnessing this historic moment, it comes with enormous emotions for everyone in this chamber.

I'm grateful to work in the territory of the Lək̓ʷəŋjínəŋ-speaking peoples, the Songhees and the Esquimalt nations, and to represent in this Legislature the T'Souke and Pacheedaht First Nations.

I'm humbled to be part of a government that is working in partnership with Indigenous peoples, and I'm determined to walk a path of reconciliation and find a way forward together.

[10:35 a.m.]

B.C. is the first province to put in place the declaration on the rights of Indigenous peoples, to bring the UN declaration into law.

This bill is critically important because Indigenous rights are human rights. We all want to live in a province where the standard of living for Indigenous peoples is the same as for every other community in the province. We all want to live in a province where no Indigenous children are in the care of government. Instead, we want to live where there are record numbers of Indigenous students graduating from high school and participating in post-secondary training.

This legislation is a real catalyst for significant change. It's a forward-looking and collaborative document, and it will help us end discrimination and create opportunities for Indigenous peoples, families, communities and businesses. I want to acknowledge the partnerships that got us here. This legislation would not have happened were it not for the leadership of the Union of B.C. Indian Chiefs, the First Nations Summit and the Assembly of First Nations, B.C. branch.

We have taken a great step forward today. The patience and advocacy of Indigenous leaders, whether it be the First Nations Leadership Council or those represented in the House today and, indeed, across British Columbia.... Their patience, their tolerance and their perseverance and advocacy is not for more than anyone else has but for the same as everyone else has, not to take rights away from people but to share in the abundance and bounty of the lands that they have populated for time immemorial.

I want to give special thanks to Grand Chief Ed John, who was instrumental in developing the declaration. He's in the chamber with us today, and I am so proud of the work that he has done. He invited me to visit Tł'azt'en, and I did so. I saw the hope in that community, the hope in Nak'azdli, the hope in Takla and in the territories of the Indigenous peoples in the interior of British Columbia. There was no animosity. There were no recriminations, just a hand out and an offer of friendship and guidance going forward.

Today, as an institution, this parliament is saying to British Columbians, to Canadians and indeed to the world that we live here together. We can have a better future than our past. Only going forward, looking at the advantages of collective decision-making and collaboration will we be able to realize our full potential as individuals, as a community and as a province.

I'd like to also acknowledge the support of the Green Party caucus and recognize that we put together a confidence and supply agreement that focused on this very issue. I want to pay tribute to those successive ministers and successive governments here in this chamber who have tried to make progress — sometimes positive, sometimes negative, but all with a focus on trying to find genuine reconciliation.

Whether it was in the 1970s, the 1980s, the 1990s, at the turn of the century or here today, none of us are perfect. None of us know the way forward. But I believe we've made progress today because we did not say to Indigenous communities: "How can we help you?" Indigenous communities said to us: "This is how we can move forward together." I'm eternally grateful to the leadership council and to all of those — all of those — who have participated in the creation of this

law and in the creation of a positive future for our children and their grandchildren.

The road travelled to get here has been filled with confrontation, litigation and negotiation. History is littered with words that were not followed up with actions. Our future, as I said, must be better than our past. The only way that that will happen is if we work forward in harmony and collaboration, with a focus on lifting all British Columbians, wherever they live, whatever their background.

I want to acknowledge the Minister of Advanced Education, who I have, on many occasions, acknowledged as the first Nations woman to take a cabinet seat in the province of British Columbia, and also for creating Canada's first Indigenous law program at the University of Victoria — again, fulfilling one of the calls to action of the Truth and Reconciliation Commission.

I want to also say that this legislation follows on work we have already done with respect to child welfare legislation, allowing us to work together with the Cowichan, the Wet'suwet'en and the Secwépemc in harmony and in consultation with what's best for the children and their communities, what's best for their communities and their region and, indeed, at the end of the day, what's best for our province and our future.

[10:40 a.m.]

We worked with Indigenous groups to revitalize our environmental assessment process, ensuring that Indigenous rights, interests and ecological knowledge is respected, and we are working with Indigenous communities to help build affordable housing on and off reserve. It's our view, and I believe it's the view of all British Columbians, that although we have jurisdictional differences in this country, it's the strength of our federation. It is also sometimes our greatest weakness. We believe, on this side of the House — and I know we're supported by all members of this House — that we need to lift all British Columbians.

Although jurisdictional divides are important — and I don't want to pay any disrespect to the Attorney General, who holds the Great Seal — I believe that in working together in common sense and in harmony, we will achieve what we all want to see right across this great province.

I also want to finally acknowledge Grand Chief Stewart Phillip, who taught me very early on that although I held fast to old practices and old ways — which, at the time, were groundbreaking and, at the time, I felt were in the best interests of British Columbia.... He reminded me that time goes on and the river of public policy has ebbs and flows. As he said so famously, and I have to quote this: "Reconciliation is not for wimps."

You, sir, are not a wimp.

This is a process of shared responsibility, and each and every person carries that responsibility forward. Reconciliation does not end today with a single event; it begins yet another journey. But we need to take that journey together. We need to sustain this extraordinary place that we are all proud to call home, the best part of a spectacular country.

I am so proud to be here today, with every single member of this House, acknowledging rights and title have always existed and working together. The province of British Columbia will be stronger tomorrow than it is today, and our future is as bright as it can possibly be.

Hay'sxw'qa. [Applause.]

A. Wilkinson: As we stand here today on the traditional territory of the Esquimalt and Songhees First Nations, we're all on the journey. Some people have travelled here a long way for this momentous day, and we thank them for making that trip, because this is very much a journey we're all doing together.

As elected officials, we commit ourselves to building a future full of opportunity and prosperity for everyone in British Columbia. Every British Columbian deserves the opportunity to meet their full potential. We know that education enables opportunity, and that's why every government in this province invests heavily in higher education. We know that our natural environment must be protected for future generations and is part and parcel of our mutual responsibility for the success of our communities.

British Columbia has been blessed with the people and the resources to build and maintain our strong and sustainable natural resource sector. We all know that sustainable resource development is essential to our prosperity.

The United Nations declaration on the rights of Indigenous peoples is built on the concept of supporting rights, freedoms, dignity and quality of life for Indigenous peoples. Those same ideas apply right here in British Columbia. We are all committed to working together towards true reconciliation for all Indigenous peoples in every part of this great province.

Meaningful reconciliation includes continuing to close the gaps that remain — in education, in employment and in health. This work started more than 20 years and continues to this day. It is work that we are all committed to, that we all support and that we will all take action upon.

Partnerships are essential to reconciliation. Economic partnerships, revenue-sharing and building opportunity for all British Columbians will be critical to our future. We all know that section 35 of the 1982 federal Constitution Act protects and respects Indigenous and treaty rights and has led to the well-established duty to consult and accommodate Indigenous communities.

Meaningful engagement with Indigenous communities is what our party has been very committed to for the past 20 years. By 2017, we had signed more than 500 agreements with First Nations across this great province.

[10:45 a.m.]

Those agreements were signed with nearly all of the more than 200 First Nations in British Columbia, ensuring understanding and recognition of the needs and values of each community. They're built upon mutual respect, because they're based on the foundation of dignity that is owed to everyone in this great province.

Questions will arise. This process of change, reconciliation and a modern approach to engaging with Indigenous peoples will generate many questions, as everyone involved needs certainty. Those questions will include such things as: what about grazing rights for cattle on Crown land? How do we manage parks and the use of B.C.'s massive back country? Will the forest industry need to make adaptations and accommodations, and what will they be? How will mining activity be affected? These questions will be posed to the government of the day as each election cycle comes and goes.

As a society, we'll need to address them, respecting the needs, hopes and dreams of everyone involved — most especially, the peoples in all of our communities, because that is respectful engagement, and that is the foundation of reconciliation. The reward will be opportunity for everyone in British Columbia, a chance to get ahead, to realize their dreams right here in British Columbia. Everyone in this province must feel that sense of belonging, that British Columbia is our home, that we'll be respected here, that we'll all have a full sense of citizenship and that we'll be treated with respect and dignity each and every day.

That's why I'm proud to stand here in this chamber and welcome an opportunity for real, substantive reconciliation amongst all the people of British Columbia. We have a long journey still to go, and we must continue that journey in good faith together.

Hay'sxw̓q̓a. [Applause.]

A. Olsen: *HÍSW̓K̓E SIÁM.*

[SENĆOŦEN was spoken.]

Thank you to the leaders who have spoken before me — the Elders, Mr. Premier, the Leader of the Official Opposition; relatives from Songhees and Esquimalt, our *Lək̓w̓əj̓in̓əj̓* relatives; our *S, ELELWÁÁN*, who are curious about what's going on in this building today, who have joined us and are witnessing this. The little voice that's sitting behind me, the little baby, is going to only know a different world because of this.

My name is TSUNUP. I'm a proud *WSÁNEĆ* from the *WJOLELP* village. I'm the son of *TSAYWESUT* and Sylvia Olsen, the grandson of *ZIĆOT* and *TELQUILUM*, and Don and Phyllis Snobelen.

I'm honoured to rise and add my voice to this beautiful day. Indeed, there have not been many days like this in the B.C. Legislature, or any Legislature in this country, because few are the days when legislation has been introduced to uphold the basic human rights of Indigenous people. Our history is full of the opposite, full of examples of legislative institutions passing laws to structure and impose colonial reality on Indigenous peoples — laws that broke up Indigenous governments, took away our children, prevented us from voting, stopped us from hiring lawyers and protecting ourselves, imposed segregation upon us and implemented the reserve system.

Today we are taking concrete steps to undo that legacy.

The implementation of the declaration on the rights of Indigenous peoples was a priority of the B.C. Greens in the 2017 election. It's a priority articulated in the confidence and supply agreement with the B.C. NDP government and a foundational piece of our relationship.

Today is a day that generations upon generations of First Nations people in this province have fought to see happen, from the Chiefs of the Interior tribes who petitioned the provincial and federal leaders in the early 20th century with a true message of reconciliation to the peoples on Vancouver Island — my *S, ELELWÁÁN*, my ancestors — who, when the Europeans began settling these lands in the 19th century, signed treaties with James Douglas to ensure that our rights were respected.

[10:50 a.m.]

From the Chiefs of the Interior tribes who petitioned the provincial and federal leaders in the early 20th century with a true message of reconciliation to the peoples on Vancouver Island, my *S, ELELWÁÁN*, my ancestors, who, when the Europeans began settling these lands in the 19th century, signed treaties with James Douglas to ensure that our rights were respected, to the waves of leaders who journeyed to Ottawa and Victoria and made the case and fought for change, and to the matriarchs and the Elders, the young and the old, who've kept our cultures vibrant and beautiful and our languages alive, this is a day in honour of all of you, a testament to your resilience, your wisdom, your *ĆÁ*, your work.

As a kid of mixed heritage growing up on an Indian reserve, I've lived the dysfunction of the relationships between my parts. For many years, I wore this dysfunction on my face and on my body. It was always on my mind, and it broke my spirit. This dysfunction brought on confusion and depression.

The dysfunction of this place was my dysfunction — that is, until my late grandmother, Laura Olsen, saved my life when she instilled in me a duty and a sense of responsibility. She told me: "Grandson, you have a job to do." She empowered me to build relationships. She inspired me to build bridges across my diverse heritage. Shortly after that, I began my life in public service.

So it is an honour, a deep honour, a humbling honour, to be standing here in this place at this spot today, to be right here right now, at this moment, this momentous occasion. However, like the many steps on this path to reconciliation, this legislation does not result in greater justice overnight. This is the hard work ahead of us. But this bill puts us on a good heading, and the tides are in our favour.

In order for us to get to our destination in a good way, we have to pay deep respect to the water and to the wind. We have to take our seat in that grand canoe and commit to paddling together, commit to pulling in the same direction. That is the work of every one of us in this place.

I thank everyone who has made this day happen, and I look forward to working with all the members of this place

and the Indigenous leaders and their communities to ensure we get to our good destination.

HÍSWKE SIÁM. [Applause.]

E. John: [Dakelh was spoken.]

What an amazing day today is. I'd like to thank you for inviting us to this House and to share a few words with you. Thank you to our Speaker here, or maybe yours. Well, he is our Speaker, all of us.

I would like to thank our Elder for the prayer, our drummers for their beautiful prayer song and the dancers who helped clean this floor, to sweep it so that we can stand here with dignity, to stand on the floor that they blessed, knowing that we are standing here with the dignity of our people intact to speak with you who are government and those of you who are in the opposition.

I want to acknowledge our Chiefs who are here, our young people who are here, coming from many different parts of the province. Thank you for being here, and thank you for inviting them to be here to witness this.

I want to acknowledge our dear sister Jody Wilson-Raybould, who was recently re-elected, for the tremendous work that you've done on our behalf.

I want to acknowledge the author of Bill C-262, the federal bill on the UN declaration, Romeo Saganash, and a new woman MP from Winnipeg Centre, Leah Gazan.

[10:55 a.m.]

[Dakelh was spoken.]

In my language, in Dakelh teachings, we're reminded that in autumn, when the leaves are dying on the branches which gave them life and they brighten up our world, we remember our ancestors. We remember the difficulties which lie ahead as we prepare for the harsh winter days, and we acknowledge and thank them. We remember, also, that we are connected as one to our lands and everything on them — that which feeds us, clothes us and warms us.

We recall our love for and our responsibilities to our children and to the many generations who will come behind us. We are reminded to live our lives with joy and gratitude in our hearts each day. This is the teaching that comes to us at this time of the year as we look at the beautiful trees outside.

Once I shared time with you in this big House as the minister responsible for all of our children, our families and communities. We acknowledge the important work each of you do in this House and for your responsibilities to all people. We thank you.

However, in the past, this House, while it provided hope for many newcomers to this land, also created terrible injustices for our people — the original peoples, the many Indigenous nations on this incredible land, Indigenous peoples with many diverse languages, cultures, traditions and ways of life.

The traditionally held lands and owned lands and territories and resources of the respective Indigenous peoples and nations were taken, on behalf of the Crown, without our

ancestors' knowledge or agreement. This started with the assertion of Crown sovereignty in 1846. James Douglas, the first governor of the colony of B.C., issued a proclamation on February 15, 1859, declaring all Indigenous lands were now Crown lands. That became a continuing source of injustice for our peoples.

Our traditional ways and spiritual practices were criminalized. Our children were removed from our homes, families, communities, foods, cultures, spirituality and lands and brought to Indian residential schools to be civilized and Christianized. I, along with both of my parents and several of my siblings, am among the thousands of children who were removed.

Canada's Truth and Reconciliation Commission, in its amazing report released in 2015, concluded that these actions amounted to cultural genocide. The colonial doctrine of discovery and the notions of superiority of the early settlers were the rationale for discriminatory Crown policies. These are now thoroughly discredited and rejected in the UN declaration on the rights of Indigenous peoples. Every day we continue to live with the Crown's legacies of its colonial past.

We have no voice in this House. Today, as we have many times, we come here as your guests. Perhaps the province can take a look at how the Maori voice is recognized and included in New Zealand's democratic structure.

Starting in the 1920s, Indigenous peoples have been going to the League of Nations and then to the United Nations after 1948 to tell our stories of marginalization, dispossession and injustice.

[11:00 a.m.]

On September 13, 2007, after a long period of some 25 years, the critically important human rights standards contained in the United Nations declaration on the rights of Indigenous peoples were adopted by the General Assembly. The United Nations declared that the rights in the declaration are minimum standards for the survival, dignity and well-being of Indigenous peoples around the world, including here in Canada, in British Columbia.

This year, 2019, is the International Year of Indigenous Languages. In this province, every one of our languages is endangered. We're in the process of rebuilding and revitalizing, and we ask for your help in this regard.

Amazing work is being done in many of our communities. I want to thank the province for putting forward some resources to our people to make sure that we're able to do that work.

Indigenous resilience — our Indigenous resilience — brings us to this House today. We are here with our dignity intact. We continue to seek justice in our time. We stand with you in the anteroom of justice. No one should fear justice. Rather, we should embrace it, cherish it and nurture it, because now we share this land, as the Leader of the Opposition so eloquently stated, and we'll live together as neighbours and families, as the Premier acknowledged.

In this big House, this one here, we have responsibilities

for our collective futures, and we should stand together for our respective and collective dignity and well-being. No one should have any fear of Indigenous peoples because we've been on that dark side. We know what it's like, that uncertainty that we faced over the course of this province's entire history.

The legislation to be introduced today recognizes and adopts the declaration as an important foundation for a balanced human rights-based framework for recognition, restitution, redress, revitalization and reconciliation. In this regard, we recall the reconciliation ring placed on this House's Black Rod by Prince William. Because it has significance for us, we expect it will have significance for you. It cannot be simply symbolic. It is an important symbol of our relationship.

We're truly hopeful. After your discussion and answers to the many questions that you raise — which is the correct way to deal with these issues, to ask the questions and to provide the answers so that there's comfort in this province that what is going on and what is happening here is the right thing to do to bring justice to these issues — at the end of the day, we hope that you will adopt this bill unanimously.

Where you require our assistance, we will be here. I've worked with all of you on both sides of this House on many different occasions, whether it was in government.... We've been down this road on reconciliation and recognition. Efforts in the past with a previous Premier did not materialize. But here we have this momentous occasion.

In this regard, I honestly want to say, from the bottom of my heart, to the government and to the Premier, for taking this initiative and bringing it forward through your minister, Scott Fraser: what an important development it is.

I want to acknowledge and call on our Indigenous parliamentarians who are here — Minister Melanie Mark; Mr. Olsen; our Finance Minister, Carole James; our Liberal MLA from the Kitimat area, Ellis Ross — to help lead this effort, to answer the questions that are needed so importantly, because it is in our collective interest.

This jurisdiction will be the first one across this country to adopt legislation like this and one of the few jurisdictions around the world which will have legislation such as this. I call on you to be brave. Change does require courage.

[11:05 a.m.]

[Dakelh was spoken.]

Thank you very much. [Applause.]

C. Casimer: [Ktunaxa was spoken.] I'm very happy to be here.

I'd like to start off by acknowledging the Esquimalt and Songhees First Nations on whose unceded traditional territory we are today.

Premier, Ministers, Members of the Legislative Assembly, Chiefs, Hereditary Chiefs, leaders, friends, thank you for being here with us on this very important day. I'd also like to acknowledge Elder Shirley Alphonse for the prayer and to

Elder Dick for the wonderful song and to the dancers who helped us get started off and grounded in culture.

Today is an important day for British Columbia. Regardless of any party status, it's an important day for all citizens and, in particular, for the First Peoples of this land — the Indigenous Nations who have been here since before European contact and Confederation. I'm honoured to be here to speak to you on this historic day.

The relationship between the Crown in Right of British Columbia and First Nations is one that has been mired in racism, denial and, therefore, conflict and adversity. The provincial government has a long history of denying the very existence of Indigenous peoples of this land and of our rights. This denial is reflected and deeply embedded in laws enacted by the government and the corresponding policies and practices in its daily business of the province. As a result, our relationship has developed primarily in the courts, where First Nations have sought to be recognized and to protect their rights by challenging these denial-based laws and policies.

Today, however, the province of British Columbia is working with us in turning the page of our collective history and embarking down a new era and a path for building a respectful and modern government-to-government relationship, a relationship built on recognition, respect, cooperation and partnership.

This work didn't just start today. We have been doing this work for many, many decades. As I turn to the party of the opposition and I see John Rustad, I remember the days of us sitting at the table, working on this very work through the commitment document. The commitment document we have today has action item 1 as what we're doing here today, in terms of implementing the United Nations declaration on the rights of Indigenous peoples. Although we weren't able to get far back in 2015, we are now doing what we set out to do with the existing government.

Today the province of British Columbia has taken an important step to enact a law recognizing the human rights of Indigenous peoples. And it's about time. The province of British Columbia is finally recognizing that we do, indeed, exist as peoples — peoples with long and unique histories, peoples with deep connections to our territories, peoples with inherent jurisdiction and governing authority, peoples with the right to determine for ourselves what is best for our respective communities and territories.

The United Nations declaration on the rights of Indigenous peoples is an international instrument that was developed over a decade ago by nation-states and Indigenous peoples from around the world. It was a response to the effects of colonization and developments being experienced around the world by Indigenous peoples whose basic rights were being impacted without their consent.

[11:10 a.m.]

The UN declaration, adopted by the General Assembly of the United Nations on September 13, 2007, was endorsed by Canada without qualification in 2016. The declaration very

simply sets out the minimum standards for the survival, dignity and well-being of Indigenous peoples. They are the minimum requirements to ensure that Indigenous peoples' basic human rights are respected and upheld.

These are the same kinds of human rights that Canadians uphold and deeply value. In an Indigenous context, reflective of our unique cultures, histories and experiences, they include foundational rights of self-determination, self-government and land and resource rights.

The Truth and Reconciliation Commission of Canada, which shone a light on the legacy of colonialism in this country, stated very clearly that the UN declaration is our "framework for reconciliation." The commission called on all governments to take active measures to implement it, and I'd like to take the opportunity to recognize Romeo, who introduced the private member's bill, 262, and worked hard to try to get it passed not too long ago.

This represents a very special moment in our shared history in British Columbia. The province is formally recognizing that Indigenous peoples were here first and renouncing the doctrines of discovery and *terra nullius*.

Our shared commitment to implement the UN declaration calls for a transformative change in the government's relationship with Indigenous peoples. This law is a key step to that transformation. The shift to a human rights foundation and approach to reconciliation will foster greater understanding and more harmonious relations among Indigenous peoples and other British Columbians.

It will support a new modernized relationship between our governments and allow for innovative agreements and decision-making that bring together the strengths of our respective systems and laws. It will allow us to take a partnership approach to building a robust economy around the province that benefits everyone and will support our Indigenous institutions to do their important day-to-day work, improving the daily conditions and the quality of life of our families and communities.

In 2018, we committed to jointly design, construct and implement a principled, pragmatic and organized approach to reconciliation in British Columbia. Today we are pleased to attend here in the Legislature to bear witness to the province of British Columbia acting on its commitment to implement legislation bringing the UN declaration into provincial law. Do you hear it? The sky did not fall.

This legislation is a critically important platform from which we can and will work together through a focused action plan to improve the lives of our citizens, foster a range of partnerships and bring reconciliation to the forefront of our society.

In closing, I bring your attention to this medallion that I'm wearing. It is decades old, and it belongs to an Elder from my nation who is no longer with us. She was a very strong warrior woman. In all the years that I'd known her, right up until the day she passed, she was always fighting for our rights.

Any time a member of government would come to our community to talk to us, despite the fact whether they had

any decision-making authority or whatsoever — it didn't matter to her — her question to them was, "Where is my salmon?" first and foremost, because we no longer have salmon in the Ktunaxa territory. Secondly: "Where is my bill of sale?"

Sadly, she's not here with us, but she's here with me in spirit, along with all of the other ancestors and Elders who have passed on, breathing their last breath and making sure that we find our rightful place here in this province and here in this country.

[11:15 a.m.]

What we are doing today may not necessarily be for the Elders that have moved on but for that child that was here with us and all the young people that are here and in this province so that our children, our grandchildren and our great-grandchildren can grow up in a peaceful, harmonious province, and we can all flourish and all prosper together. [Applause.]

T. Teegee: [Dakelh was spoken.]

First of all, I just want to acknowledge the territory of the Songhees and Esquimalt people and say thank you to Shirley Alphonse for the prayer, and to the songs this morning. [Dakelh was spoken].

I also want to acknowledge Premier Horgan, Minister Fraser and this Green Party–NDP coalition government for their leadership, vision and honouring their word to further reconciliation with First Nations of British Columbia. I also want to acknowledge the Leader of the Opposition for the good words. We are all in this together.

I just want to reflect on the significance of the United Nations declaration on the rights of Indigenous peoples. Today we make history. We are the only common-law jurisdiction in the world to develop legally binding legislation committing to making the United Nations declaration for Indigenous people as applicable law.

This law will silence the debate that the United Nations declaration is about not merely aspirational international principles. Rather, it will be applicable. Today and from this day forward, all articles of the United Nations declaration will be applicable. Dead will be the concepts such as *terra nullius*, doctrine of discovery and Crown paramountcy. Rather, we come to this table and to this House as equals.

To make history is not for the faint of heart. It takes courage. And I know this government and our peoples in this place we call British Columbia have that courage to deliver.

I just want to reflect on the debate of consent versus veto. To bring this to a hard point, some people will oppose this law because of their fears of what an era of mutual consent means. There is fear in the idea of sharing power and jurisdiction. I want to say strongly and clearly here that this declaration law is not about providing any government with veto rights.

Let's be clear. Consent is about agreement. Consent is a process to achieving and maintaining agreement. Consent is about sharing and respecting our laws as equals and as part-

ners. Consent is the trend of our court cases. Consent is the future, and most simply put, it's about coming together as governments, as people seeking to find common ground.

[11:20 a.m.]

Although consultation law has empowered many First Nations in B.C., it has done little to create legal certainty. Too often the Crown still does not engage in good-faith consultation and negotiation, and First Nations are still turning to the courts to resolve these issues.

The greatest uncertainty for project development that hinders the B.C. economy is not knowing if approval has consent of the affected First Nations. Laws that are co-developed where consent is the aim of all First Nations-Crown engagement, where there are realistic and constructive mechanisms for consent being achieved, will deliver economic and legal certainty and predictability in this province. Best practices in B.C. are championed by First Nations, governments and industry achieving consent.

The goal of any party that sits down at a government-to-government table, at an impact-and-benefits agreement negotiation, is to find common ground and agreement. It is not uncommon for business norms to precede and lead the law. It's the codification of the consent business norm into law that will ensure economic and legal certainty and predictability as a legacy of this government and our peoples in this time.

I also want to acknowledge some of you in this room that have sat across the table in our negotiations.

Mr. Coleman, we've sat and debated.

Premier Horgan, the many years ago — 15 years, 14 years — when you were just elected as an MLA.

Shane, Doug, Minister Fraser, when we were fighting for a lake that had been proposed to be converted into a tailings pond. We've come a long way since 2007, when we really realized that the lake would be saved.

It's not without the work of those that are gone now, those that have passed on. We need to acknowledge, as First Nations, that the reason we are here is because of them.

It's also those that continue to fight in our territory, my territory, the Tł'azt'en and Saik'uz, who are in the Supreme Court of British Columbia right now. And it's those that ran for office in our recent election for Members of Parliament, some who have won and will continue to fight. It's those that have fought in the past and those that have put their names forward, whether it's Members of Parliament or Members of the Legislative Assembly.

As Indigenous people, in my culture, we go to the big house, the potlatch house — and here, on the Island, the big House — and we discuss and debate law, very similar to our Indigenous people. We talk about law in our territories. This is the significance of this day: to acknowledge that law of the potlatch house, of the big house, that when we come here as Indigenous people, we respect each other and debate and talk. It's not merely for us of today. As I look up to some of the youth that are here, it is for them, and it's for those that are unborn.

[11:25 a.m.]

I also want to acknowledge the brave, bold step to move to this law and to this legislation. It's incumbent on everybody in this room, regardless of political stripes, to enact this law to its fullest extent.

To all those in the gallery, Indigenous brothers and sisters, it's our responsibility to breathe life into this law. In my speech, I say: "Reconciliation, sovereignty, self-determination." They're merely words on a piece of paper. However, now that there is legislation passed, we will breathe life into this declaration. It's all our responsibility.

I want to thank you all for bearing witness today — bearing witness to this significant time in our history.

Thank you. *Musi cho*. [Applause.]

S. Phillip: [Nsyilxcən was spoken.]

I would like to begin, as usual, by acknowledging the Songhees and the Esquimalt peoples.

I would like to offer greetings to our dear Premier Horgan, Mr. Wilkinson and Mr. Olsen. I would like to thank the House for this incredible opportunity to bear witness to the passing of this law.

The last several days, the last few hours, the sleepless night I had last night.... You know, I still can't wrap my mind around this — that this is actually taking place. Even up to the Regional Chief's remarks, I'm sitting there thinking: "The next leadership council meeting I go to, I'm going to say that I had the most incredible dream last night. I dreamt we were all in the Legislature." It's absolutely incredible. It's beyond words.

I want to acknowledge my beautiful wife, Joan Phillip, up there. As many of you know, Joan ran for the Central Okanagan-Similkameen-Nicola. Mr. Albas had a projected 98 percent chance of winning the riding. Needless to say, he did, but I just want to commend Joan for getting in the ring.

Of course, I want to acknowledge J.W.R., Jody Wilson-Raybould, up there. She's very much part of this story and has dedicated her life's work to reconciliation and to changing the laws of this country at the federal level. Let me pause and say we all know that story — about what took place.

I want to acknowledge Romeo and Leah up there.

I want to thank my colleagues for their well-considered remarks. I know that they probably stayed up all night rewriting and rewriting their remarks. That's not what I do. I just simply ask Joan in the morning: "What should I say?"

[11:30 a.m.]

There's not really a lot left to say. I would like to acknowledge all of those wonderful souls that were part of this story for the last 160 years. I want to thank Grand Chief Ed John for reminding us of our history and what took place in terms of the early beginnings of British Columbia as a colony and later as the province, and all of the evolution of the laws and legislation in this province and the impact it had on all of us.

I believe that we are at a point in our history that we begin to realize that as our Regional Chief said, we are indeed

in this together, in every sense of the word. What we have relied on for so many decades, in terms of governing, just is not working. I think the last federal election was a prime example. I think archaic institutions and practices need to change. That's what we're witnessing.

More and more of our people are beginning to engage in the political process and allowing their names to stand provincially or federally. That was unthinkable 20 years ago. Yet now our people are beginning to realize we are in this together. We need to be part of the institutions that determine the well-being of our families and our communities. I think that's very positive, a very positive development.

Among other things, I'm a marriage commissioner. I've done dozens of marriages. The marriage ceremony is very sacred. All the families get together to bear witness. In reality, what a marriage is, is a statement of good intentions. It's a vow. It's a commitment to both parties on how they are going to build a life together. There are no guarantees, but it's because they understand that that choice is the absolute best choice for them and their partner. They commit day by day to do their utmost to build that life, to lift both of the parties up. I stand in front of the couples, and I say those words. That's what's happening here. I think that that's what we need to do day by day.

In the beginning, Joan and I.... We've been together 43 years. We've been married for 35. I can tell you that in the beginning, it was rough. It was really rough. Those of you that know Joan.... She's got her own mind. I found out the hard way. But nonetheless, we managed to work through our issues, and we have the most incredibly beautiful life one could imagine. I'm so blessed to have somebody like Joan. I wouldn't be standing here if it wasn't for her.

The same applies to the parties in this House. We have to walk away from old ways, some old attitudes, and so on and so forth. It's not easy to do, because we're so deeply steeped in those attitudes and notions of each other.

[11:35 a.m.]

Whether it's across the floor or whether it's an issue of race, we have to simply just turn our backs on that and walk away. We need to begin to know and understand our responsibilities to the land and to our constituents as a collective responsibility. It's not on one side of the House or the other. It's collective. What you see behind us is the leadership council, which was a phenomenal, amazing development, because we were so deeply divided 14 years ago, 15 years ago, yet we knew we had to come together. We knew we had to leave behind our petty differences and our ideological differences, and so on and so forth.

We have committed to work together, a very simple agreement. Three provisions: respect our unique mandates; work on issues of mutual and common concern; and in the event we have irreconcilable differences, that we agree to walk away from each other. I'm so proud to say

that after 14 years, we're still together, which has provided the space for what's going on here today. It never would have been possible if we had not got off our high horses and decided we need to walk together.

I pray that this House understands the gravity of what we're doing here today and knows that the future of our grandchildren and of that little child that's here depends on how well we do that.

We're all veterans in this House. We've been in the trenches most of our lives. Now we have to look at each other differently.

You know, there are so many challenges with the climate crisis, the opioid crisis, homelessness, missing and murdered Indigenous women and girls, economic marginalization. The list goes on and on and on. It's time for us to put our gifts together and to begin to work together as true partners, to be able to look after the land and the people. That's what we all stood for office to do. We can't do it divided. I'm so proud of Premier Horgan taking that bold leadership step here in British Columbia.

I want to remind everybody in the House that there was a very serious federal initiative that was moving forward under Prime Minister Trudeau in terms of the recognition and implementation framework. Prime Minister Trudeau made a commitment in the early days of the election. He said he would pick that up after the election, in the event they got re-elected, and they would sponsor it as a government bill — what was C-262.

It's inevitable, what we're doing here today, and we just simply need to get on with it. We need to be genuine. We need to be sincere and walk away from those wonderful, cynical personalities we've developed over the space of time.

You know, Joan and I have 15 grandchildren. The future of our grandchildren and your grandchildren depends on British Columbia, here represented in the House, coming together in a very real way, not just words, as the Regional Chief has stated. So I'm praying.

[11:40 a.m.]

I'm so grateful I'm still here to witness what's going on here today, because I've had health issues over the last number of years, right? I'm deeply touched by what's happening here. There are going to be all kinds of challenges, but I know in my heart of hearts that with good hearts, we'll be able to overcome those challenges and lift each other up.

[Nsyilxcən was spoken.] [Applause.]

Mr. Speaker: On behalf of all members of the Legislative Assembly, please accept our very sincere appreciation for your addressing this House today. We have been profoundly honoured to welcome you here.

I invite the drummers to join in leading the procession.

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