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THE HONOURABLE DARRYL PLECAS, SPEAKER

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LIEUTENANT-GOVERNOR

Her Honour the Honourable Janet Austin, OBC

FOURTH SESSION, 41ST PARLIAMENT

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Honourable Darryl Plecas

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WEDNESDAY, NOVEMBER 20, 2019

The House met at 1:35 p.m.

[Mr. Speaker in the chair.]

Routine Business

Prayers.

Introductions by Members

Hon. D. Eby: We're joined today by a group of dispute resolution experts who are gathered here in Victoria — this might be helpful for the House — for the ADR Institute of Canada's 45th annual general meeting and national conference.

It's my pleasure to introduce to the House Andrew Butt, president of the ADR Institute of Canada; Elton Simoes, president of the ADR Institute of British Columbia; Barbara McNeil, president of the ADR Institute of Alberta; Viki Scott, representing the ADR Institute of Ontario; Andrew Wychenka, representing the ADR Institute of Manitoba; and Janet McKay, executive director, ADR Institute of Canada.

Will the House please welcome these very necessary dispute resolution experts to this House here today.

Hon. A. Dix: Canuck Place Children's Hospice is, I think, loved by people around British Columbia who have given it enormous support over the years. I want to welcome to the House today Denise Praill, who is the chief development officer, and ask everyone to wish her welcome.

M. Stilwell: Joining us in the House today is one of the funniest people I've met this week. She's on tour with the Steve Patterson holiday special of *The Debaters*. She's an award-winning Canadian comedian, writer and columnist. Last night she successfully debated that Mrs. Claus is, in fact, superior to Santa's elves. Would the house please welcome DeAnne Smith.

Hon. M. Farnworth: Today is the National Day of Remembrance for Road Crash Victims. We're joined by several road safety law enforcement leaders who, just a few hours ago, received awards recognizing their outstanding efforts to make communities safer.

Please help me welcome Chief Const. Neil Dubord of the Delta police department, who's also chair of the B.C. Association of Chiefs of Police Traffic safety committee; Const. Brad Robinson, representing south Vancouver Island traffic services, E division traffic services, with the B.C. RCMP; Oak Bay constable Eric Thompson, who's with the capital regional district Integrated Road Safety Unit, E division traffic services, B.C. RCMP; Const. Martin Schmidt, representing the West Kootenay Integrated Road Safety Unit, E division traffic services, B.C. RCMP; Sgt. Aaron Kazuta of the Van-

couver police department, representing the Uniform Gang Task Force, Combined Forces Special Enforcement Unit with the B.C. RCMP; and Cpl. Ryan Shaw, representing the Uniform Gang Task Force, Combined Forces Special Enforcement Unit, B.C. RCMP.

Would the House please join us in making these distinguished guests most welcome.

J. Thornthwaite: I have some very special guests to introduce today. My newly elected MP, Terry Beech, as well as his lovely wife, Ravi, and the special baby, Nova, is up there. On behalf of the member for Burnaby North as well as Burnaby-Lougheed, I'd like us all to make them welcome.

Hon. D. Donaldson: Joining us today in the gallery and in the precinct are representatives and members of the Community Futures of British Columbia.

[1:40 p.m.]

Mike Guarnery is CFBC chair from the East Kootenays; Troy Dungate, Community Futures B.C. vice-chair from Fraser-Fort George; Tom Hoffman, CFBC director from the Cariboo-Chilcotin; John Farrell, CFBC director from the Pacific Northwest; Bob Annis, CFBC past chair and director from Cowichan; plus a number of staff — the executive director of the organization, Cheryl Johnson, Debra Arnott, Karen Eden, Cathy Robertson and others I might have missed.

I want to thank them for their work, through the 34 offices through rural communities in B.C., supporting small and medium-sized enterprises. Thank you for the very informative meeting we had this morning. Would the members please make them welcome.

I have one more. Joining us today, all the way from Hazelton, B.C., 1,000 kilometres north of here, is my wife, Anne. Would the members please make her welcome.

A. Kang: I have a few friends who are in the gallery today. They are part of the delegation from the Greater Victoria Taiwanese Canadian Association. These friends are actually from the Minister of Education's riding. On his behalf, I would like to welcome Hung Shu Fen, Michael Magone, Chi-Hsin Sung, Naoki Takahashi, Yuka Kawai as well as Kesorn Meecharoensiri. I would like the House to please make them very welcome.

R. Sultan: In the galleries today, we have several distinguished citizens from West Vancouver. Old friends John and Cathy Cave are accompanied by their grandson Austin Millius and John's cousin Kevin Pearse, visiting from England. Now, it is said that Austin's mother, Kristi, was perhaps the youngest elected politician ever in the history of West Vancouver. So we're looking forward to Austin following in his mother's footsteps. Would you please make them welcome.

Hon. K. Conroy: I'm really pleased. I've got two very special men in my life in the gallery today. One of them is my

husband, Ed, the former MLA for Rossland-Trail. I have to tell you that in all the years I've been elected, I think this is maybe his tenth time that he's joined us in the gallery. It's great to have him here.

The other very special person in my life is my 91-year-old father, Ben Thor-Larsen. I have to beg your indulgence a bit here. My dad is an avid curler, and at 91, he won the award in Castlegar for the.... It's like the superstar of curlers. What he has to do for this award is: he has a little hand-carved red truck that he has to take with him everywhere he goes and get pictures and, after the year, take it back to the curling rink and show them where he's gone.

I would like to please beg indulgence of you all. If you see my father approaching you with his little red wooden truck, if you would please have a picture with him so he can take that back to the Castlegar Curling Club and show where he has been on his journeys.

Please join me in welcoming these people.

D. Barnett: I, too, would like to recognize two people from my riding — I get very few, like many of us: Karen Eden, the CEO of Community Futures Williams Lake, and Tom Hoffman, who is the chair of Community Futures Williams Lake. Please welcome them here again today.

Hon. C. James: I also have constituents who are visiting me today who are leaders in the Taiwanese community, part of the group that is visiting and touring today: Chi Ping Chung, Sia Nishamura and Regine Sue Tatchell. Would the House make them very welcome.

A. Weaver: I have a number of leaders from the Taiwanese community here in Greater Victoria to introduce from my riding today. They are Kayshi Chuang, Julia Meiling Chen, Kathleen Chuang, Enning Hu, Youhau Cheng, Huawei Wang, Joe Chi Chung, Jin Hue Cheng as well as Sung Mi Kim. As you can tell, we have a very vibrant Taiwanese community in Victoria.

[1:45 p.m.]

On that note, hon. Speaker, and with your permission, I would also like to announce to the House that today is the beginning of the 24 Hours of Reality. This is 24 hours of talks being held around the world, over 1,700 talks on the importance of climate change. I just attended one at Oak Bay High School.

In the spirit of the ongoing competition between Reynolds and Oak Bay, I proudly was presented an Oak Bay Barbarian rugby jersey. I'm looking forward to Oak Bay playing Reynolds this year in the upcoming rugby season and trouncing them, as we did back in the 1970s.

Hon. L. Popham: I also have leaders from the Taiwanese community visiting from Saanich South today. I have Lee Chung Ming, Wan Chu Sang and Jo Sue Martin Velasquez Rochene. Welcome to the chamber.

Hon. G. Chow: I also would like to introduce members of the Taiwanese community leaders. They come from a diverse community. This one is from Premier John Horgan's riding, Ms. Julie Lee. Also, Sueh Yung Lu. I'd like to welcome them here. If the House would do the same for them. Thank you.

J. Rice: I, too, have two constituents today in the House. Both work for Ecotrust Canada, an important not-for-profit in my hometown of Prince Rupert.

Chelsey Ellis is a third-generation commercial fisherman with a bachelor of science in biology. She has over eight years of experience on the water through work as a biologist, observer and commercial fish harvester. She has worked on the ground as a deckhand in B.C.'s spot prawn, Dungeness crab, live rockfish and salmon gillnet fisheries.

I also want to note — this is really cool — she's currently working towards obtaining her chief mate.... I think we say a 150 tonne ticket. Did I say that correctly — a 150GT ticket? I'm not exactly sure what it is, but I know it means a big boat.

I also want to introduce Shannon Lough. She's originally from Ottawa and is now a proud Rupertite. She's been sharing stories from the chambers of parliament to salmon runs in the Skeena. She has a master's degree in journalism from Carleton University. She felt compelled to work in a rural community where her reporting could make an impact, and that she is doing. She is an engaging storyteller and is Ecotrust's communications and engagement manager.

Would the House please make them both feel welcome.

Hon. S. Fraser: I rise today to acknowledge the Minister's Advisory Council on Indigenous Women, also known as MACIW.

This council meets with me throughout the year. Today they are undertaking their important deliberations here at the Legislature, as leaders and advocates with respect to issues impacting Indigenous women and girls. I deeply value their perspectives on decisions we're making as government.

The council was created in 2011 to provide advice on how to improve the quality of life for Indigenous women across the province. Over the years, their role has continued to evolve. Now the focus includes collaborating across government as we work towards advancing towards a collective vision towards reconciliation. This includes our efforts towards implementing the UN declaration on the rights of Indigenous peoples, the Truth and Reconciliation Commission's calls to action and, of course, the 231 calls to justice stemming from the federal missing and murdered Indigenous women and girls inquiry.

We are honoured to have this group of highly regarded women sharing their voices, wisdom and perspectives with government. I would like to acknowledge chair Chastity Davis, vice-chair Barbara Ward-Burkitt, Elder representative Dr. Lorna Williams. I would like to share this opportunity to acknowledge MACIW with my colleague the MLA for Esquimalt-Metchosin.

Thank you very much.

M. Dean: I, too, would like to acknowledge the members of the Minister's Advisory Council on Indigenous Women.

In my role as Parliamentary Secretary for Gender Equity, I truly appreciate how hard the council is working to build understanding of Indigenous, gender-based analysis across government. The council has been instrumental in ensuring the inclusion of Indigenous women's voices. They provide advice on housing, poverty reduction, education, Indigenous justice, child welfare, policing and so much more. The council is also advising the province on its response to the national inquiry into missing and murdered Indigenous women.

[1:50 p.m.]

I have really enjoyed spending a bit of time with them over the past couple of days. I ask the House to acknowledge members Coreen Child, Patricia Barkaskas, Sarah Robinson and Monique Gray Smith, and also youth representative Raven Lacerte. I believe there are three members not present in the House today, including Helen Knott and Lauren Brown. I thank the members that are here today for the opportunity that we can show our appreciation and acknowledgment of the members of the Council on Indigenous Women, and I raise my hands to their work.

I also have leaders from the Taiwanese community from Esquimalt-Metchosin here today. We have Shang Su, Ming Lee and Seo Yun Kim. Please would the House make them very welcome.

Statements (Standing Order 25B)

REMEMBRANCE OF HISTORICAL EVENTS

J. Routledge: Last week we attended ceremonies all over British Columbia where we promised to remember those who went to war so we could live in peace. But do we remember why they were called upon to sacrifice their lives, their health, their youth in the name of freedom? It was the philosopher George Santayana who said, "Those who cannot remember the past are condemned to repeat it," words that are inscribed on a plaque at the Auschwitz concentration camp.

Many people in my community are voicing their fear that civilization is once again teetering on the brink of violent upheaval. They turn on their TVs and see white supremacists marching in the streets. They hear their neighbours openly blaming immigrants for their own feelings of vulnerability. They watch those in positions of great power seeking to undermine public confidence in democratic institutions, in the media, in science, and they see it working.

It is unnerving how much of what is happening around the world today resembles what we now know was taking root in Germany and Italy almost 100 years ago — the deliberate spread of misinformation, the systematic degradation of political discourse, rhetoric that portrayed life as a dog-eat-dog struggle in which one could only gain at the expense of another and the fanning of the flames of regional and

national grievance, all creating a sense of crisis that encouraged citizens to voluntarily hand over their freedoms to demagogues in exchange for the promise of predictable order and safety.

Last week we remembered those who had to die because their leaders didn't see what was coming. Leaders today do not have that excuse. We can see what's coming. While we may feel small in the face of what is happening on the world stage, we can at least agree to refrain from stoking the narrative of rage, fear and mistrust.

KROW'S TRANSFORMATION FILM ON TRANSGENDER ISSUES

J. Thornthwaite: Yesterday I had the privilege to welcome some important guests to the Legislature. After many years of hard work, Gina Hole Lazarowich, joined by the subjects of her documentary, presented her film to members of the House. Gina is a constituent, but she's also a successful producer and film-maker.

Her latest project, *Krow's TRANSformation*, is premiering tonight on OUTtv. It follows the three-year journey of a former teen model into his true, authentic self. After six years as a globe-trotting female fashion model, Krow embarked on the journey towards physically becoming a man at the age of 18. Throughout the documentary, which has received international acclaim, we not only witness Krow's physical changes; we also witness some of the heart-breaking interviews with his friends and family to see how his transition impacted those close to him.

I was honoured to participate in the film *Krow's TRANSformation*, an important documentary not only showcasing Krow's journey through transition but also the importance of empathy towards others. Man, woman or however you identify, we are all human at the end of the day.

[1:55 p.m.]

Today is Transgender Day of Remembrance, where we are encouraged to pause and reflect on the many hurdles people in the transgender community face as they attempt to lead their everyday lives with their families, at their workplaces or in their communities.

I thank Gina, Krow, Kas Baker, Ashton Sciacallo, Nancy Van Neste-Baker, Michael Baker and Lisa Jacobsen for joining us last night to view the film. Hopefully, documentaries such as this can help reduce stigma, make us understand and promote inclusivity and empathy for all transgendered people and their families.

TRANSGENDER DAY OF REMEMBRANCE

M. Dean: Across the world over the past year, 300 trans and gender-diverse people were murdered. Most were trans women of colour, their average age just 31. They're sisters, daughters, aunties and friends of ours and people in our neighbourhoods. They had jobs and careers, ran businesses, and many of them worked in the sex industry.

November 20, today, is a day when we honour the memory of those innocent lives lost due to transphobia. Every day trans and gender-diverse people are victims of horrifying hate violence, including extortion, physical and sexual assaults and murder. This violence and the discrimination against trans and gender-diverse people perpetuates an ongoing cycle of oppression. It is made worse with other oppression such as racism, sexism, xenophobia and anti-sex worker sentiment and discrimination.

Every day, and especially on days like today, I stand firm with my colleagues in our commitment to continue the fight to end gender-based violence. We reaffirm our commitment for fighting for a better world, where the acceptance of self-expression and gender identity isn't up for debate — a world with equal opportunities, safety and the freedom to be who we are.

Today I was so proud to be joined by colleagues and transgender people and allies and raise the transgender flag at the B.C. Legislature for the first time in history, a moment that is long overdue. We stand with trans people in B.C. and around the world and commit to a better society — one that is safe and truly inclusive for all.

PROTECTION OF THOMPSON RIVER STEELHEAD

J. Tegart: I am born in the watershed of the Nicola River, along with thousands of others of my species. Who am I? I hang around for a couple of years to build strength and agility for my next phase of my life. What am I? I leave the Nicola watershed, swim down to join the Thompson River in Spences Bridge, join the Thompson down to the Fraser and go out to the Pacific Ocean.

Have you guessed who I am yet? I'm not cute and cuddly like a polar bear or a grizzly bear. I'm fierce and mighty. You don't see pictures of me on protest signs or post cards, but you should. I am an iconic species in British Columbia, and my species is in trouble.

I am a mighty Thompson River steelhead, and I am here to tell you that if something isn't done soon, I won't be around in the future. When I am born, I'm surrounded by thousands of fish just like me. We make an arduous journey to the Pacific Ocean, and when we return to our spawning grounds, back up the Fraser into the Thompson and back to the Nicola watershed, there are only 80 of us left.

We run the gauntlet through Vancouver Harbour into the Fraser River, where we encounter gillnet fishing. After being caught once, I am hurt. After the third and fourth time, I am exhausted, and I wonder if I can make the journey home.

Into the Thompson I go, past fishermen who travel from all over the world to catch and release me, into the Nicola and Coldwater watershed to spawn and then start the journey again. I'm doing my part to sustain my species, but I am in desperate need of assistance from all of you.

I feel like no one cares. I feel like I'm forgotten. I feel

caught in political games. I am being managed into extinction.

[2:00 p.m.]

COMMERCIAL FISHING INDUSTRY

J. Rice: Tomorrow, November 21, is World Fisheries Day. I'd like to take a moment to acknowledge not only the importance of the fishing sector to my riding of North Coast but to say thanks for the important contributions of the fishing sector to all of B.C.

Commercial fishing is one of the founding industries of this province. Its significance can be seen painted on the ceilings of the B.C. Legislature, and B.C. is actively working right now towards a made-in-B.C. wild salmon strategy. The fishing sector is a cornerstone in the economic and social fabric of B.C.'s coast.

Fishing is deeply rooted in our history and our culture. But fishing communities are struggling, and fishermen nowadays are often portrayed as the culprits in all the negative impacts felt by fish. I personally feel they are given a bad rap, an unfair rap. There are many influences, including fisheries mismanagement, poor policies, warming oceans and habitat destruction that impact our global fisheries. The extraordinary efforts that went into an emergency response to the Big Bar Slide this summer are telling of the impacts of climate change.

Close to home, independent fish harvesters need protections to rebuild the backbone of the rural middle class along our coast. Tens of millions of dollars of licences and quotas granting access to Canada's public fishery have been snapped up by corporate interests. Speculators are buying up fishing access to lease to fish processors and rent back to fish harvesters for profit, taking income directly out of their pockets and out of coastal communities.

Policies need to be put in place to ensure that fishing licences and the benefits they provide are for local fishermen and for local fishing communities, not for speculative investors, international shareholders or seafood processors to stifle competition for our resources. The economic viability of the next generation of fishermen and our coastal communities depends on improving these policies.

Tonight MLAs have an opportunity to meet with fishermen from different sectors from all over the B.C. coast to learn more about these challenges and the awesome opportunities. They are serving up what I understand is a seafood extravaganza, five-star, not to be missed. When you go, don't forget to thank a fisherman.

VICKIE SANGSTER

I. Paton: I rise today to pay tribute to a friend and a local icon, Vickie Sangster, who, at age 62, passed away a few weeks ago after a five-and-a-half-year-long battle with cancer. Vickie Sangster was a tireless volunteer in Delta with

a passion for giving. Everyone in Delta knew that if you wanted to get something done, you gave it to Vickie.

As a proud Rotarian, Vickie was awarded Rotarian of the Year, the Paul Harris Fellow award and an honorary lifetime membership. As a Rotarian, Vickie was involved in many community building projects across Delta. Her greatest accomplishment in the community was championing the Rotary water park and musical garden in Diefenbaker Park in Tsawwassen. Vicki later became an adviser for the Ladner Rotary water park.

In addition to her work with Rotary, Vickie was a director with the Delta Sports Hall of Fame and a team leader with the Butterflies of the Delta Hospice Cottage. She also volunteered countless hours making soup for Food on the Corner. In 2014, Vickie was honoured for her extraordinary contributions to our community and awarded Delta's Citizen of the Year.

In the spring of 2014, Vickie received the devastating diagnosis. While this terminal diagnosis did not define her, it did form the route of her journey for the next five and a half years. With her family by her side, Vickie valiantly fought the fight and became a medical miracle in the process. During this time and without a single complaint, she continued to live her best life and enjoyed many trips and amazing moments with her family and friends. Her zest for life was a true inspiration to everyone she encountered.

Two weeks ago a remembrance service was held for Vickie. It was truly inspiring to see hundreds of people from all walks of life come to pay tribute to Vickie. Her life has made an impact on so many. If anyone's list of accomplishments was half as long as hers, it would be said that that person lived a full and impactful life.

Vickie is survived by her husband, Don, her three daughters — Sonya, Bridget and Deanna — and her granddaughter, Autumn.

Vicki's motto in life was: "You only live once," YOLO. And what a life she lived. She was a true icon in the community and a true inspiration to all who knew her.

[2:05 p.m.]

Oral Questions

LABOUR DISPUTE IN TRANSIT SYSTEM

A. Wilkinson: Today marks the 20th day of job action in the Metro Vancouver transit system. This job action has already affected 1.4 million rides per day, close to one million people using the system to get to work, to get to school, to get to their appointments.

It's critically important to the people of Metro Vancouver. It's already been a source of frustration to the people who live in Metro Vancouver, and we have seen absolutely no action whatsoever from the government. The union announced that it now plans to conduct a full-scale system shutdown next Wednesday through Friday. This will bring Metro Vancouver basically to a standstill as the 7,000

people who work at Vancouver General Hospital can't get to work, for instance.

This is critical, and sadly, we have seen no sign of any activity whatsoever from the government benches. We have no sign of any activity from the Premier, and the Minister of Labour is so totally invisible on this file that no one even knows his name.

The obvious question that arises: if we're trying to address the critically important infrastructure in Metro Vancouver that keeps the system running, that keeps our society functional, when is this Minister of Labour going to actually do something rather than sit in his office and smirk?

Hon. H. Bains: Yes, obviously, it is very difficult news for all those who use transit on a daily basis on the Lower Mainland. No one wants disruption of services that we all depend on. It hurts families, hurts workers. That's why we are urging both sides to get back to the bargaining table.

I must make this clear. They are in no position to give any lessons to anybody when it comes to collective bargaining. The only thing they know about collective bargaining is how to tear up collective agreements that were negotiated through collective bargaining. We're not doing that. It's a matter between the employer....

Interjections.

Mr. Speaker: Members. Members. Minister.

Hon. H. Bains: It's a matter between the Coast Mountain Bus Co. and the union. They have negotiated successfully numerous collective agreements without any help from anybody. So that's why I'm asking them to get back to the table, and that's where the solutions and the fair deal can be found. I expect that they will be back at the bargaining table and negotiate a collective agreement that they can both live with.

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

A. Wilkinson: Well, Mr. Speaker, the Minister of Labour talks about taking lessons in labour relations. There aren't going to be any lessons at UBC, Kwantlen, Douglas College, Emily Carr. They'll all be shut down Wednesday through Thursday.

He calls for patience. Well, there are different kinds of patients who aren't going to have any visitors. They're not going to have any nurses. There are going to be no LPNs to take care of them. There will be no lab technicians to take their blood and measure it.

What does this minister think is going to happen when the transit system shuts down entirely next Wednesday through Friday? He sits in his office here in Victoria and takes his car to Surrey and says: "I guess that's tough. It's because of the collective bargaining process." What are

people supposed to do in a city of 2½ million people while this minister sits on his duff and does no work at all?

Hon. H. Bains: As I said, we are looking for a speedy conclusion to the labour disruptions in Metro Vancouver with a free and fair negotiated agreement.

[2:10 p.m.]

The opposition would like you to believe that somehow they pretend to care about the ridership, the people who ride transit. But they didn't care about the transit riders. When the mayors came to them for help, they said: "Suck it up." They didn't care about the riders when the expansion to south of the Fraser was being discussed.

Interjections.

Mr. Speaker: Members.

Hon. H. Bains: They and the Premier of that time said: "Well, we'll have a referendum." As a result, ten years have gone by, and we have nothing to show for south of the Fraser, thanks to them. Certainly, they didn't care about the riders when they eliminated....

Interjections.

Mr. Speaker: Members. Members, the Minister of Labour has the floor. Thank you.

Hon. H. Bains: All they care about is how to take a political advantage over labour disputes. We're not doing that.

They didn't care about the riders when they eliminated the disability pass. We all remember that. Mr. Speaker....

Interjections.

Mr. Speaker: Members.

Hon. H. Bains: They know, if they ever look in the mirror.... If they ever talk to anybody who has done any collective bargaining, they know that the best collective agreement comes at the bargaining table. Negotiations take place not in the media, not in this chamber. At the bargaining table. We are urging both of them to get back to the bargaining table and get a collective agreement.

J. Johal: The Metro Vancouver transit system looks completely different from 18 years ago, when the last strike took place under the previous NDP government. Today there are 58 additional bus routes, 520 additional buses and 1,400 additional bus operators, and annual ridership has increased by 206 million boardings a year. It's an essential service.

Current contract talks could not be more stalled, and it's time for both sides to work towards a resolution. The strike has now dragged on for three weeks. Why has the Minister of Labour failed to appoint a mediator?

Interjections.

Mr. Speaker: Member, I didn't hear the question. Sorry.

J. Johal: Mr. Speaker, this is an essential service. The member for North Vancouver–Lonsdale has been missing in action on this issue. The Minister of Labour has entered some sort of NDP witness protection program. He has not been heard from by the people of Vancouver.

I ask, once again....

Interjections.

Mr. Speaker: Members. Members.

J. Johal: This strike has dragged on for three weeks. Why has the Minister of Labour not appointed a mediator?

Hon. H. Bains: As I said, they're not in a position to give lessons to anybody about collective bargaining — none whatsoever. They have shown no respect to the working people in this province, especially....

Interjections.

Mr. Speaker: Members. Members, I'm concerned, again, that we're eating into time which could be spent asking questions. Thank you.

Hon. H. Bains: When the Leader of the Opposition was going through his leadership campaign, he said that the B.C. Liberals were sitting 30,000 feet up, out of touch with reality. With their actions and what they've done in the last two years, they haven't come down an inch. And if they keep it up, they'll be sitting on that side of the House for a long, long time.

You know what? The workers of this province are really happy they're in the position to ask questions, not to answer questions.

Interjections.

Mr. Speaker: Members.

The member for Richmond–Queensborough on a supplemental.

[2:15 p.m.]

J. Johal: The transit system exists today. It's more essential to people's lives than ever before. People use transit to go to work, go to school. They have no other choice when it comes to transportation options. Both sides not negotiating holds the public hostage.

Over the last three weeks, the Premier and his Labour Minister have shown zero leadership. So I'm going to ask the same question again, and I hope he can answer that question on behalf of the people of British Columbia and the residents

of Vancouver. Why has the Labour Minister not appointed a mediator?

Hon. H. Bains: I don't know if the member has ever been involved in collective bargaining. I don't think so. If he has, he would know....

Interjections.

Mr. Speaker: Members, we shall hear the....

Interjections.

Hon. H. Bains: If he had, then he wouldn't be asking a stupid question like this.

Interjections.

Mr. Speaker: Members. Members, please allow the minister to respond.

Hon. H. Bains: Their history on labour relations. You talk about 14 years of a fight that they picked with the teachers — 14 years — and the Supreme Court of Canada took only 20 minutes to say that what they did was illegal. The International Labour Organization cited that government more than once — that they were not complying with the international labour laws. That's what they did.

The best collective agreement is negotiated at the bargaining table. That's why I'm urging both sides to get back to the bargaining table and hammer out a fair collective agreement.

LOGGING PRACTICES AND PROTECTION OF WHITEBARK PINE

S. Furstenau: The whitebark pine tree was listed as endangered under the federal Species at Risk Act in 2012. In 2017, the federal government released a proposed recovery strategy for the whitebark pine in Canada. Forty-two percent of the global population of this species lives in B.C., but since the species was listed as endangered, more than 19,000 cubic metres of the trees have been logged.

In 2013, Lake Louise Ski Resort in Alberta logged a patch of trees that included just a few dozen whitebark pine. The company was fined \$2.1 million for what the judge called reckless behaviour. But in B.C., no fines, no restrictions, no guidelines for companies to avoid logging and endangered species, and 19,000 cubic metres logged.

My question is to the Minister of Forests, Lands, Natural Resource Operations and Rural Development. How, in 2019, is his government allowing the continued logging of the whitebark pine despite its endangered status?

Hon. D. Donaldson: I appreciate the question from the member. I believe she has two aspects to that question: one around public lands and one around private lands.

First of all, on public lands, our government is committed to conserving B.C.'s diverse biology, and that includes the whitebark pine. It's a species that grows in upper subalpine elevations. It grows above the tree line. It has limited commercial value, and provincial practices specify the species is not to be logged.

[2:20 p.m.]

We are working with the federal government on the implementation of a recovery plan, including a rust-resistance screening program. The major threat to whitebark pine is blister rust. So we're planting seedlings that are resistant to that. We're working with the Conservation Data Centre on pine-mapping technology as well.

However, her question also brought up concerns, I believe, around logging on private managed forest lands. That act has not been reviewed since it was first established in 2003. We heard concerns about activities on private managed forest lands and that program, so we initiated a review. That review was launched. It's now complete. We had 27 in-person sessions, received over 1,200 submissions, and we'll be releasing a what-we-heard report.... It was released earlier this month.

We'll be engaging with local governments and First Nations to get more feedback on that report and implementing our final report and recommendations from that in the new year. That has to do, again, with the whitebark pine.

Mr. Speaker: The House Leader, Third Party, on a supplemental.

PROTECTION OF WILDLIFE SPECIES AT RISK

S. Furstenau: Thank you to the minister for a thorough answer to things I didn't quite ask.

I did note the report. I did review it recently, and one of the things that stood out was the predominance amongst stakeholders, citizens, interest groups, First Nations, local governments about the lack of conservation and protection of ecosystems on private managed forest lands.

British Columbia invests less in the protection of wildlife per person or per hectare than any other state or province in the Pacific Northwest. The discrepancy is startling, with Washington state, for example, spending 23 times more per square kilometre to protect wildlife.

Earlier this year the B.C. Wildlife Federation released a report noting the following. "While the human population, resource extraction and threats to habitat and wildlife have increased significantly, the funding and capacity to support natural resource management have declined. This is the opposite of other jurisdictions and the opposite of what British Columbians expect."

I note the very powerful statement given by the member for Fraser-Nicola about the decline of steelhead as an example of what we are seeing right now in respect to endangered species around this province.

My question is to the Minister of Environment and Climate Change Strategy. Without provincial legislation dedicated to protecting species at risk, how does he intend to mitigate the loss of wildlife in our province, particularly at a time when climate change has already begun to alter entire ecosystems?

Hon. G. Heyman: Thank you to the member for the question.

One of the reasons that species-at-risk legislation is included in my mandate letter — and the reason that I have assured the member and the public in the past that we are working on it and that we intend to bring it in, in this mandate — is what we inherited after 16 years of failed promises from the former government. The failure by the former government to take any meaningful action has meant that it has become harder to protect B.C.'s ecosystems and species, and we've created instability for Indigenous communities and industry.

We have, for the last two years, been consulting broadly with communities, with Indigenous nations — over 120 Indigenous nations and 22 regional sessions — to work together with communities, industries, stakeholders, Indigenous people and environmental scientists to find a path forward to protect B.C.'s species at risk in a way that works for everyone. We take that seriously. We're continuing to work on that. We have and will continue to take action in the meantime as we try to get the legislation right.

We did, for instance, sign an agreement with Canada and the Syilx Okanagan Nation to establish a national park in the South Okanagan–Similkameen. This is a region that is home to 11 percent of Canada's species at risk. I look forward to working with the federal government, with the nations and with British Columbians to bring these kinds of protections to this irreplaceable region and others throughout British Columbia.

[2:25 p.m.]

LABOUR DISPUTE IN TRANSIT SYSTEM

M. de Jong: I've sat in this chamber with former Social Credit labour ministers. I have sat here and listened and debated with a number of NDP labour ministers. I have, obviously, worked with labour ministers that were B.C. Liberals. I was one of them. I have never, ever heard a labour minister of any political stripe dismiss the suggestion of the appointment of a mediator as being stupid — ever.

Would the minister stand in the chamber and explain to British Columbians, who are going to be at their wit's end because of a labour dispute, how it is he feels it's appropriate to characterize the appointment of a mediator, who might help bring settlement to that dispute, as being stupid?

Hon. H. Bains: I said this before. No one likes to see disruptions of services that we all depend on. It hurts families. It hurts workers. There are so many people in the Lower Main-

land who depend on transit to go to work or comply with their responsibilities. That's why we're asking both sides to get back to the table, because that's where the best negotiated agreement will come from.

We will stand for a fair and free collective bargaining process, and that's what I'm encouraging both parties to use and utilize. They're both mature when it comes to collective bargaining. Both have a history of collective bargaining and concluding collective agreements numerous times without any outside help. That's where the best collective agreement will come from — at the bargaining table, not in this chamber, not in the media.

That's why I think the opposition should join with us and encourage both sides to get back to the bargaining table, because that's where the negotiated agreement will come from.

Mr. Speaker: The member for Abbotsford West on a supplemental.

M. de Jong: The minister operates under the ambit of legislation that provides him with a set of tools. They are a limited set of tools by which he can provide assistance and guidance and encourage the resolution of disputes that are going to impact and have already impacted hundreds of thousands of people.

He has just dismissed as stupid the use of one of the basic tools that governments and labour ministers have utilized for decades. He has dismissed it as a stupid idea. He sits here, and he says to the opposition and others: "Join with us." When a suggestion is made to him, when a legitimate question is put to him, on behalf of the British Columbians that are going to be inconvenienced — "Will he appoint a mediator?" — he says to the questioner: "You're being stupid."

Why should British Columbians have any confidence in a labour minister who has such a poor grip on the tools that are available to him to try to resolve a labour dispute in British Columbia? And will he apologize for using that kind of language?

Hon. H. Bains: Like I said, we need no lessons from that side of the House when it comes to collective bargaining. No suggestions.

I will remind the House. It was that side, when they were on this side of the House, who were actually engaged in provoking strikes. They were engaged in provoking strikes by tearing up collective agreements, throwing thousands of workers on the street — tearing up a collective agreement that was legally negotiated for decades by these workers. So they are not in a very good position to suggest anything when it comes to collective bargaining.

[2:30 p.m.]

We are serious, and we are going to respect the free and fair collective bargaining process. We are allowing both parties to get back to the table. We encourage them so that

they can have a collective agreement and so that the people who are dependent on the transit are not inconvenienced.

Interjections.

Mr. Speaker: Members. Members.

COMMUNITY BENEFITS AGREEMENT
AND ADVICE TO GOVERNMENT

S. Bond: Yesterday we learned about a confidential briefing that was provided to the government earlier this year regarding the proposed union benefits agreements. Here's what the briefing note said about the agreements: "High risk and incompatible with fixed-price and fixed-schedule contracts."

Can the minister stand up today and tell British Columbians specifically what she and the government were told about the possible consequences of moving forward with a proposal to look at union benefits agreements?

Hon. C. Trevena: We have the utmost confidence in our community benefits agreements. That's why we're proceeding with them on projects in the transportation sector, and we'll be looking at them for other infrastructure projects. We believe that when we build B.C., when we build the infrastructure of B.C., we need to invest in the people of B.C.

This is something that the opposition.... The opposition, in 16 years of government, never realized that you have to invest in people. They have left us with a huge skills shortage, a huge skills gap that we are addressing through community benefits agreements. We're going to be making sure that people get trained and ensure that they get to be able to complete their red seal apprenticeships.

We're very comfortable with moving ahead with community benefits agreements. We've been very clear with people about it, and we will continue to proceed with our community benefits agreements for the best outcome for everyone in British Columbia.

Mr. Speaker: The member for Prince George–Valemount on a supplemental.

S. Bond: Well, I think it's up to British Columbians to decide about whether or not the union benefits agreements are actually a good thing. What's critical to that is, actually, this minister standing up and answering a straight-up, simple question.

We asked the minister: what advice did this minister, this government and this Premier receive about potential consequences? Let me help her out. Here's what the briefing note said. According to the briefing note, the government was warned that if the Premier insisted on a back-room deal, it would result in fewer bidders and higher costs. I think British Columbians deserve to know that this government got advice that the cost of those projects

would go up. There would be higher risks related to scheduling and completion dates.

Can the minister for once, just once, stand up in this Legislature and tell British Columbians: did she receive that advice? Did she, the Premier and the government decide to move on anyway, knowing that the ultimate payer of the extra cost would be the taxpayers of British Columbia?

Hon. C. Trevena: I find it very, very difficult to take that this opposition tries to preach to us, as government, on the cost overruns and the potential risks of infrastructure projects, when their history — their history — is one of overruns.

Interjections.

Mr. Speaker: Members.

Hon. C. Trevena: May I just remind the House that when they were government, we saw overruns of up to 82 percent — 82 percent. We are very confident that the community benefits agreements are going to be serving the people of British Columbia very well. We have seen the outcome.

We've seen the opposition, when they were in government, as well as having massive cost overruns on infrastructure projects, use the same model. They used the same model on, if I might go through them, the Brilliant dam, Revelstoke unit 5...

Interjections.

Mr. Speaker: Members.

Hon. C. Trevena: ...Waneta dam expansion. In 2015, Mica unit 15, Mica unit No. 6 and the John Hart generating station.

[2:35 p.m.]

This is a system that has been used for many, many years. We are very happy with that system, and we'll be continuing to use it.

J. Thornthwaite: Well, from that answer, it appears that perhaps the minister has not even seen the briefing note. Let me remind the minister what this briefing note said about her community benefits agreements, which are really union benefits. The community benefits agreements have risks staying on time and on budget and risk cost overruns, because all of these union rules are more expensive. What that means is that.... The Premier's friends-and-insiders deal means workers are denied opportunities, B.C. contractors lose work, taxpayers pay more, and the public gets less.

Now, apparently, this minister is denying that this briefing note exists. I quote again: "High risk, fewer bidders and higher costs."

Will this minister tell us whether or not she's seen this

briefing note, and if she has, will she please table it for the House?

Interjections.

Mr. Speaker: Members. Members, the Government House Leader has the floor. Thank you.

Hon. M. Farnworth: I've listened with interest to the questions from the opposition, and what's been really interesting is that they go: "Have you heard? Have you heard?" Well, we heard loud and clear from families and parents across this province who want more opportunities for their kids than they ever saw when that side of the House was in power.

We heard from parents who wanted their daughters to be able to have skilled apprenticeship training. That's what community benefits are about. We heard from First Nations who want to see their kids have the opportunity that other families have — that they can get skilled trades. That's what's happening under community benefits agreements.

They want to know that when public money is being spent, it benefits British Columbians first, not some vested interests. It provides opportunities for communities large and small, families right across this province. That's how the dams in this province, under W.A.C. Bennett, were built. That's what we're doing to build opportunity for the future of young people in the province of B.C.

[End of question period.]

Tabling Documents

Hon. D. Eby: I have the honour of tabling before the Legislative Assembly the 2018-19 annual report on the operations of the gaming policy and enforcement branch. The annual report has been submitted to me by the general manager of the gaming policy and enforcement branch, and I'm tabling this report before the Legislative Assembly as required under section 29 of the Gaming Control Act.

Petitions

Hon. C. Trevena: I have a petition with 2,528 signatures from Citizens for Quality Health Care about lab services in the north Island.

Hon. D. Donaldson: I seek leave to make an introduction.

Leave granted.

Introductions by Members

Hon. D. Donaldson: I see, in the gallery, that a friend of mine has joined us — Bill McBain. I owe a lot to Bill. He was my campaign manager. He's batting a thousand. In 2009,

2013 and 2017, he managed a winning campaign for me in Stikine. Would the House please welcome Bill McBain.

Petitions

T. Stone: I have the pleasure of presenting a petition with 282 signatures from the people of Kamloops who support a series of changes to the Mineral Tenure Act in regulations.
[2:40 p.m.]

Personal Statements

WITHDRAWAL OF COMMENTS MADE IN THE HOUSE

Hon. H. Bains: During question period, I used language that was not parliamentary. I withdraw my remarks.

Tabling Answers

Hon. C. Trevena tabled the answer to question 2 on the order paper. [See *Votes and Proceedings*.]

Orders of the Day

Hon. M. Farnworth: In this chamber, I call continued committee stage debate on Bill 37, Financial Institutions Amendment Act. In the Douglas Fir Room, Section A, I call continued committee debate on Bill 41, UNDRIP, the United Nations declaration act.

Committee of the Whole House

BILL 37 — FINANCIAL INSTITUTIONS AMENDMENT ACT, 2019 (continued)

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

The committee met at 2:43 p.m.

Sections 45 to 48 inclusive approved.

On section 49.

S. Bond: Good afternoon to the minister and her staff. Looking forward to continuing the discussion on the bill. We worked our way through yesterday, where we managed to agree on an amendment, which was a good-news story, and we're working our way toward another one, I believe.

Section 49 is a section that actually talks about investigatory powers. I'm wondering if the minister can clarify whether or not this is an expansion of investigatory powers or whether it's a clarification of those powers.

[2:45 p.m.]

Hon. C. James: Thank you to the member, and welcome back to committee stage again. Just for those who are watching, a reminder that I have Tara Richards here, my assistant deputy minister; Kari Toovey, who is the director of financial and corporate sector policy branch; and Sally Reid, who is a senior policy advisor for that branch.

The member asked about the investigatory powers. These are expanded investigatory powers. The act has not been updated. These powers have not been updated since 1996. So it was updating them to be able to be more consistent with existing acts — for example, the Cannabis Control Act and the land title transparency act. The investigatory powers are consistent with those acts.

S. Bond: Thank you for that. So perhaps the minister could, then, just give us an idea of how.... While this section is bringing into alignment the powers that will be in place, are there things...?

Well, maybe we'll take it from this perspective. Let's take credit unions, for example. What kinds of investigations would require these powers? Are there things that are new to the credit union sector that investigations would be approached in a different way? I'm assuming that during the discussion around the bill and the feedback process, this kind of discussion would have taken place. So maybe just a sense of when these powers would be necessary and if there's anything new that credit unions would be unaware of.

Hon. C. James: Credit unions are aware because this has been part of the consultation process, back and forth. So they are aware, obviously, of the section. Why would you need, or what kinds of actions would precipitate, an investigatory power? It would really be anything that wouldn't be in compliance with the act.

Market conduct, for example — a requirement around market conduct. Perhaps somebody is not compliant. There could be records, for example, that someone was keeping at home that would require someone to be able to access those records. Preventing obstruction. Don't destroy documents that might be needed for an investigation. It's really meant to fill in the gaps for any kind of investigation that would have to do with compliance with this act.

S. Bond: Thank you to the minister. When we're talking about things like...? The sections would include "Powers of entry," "Warrant to enter residence" and "Powers on inspection." The list goes on.

[2:50 p.m.]

Would it be fair to say...? Could the minister tell us whether or not the language is the same or similar to the other acts that she referenced? Is it really taking the same kinds of powers that are expressed in other acts and simply transplanting them into this one?

Hon. C. James: The intent is similar, and some of the language is similar. I wouldn't say it's identical, because there

are obviously pieces that fit with credit unions and insurance companies in this act. Certainly, the intent is similar. It's meant to mirror what's in other acts and to update — as I said, modernize. Nothing has changed since 1996, when the act was put in place, when it comes to these pieces, so it's updating and mirroring what's in other acts.

S. Bond: Thank you to the minister. In the minister's initial comments, she mentioned....

My colleague and I have talked a lot about the need to modernize and update the language, and there's certainly no disagreement there. We just want to ensure that this isn't an expansion of those powers. So while the language may be varied to fit the sector better and to fit the act more accurately, I think what the minister has said to us, and I just want to confirm, is that this doesn't place these financial institutions in a more rigorous or onerous position when it comes to investigations. Could the minister just confirm that for us?

Hon. C. James: Yes, I think that's a good way of putting it. These aren't special powers to go after credit unions or go after insurance companies. These are investigatory powers that are used in modern acts that provide opportunities if someone isn't in compliance and an investigation needs to occur. It gives the opportunity for those approaches to be utilized.

Sections 49 and 50 approved.

On section 51.

Hon. C. James: I'll move an amendment to section 51 standing in my name on the orders of the day.

[SECTION 51, in the proposed section 218 (1), by deleting the text shown as struck out and adding the underlined text as shown:

218 (1) Despite any provision, other than section 44 (1) (b), (2), (2.1) and (3) of the Freedom of Information and Protection of Privacy Act, an individual or entity that creates, compiles or receives information or records under this Act or under an agreement referred to in section 219 or 219.01 of this Act must not, subject to subsections (2) and (3) of this section, disclose the information and records.]

On the amendment.

Hon. C. James: Just to speak to the amendment because I think this is an interesting process. I think it's helpful to talk a little bit about why the section was in the act and why the amendment is coming forward.

This is a section that speaks about collecting information from financial institutions — insurance, credit unions. It's not unique to one or the other. The regulator will collect information of all kinds for a variety of purposes, for their job as regulator, to regulate financial institutions.

There has been concern raised, and there are concerns raised, by the organizations that are regulated under this act — credit unions, insurance companies — about sensitive information and whether there was protection for sensitive

information, because their information, when it goes to the regulator, is accessible through FOI. There is protection in place. It's not that there's no protection.

There is protection around utilizing the information for the purpose that it's collected — for the regulator to use that information for the purpose it's collected — but the freedom of information does provide an opportunity for people to be able to apply and then access it, if it's there. So we certainly, in developing this act, felt that it was reasonable to be able to protect that information, to put in place an override of the Freedom of Information and Protection of Privacy Act, a revision — that's what's in the original act that we brought forward — to be able to protect that sensitive information.

[2:55 p.m.]

Alberta and Saskatchewan both have overrides and protect the information, so it wasn't unusual for that to occur. There were concerns, however, when the legislation was finished. And we're working, as we do with each piece of legislation, as the member would know, with the Office of the Information and Privacy Commissioner. There were concerns that it was too broad. The Privacy Commissioner felt that the override could set an undesirable precedent and that overrides should only be in very, very limited usage.

Because of that, because there was a disagreement with the officer, we've accepted the Privacy Commissioner's advice. That's what the amendment does that's coming forward. It removes the override. But I think it's important to note that we still believe that the work needs to occur to balance the need for information for the regulator and protection of sensitive information that comes forward. We think that is the job — to provide that balance. We felt the override provided that balance. The Privacy Commissioner did not. So that's a piece that we are continuing to work with the Privacy Commissioner on.

We're bringing forward the amendment to remove the override, but that doesn't stop the work. In fact, the work will continue. We have received information from the regulator with concerns. We are certainly collecting that information and continuing to work with the Privacy Commissioner around if there is another way of being able to protect that information that meets the Privacy Commissioner's requirements around the act and would meet the privacy issues for credit unions,

I think it's important to note that the information that they provide now will continue to be protected under the existing rules that are in place — the rules that say it can only be used for certain purposes. But it is important, again, to note that it can be overridden through the Freedom of Information Act. We continue to be concerned about that, and we're going to continue to work with the Privacy Commissioner to see what solution can be found that meets both needs.

S. Bond: I know that my colleague and I particularly appreciate that explanation. It is definitely a precarious balance. Any time you're dealing with information that is per-

sonal and proprietary — all of those kinds of things — there is a need to find balance. I think we also need to be fair in this chamber. You know, oppositions typically take governments to task when the Office of the Privacy Commissioner makes a recommendation and government ignores it. We would be having a conversation of a different sort.

Here we now see where the minister has listened to the concerns of the Privacy Commissioner. On the other hand, that then raises concerns on the part of the financial institutions — in particular, credit unions. I think that's to be expected because, as the minister herself pointed out, she also remains concerned about the potential release of that sensitive information.

As we consider the amendment, first of all, I think that, again.... I'm a strong believer in that's how good legislation is developed. There's some give-and-take, and you try to figure out how to get the best public policy positions. So I think removing the override, while causing concern, also reflects an important need to listen to a statutory officer who says: "This is pretty important." I think we're trying to find a balance here.

What this bill does, in this section.... It does authorize disclosure in certain circumstances. I guess I would like the minister to.... She has alluded to it. But I think to bring some comfort to.... Probably the Privacy Commissioner is feeling better today. I would say the pendulum has now swung where credit unions, in particular, are feeling concerned. What advice or response could the minister provide to those credit unions about the concerns that they have?

First of all, without an exception to the Freedom of Information and Protection of Privacy Act, private information of an individual or a business could potentially be released. I think we both agree on that. Will there be further dialogue also with the credit unions and the Privacy Commissioner, ongoing dialogue, to say: "Look, we understand the need to have a narrow scope when you're talking about a complete override, but on the other hand, I think there's a legitimate concern about the release of sensitive information."

Can the minister just give us a sense of how she sees the next steps taking place when there now is concern on the other side of the equation?

[3:00 p.m.]

Hon. C. James: I think the most important piece in all of this is that the protections are in place under the act. Protections are in place about protecting the privacy and the information that comes. Proprietary interest is part of that.

That does, again, give some comfort that the private business information is protected, which is a legitimate concern that is coming forward. Someone would have to go through an appeal of that protection, so there is another step in there as well. So those steps are in place.

I think, understandably, the credit union or insurance sectors feel that still leaves them at risk if someone did appeal and if the Privacy Commissioner ruled in favour. That is possible. That certainly is possible through the act.

The protections are in place, and we are continuing our discussions. We have, obviously, had discussions with credit unions and insurance companies. We'll be bringing that information to the Privacy Commissioner. I'm sure they'll be making their voices heard as well. We'll be continuing the work and to look at: is there another amendment or is there another way of putting protections in place for this sector so that they feel comfortable?

I think the work is ongoing, the voices are continuing to be heard, and we're working closely with the Privacy Commissioner.

S. Bond: In order to provide some context and maybe.... You know, this is for insurance companies and credit unions alike. I mean, I think that circumstance.... If we look at the overarching responsibility of the Office of the Privacy Commissioner, whenever a review is done, there is the option for the Privacy Commissioner, not just in this sector but in other areas, to do exactly this.

Could the minister confirm that this actually aligns with the responsibility of the Privacy Commissioner to balance the need for transparency and.... Hence the concern with the override, which I think was a legitimate concern — that it would simply be a blanket exemption. I think there was a legitimate concern there. In fact, we would have been having a different line of questioning had the minister not decided to provide an amendment.

I think, perhaps, one of the messages we would hope to send together is that this is not an unusual practice. This is how the Privacy Commissioner functions, in terms of making a decision to review the information very carefully and then, after doing that consideration, having a look at it, very thoughtfully deciding if there is going to be a release of information.

To put it in context, it happens elsewhere, not just in this act. Could the minister confirm that?

[3:05 p.m.]

Hon. C. James: Yes. This is a usual process. It is up to the Privacy Commissioner. It's part of the mandate of that office and the officer who is in there, the Privacy Commissioner, to go through this process and, from their perspective, be able to look at that balance of protection of privacy and public access to information. That's exactly the role and the job.

I think, as the member has pointed out, it's also the job of the elected officials, based on the information that's out there, to put their best foot forward when it comes to balance as well. I think that all of us in this House try and find that same balance between the privacy of personal privacy and business privacy, compared to access to information, and then if there's a disagreement, to work through that.

I hope, as the member will see, that's what the amendment is put forward for — to provide the opportunity to have that worked through, to be able to find that right balance that's going to meet the needs of both parties. We're not always going to agree. This has come forward with other acts with

previous governments, with the current government. I think that'll continue to happen, but that's the push-and-pull that is a healthy part, from my perspective, of having an office of privacy in place.

S. Bond: And certainly, as I mentioned earlier, I would not and don't intend to endorse the minister not responding to a concern at the Office of the Privacy Commissioner. It's a pretty important expectation. In fact, we, as the legislators on the opposition bench.... One of our questions would be: "Have you talked to the Privacy Commissioner and what is the perspective there?" So I think that it was a reasonable reaction to the Privacy Commissioner's concerns.

Perhaps the minister can just walk through this with us, because we did receive a couple of specific concerns about what the amendment might make more complicated. In particular, I'm speaking about the Credit Union Association. There was a concern expressed that FOIPPA might discourage information-sharing between the regulator and the newly created risk management committees.

That's in section 22 of the legislation's amendment to section 135.1 of the FIA — extraprovincial credit unions and other regulatory bodies. So a sense of: is it going to cause reluctance or concern or discourage information-sharing in general? I'm wondering if the minister could just comment on that.

Hon. C. James: The member has identified exactly why we believe the work needs to continue. We believe that that's possible, that in fact people will be reluctant to share information if they believe that it could be overturned by the privacy act and the Privacy Commissioner and their information could be released.

I think that it is a genuine concern. It's exactly the reason that we feel that the work has to continue. If the override was too broad, then let's look at how we can narrow that down, but how we can also provide that protection. It's critical to be able to have that information. It's critical for the regulator to be able to have that information. The regulator has written to us expressing that concern. So that's exactly the reason we believe that the work needs to continue.

S. Bond: Thank you to the minister. I would certainly concur. When we're looking at trying to be more transparent and look at the management of that information, the last thing that we want to do is have this appear to be a barrier where people simply don't share information anymore. I think that is something that we need to think about.

I think that the other thing.... I think that the ongoing work is very important. I have one other area I want to canvass ever so briefly, but I want to just check and see. It's been a while since I've had to deal directly with the Privacy Commissioner's office, though I remember that work well.

Is it within the mandate of the Privacy Commissioner, for example, to now, having seen the minister and the government respond by saying, "Okay, we understand that the over-

ride is too broad...”? Is there a willingness to have the conversations that are necessary to provide certainty to the sector as well?

[3:10 p.m.]

Is there a sense that the office will participate in that ongoing work that says: “We understand this is very sensitive information”? People and companies want that protected. We want transparency, but we also want to protect that personal information and information that might impact credit unions and insurance companies.

Is there a willingness, and is there space within the mandate of the Privacy Commissioner’s office, to actually have those discussions, to look at...? There are some concerns out there. What can we do to help to alleviate those concerns?

Hon. C. James: We’re having all those discussions with the Office of the Privacy Commissioner. I think it’s important to note, back to the role of the office, that the role of the office is always to, on each individual case, make those decisions. I don’t think we’d get a blanket letter, for example, saying, “This is privacy information, and we’re protecting it,” because it would take away the role of the Privacy Commissioner to make those judgment calls around each appeal that came forward.

I don’t want to leave the impression that that would be the kind of direction that I believe would be possible, because I don’t think it would be. I think that would take away from that role. But I think the opportunity to have a conversation about: where is the balance from the Privacy Commissioner? Where does it tip, and where do we believe that it would be there?

We certainly are having those good conversations and bringing the perspectives forward of not only the credit unions and the insurance but also the regulator and the reason the regulator believes this is important and why the information is important to gather. This isn’t simply gathering information for the sake of information. There are some very valid reasons, when it comes to regulation, to be able to have this information. So presenting all of that information, as well, during these discussions.

S. Bond: Thank you to the minister. I think that’s a pretty pragmatic response. I don’t think we could guarantee those things. I would concur that the dialogue and the individual circumstances do matter.

The other relationship — and relationships matter in this work — and the other area where I know there’s been expressed concern is that the amendment.... Without the sort of exception to FOIPPA, there could be additional strain between, say, for example, credit unions and the regulator, because information could actually be released without an exemption, without an exception. So I think that’s another important dynamic that we need to pay attention to.

As this work progresses.... Again, we recognize the delicate situation here. We know that it is important when the Office of the Privacy Commissioner is concerned about

the scope being too broad. There is going to be a reaction to that as well.

Will the minister commit today to continuing her engagement, which has been significant, with insurance companies and credit unions to make sure that there’s a higher degree of comfort, as best she can? I mean, ultimately, she’s not the Privacy Commissioner. But there is an understanding of the anxiety that’s been created by now moving away.... We had an anxious Privacy Commissioner. Now we’ve got an anxious sector, and we have to find our way sort of up the middle there.

I’m certain I know what the answer will be. But I think it’s important today for credit unions and insurance companies to know that the minister understands their concern and, certainly, will engage with them as the next steps related to this section unfold.

Hon. C. James: Yes, certainly. I have regular meetings with each of those sectors, certainly with the credit unions. In fact, I know we’ve got one booked for January. I know it’s gone on the calendar already. So there would be a very short time period between the legislation and the opportunity to be able to have those discussions and ensure that their voices are being raised.

Amendment approved.

Section 51 as amended approved.

Sections 52 to 56 inclusive approved.

On section 57.

[3:15 p.m.]

S. Cadieux: This section allows for council members to be paid salaries and expense reimbursements. Can the minister explain to us what that structure will look like or what the intent is there, why it’s being changed?

Hon. C. James: This is simply an update. Members right now are being remunerated, but nothing has changed since 1990. So this will simply mean that they will follow the rules that are laid out by Treasury Board for agencies, boards and commissions.

Sections 57 to 59 inclusive approved.

On section 60.

S. Cadieux: This section establishes the rule-making powers for the Insurance Council specific to restricted insurance agents. We talked briefly about those yesterday in an earlier section. Just for more clarity, could the minister explain what sort of insurance is contemplated under this section and what is not?

Hon. C. James: The specifics are still to be determined, but the kind of insurance you're looking at under this section would be, as we've talked about previously, credit insurance, travel insurance, warranty insurance.

I think we left our discussion yesterday saying that car insurance through ICBC was separate and apart from this act, and a question around whether private car insurance would also be separate and apart from this act. It is.

I wanted to clarify that from a question that came up yesterday.

S. Cadieux: With respect, then, to warranties, is there a lower threshold to where this applies or doesn't, or an upper threshold at which time this does apply? The reason I ask — obviously, curious. When you buy a new iPad at London Drugs or Best Buy, you're offered insurance protection, extended warranty on that product, not from the company but from the store. Could this potentially reach into that level? Or is there a set threshold at which this applies?

[3:20 p.m.]

Hon. C. James: As we've talked about previously, this really is looking at larger products. In fact, some of the other jurisdictions, when they've expanded and looked at including these kinds of products, have actually put a threshold in place.

That will be part of the discussion as the specifics are worked on — whether we want to go with that model and put a threshold. We're not looking at the small warranty on a very small appliance or something, as the member well points out, at a drugstore or a place where you buy something. We're looking at larger products. But that may be a route to go — maybe the threshold, as other jurisdictions have done.

S. Cadieux: I think that the reason I'm questioning this is because, of course, we're putting in place the option to create rules outside of government with an agency that has got authority once this act has passed. So the question, then, is: how do we know they're not going to reach beyond where they should?

When I look at threshold.... You buy travel insurance for one day from a financial institution or travel agent, perhaps, if this is allowed. Or you could pay that same amount of money for an appliance or when you buy an iPad, for example. There's a question here: when does it apply? When does it not? Who's going to be affected?

All of a sudden, are all of the sales people at London Drugs going to be told: "Well, now there's a big training requirement for you in order to sell this insurance, because, well, if we're going to require it on a threshold basis for travel insurance, we're now going to extend it to you"? Is there a process by which there will be reach-out to potential organizations affected well in advance of a decision that something needs to be looked at? How will that come about? Who's going to

decide, at what point, that something needs to be brought into this section?

Hon. C. James: The framework will be set out in regulations. That goes through cabinet. There's a check and balance there.

I think that travel insurance is a really good example of the magnitude of, perhaps, the cost — not necessarily the cost of buying travel insurance for one day but the cost of someone who could have a catastrophic something happen on that one day, which could be a very large insurance payout.

That's really what we're talking about when we're talking about magnitude. It may not be the cost. You may be out the \$250 on an appliance you bought, but the cost of a huge, catastrophic health care accident, for example, could have a huge payout. So it may not be the cost of the insurance itself. It may be the cost and the risk of the payout that might be there. That would be set out.

Certainly, rules, if rules are made.... This talks about the regulations, setting out the regulations, but, again, if it's rule-making, as we talked about before, it has to go out for consultation. That is required. It has to come for the minister's approval. So there are lots of checks and balances that are built in there that are going to be critical to developing these new regulations and the new structure.

[3:25 p.m.]

S. Cadieux: With respect to this and/or — I guess, theoretically — other pieces, can we expect any sort of standardization when it comes to insurance wording? Is that something that we'll be looking to regulate or look at?

Again, obviously, here we are talking then about the big pieces, those things that have potential real impact on an individual and on a company should something go wrong — travel, large purchases. We also know that this is an area where most citizens have a great deal of challenge understanding what they're buying and what they're not. I would assume that the standardization of wording is somewhat bigger than us, given that the insurance companies are often not located here.

Could the minister suggest what she envisions this section to look at?

Hon. C. James: I think this is exactly as we talk about consumer protection or consumer education — precisely the reason that we're looking at actually including some of these products. Currently they're exempt from the licensing, so therefore, there isn't any kind of requirement or discussion about standardization. This gives the opportunity to have that conversation and to be able to look at standardization.

We certainly expect in the insurance industry, because they go across provincial borders, that there will be a discussion and, in fact, probably some standardization. This provides that opportunity that isn't there if they aren't licensed.

Sections 60 to 77 inclusive approved.

On section 78.

S. Cadieux: Can the minister confirm that the intent of this section is to prevent banks from receiving insurance on their deposits with credit unions?

Hon. C. James: Yes, that's correct.

S. Cadieux: Again, just for clarity. So this ultimately, then, ensures there's no doubling up of the deposit insurance guarantees between financial institutions, in a sense?

Hon. C. James: Yes, that's correct.

Section 78 approved.

On section 79.

S. Bond: This section talks about regulatory powers and the Ombudsperson. In this section, there are regulations that will compel membership in a complaint resolution organization. That's contemplated in subsection (a). Can the minister confirm if this would be an Ombudsperson organization and whether or not the process itself would contemplate a two- or a three-step process?

[3:30 p.m.]

[R. Chouhan in the chair.]

Hon. C. James: The details, the specifics will be determined in regulations. That's still a discussion, and I think that's an important piece, actually. This is an example of where it's critical that the sector be part of these discussions and part of the determination that is made. So those will be laid out in regulation.

This section impacts the credit unions because the insurance sector already has two ombudspersons. They have a choice of determining which organization they want to be under already, so no decision has been made right now. That's a discussion, as I said, still to come.

There is a banking ombudsperson, and that's what other provinces have done. In Alberta, for example, the credit unions use the existing banking ombudsperson. It's cost-effective, the structure is in place, and it's experienced. That may be the same route that the credit unions wish to go here in British Columbia, but again, that's a conversation that is critical to be had. No decision at this point has been made.

Then the member asked about one-step or two-step. If the member is asking how things get to the ombudsperson, which I think is important, they will be required to take their concerns to the existing structure first. Then the ombudsperson would make a determination around whether those steps have been taken — and whether they should be sent back to the local organization that they are raising the con-

cern about — before they go through the ombudsperson step. I think the usual process that the member would be familiar with is the process, likely, that will be put in place.

S. Bond: The minister may have anticipated my next set of questions, then. If you look at the Saskatchewan model, it does have a three-step approach. It very much reflects, I think, what the minister was just saying — that the credit union must address the complaint internally first. They work on it first; elevate the concern to the central institution. I was thinking about our time as school trustees and how we used to start with the teacher and work at those.... The minister and I used to advise our parents to start locally and move up.

In Saskatchewan, the three-step process is: start internally, elevate to the central institution, and then elevate to the OBSI. Does the minister contemplate a similar framework to that approach?

Hon. C. James: That's really part of the discussion that needs to occur with the credit unions, but I think that's a usual kind of step to ensure that it really is a legitimate concern and complaint and that it's been tried to be dealt with at the local level. That's obviously the best solution, rather than elevating things up. Yes, that's exactly the kind of process that is contemplated.

[3:35 p.m.]

S. Bond: Subsection 79(g) talks about electronic insurance, basically. It talks about an electronic agent when you look at sub (g) and then (e.3), and then below that.

When it comes to electronic insurance, can the minister give us any sense of the details or the regulatory approach that she envisions there? What kinds of requirements will be made? I mean, there are some very clear things in terms of documents and use and storage of information for people who use an electronic agent but perhaps just a bit of a broader discussion of the regulatory approach that will be taken when we're talking about the online provision of insurance.

Just for people who might be getting all excited about us talking about ICBC, we determined yesterday that that was a separate entity. This is talking about other types of insurance, like travel insurance and all of the things the minister listed — completely separate from ICBC. But just a bit of a sense of....

What does the regulatory regime look like when it comes to the online provision of other types of insurance?

Hon. C. James: Right now, interestingly, the act doesn't define, doesn't specify, whether you can be on line or can sell on line or can't sell on line.

What we're doing through this is ensuring that if someone is utilizing on line and is moving in the online direction, in fact, exactly the same protections will be in place. That's really what this is defining. It's the same protections if you went in and bought the insurance. The same protections and regulatory regime that would be in place there would also be

in place if you were buying on line so that there isn't a discrepancy there between the two processes.

S. Bond: I know that we've talked, over the course of a couple of days, about how part of the purpose of this is modernization. I would assume that this is one of the key ways that we would be modernizing this act.

I mean, typically, if you walk in, there are certain expectations and a regulatory framework. We want to make sure that as the sector, the industry — financial institutions in general — moves more to an electronic process, there is a comparable and similar approach to regulation around that. Is that a fair summary?

Hon. C. James: Yes, I think that's a fair summary. You don't want someone to be penalized because they happened to buy it on line. You want to make sure that there are similar protections and similar regulatory regimes in place.

Sections 79 to 88 inclusive approved.

On section 89.

S. Cadieux: The majority of what's left in the next bit is fairly self-explanatory and follow-up, for the most part. So just a few questions.

On this section, are there any limits on the use of names under this section, or are credit unions generally flexible in their use of brand names?

[3:40 p.m.]

Hon. C. James: This section provides them with the ability to do that but also within parameters. I think the sections before that talk about the fact that it needs to be clear they're a credit union. If they are a subsidiary or a branch of another credit union, they need to make that clear. This, again, gives them the flexibility to use the trade name, but it also makes sure that consumers are clear about who they're dealing with, which I think is important.

Sections 89 to 104 inclusive approved.

On section 105.

S. Cadieux: What is the inclusion of unincorporated associations meant to accomplish? Could the minister give just a few examples of such groups that would be captured here?

Hon. C. James: This just allows, basically, a streamlining process for opening accounts for a number of associations. The member asked about examples. For example, it would be Girl Guides, Toastmasters, sports groups. This will streamline the process for those individual groups and organizations to be able to be members.

Sections 105 to 107 inclusive approved.

On section 108.

S. Cadieux: Could the minister please describe how this changes the issuance of shares, compared to what's currently the case? I'm not sure what we're actually changing with this section.

Hon. C. James: This doesn't change anything. This is a practice that's there already. The definitions were laid out, but there wasn't a framework for issuing those shares. This provides the framework. It isn't any different than what is being done now. It just provides the clarification in this section. It doesn't add any new pieces or take away pieces that are there.

Sections 108 to 110 inclusive approved.

On section 111.

[3:45 p.m.]

S. Cadieux: I think we covered capital liquidity and those issues quite a lot yesterday. But just for clarity again, this section anticipates that the Financial Services Authority will make its own rules respecting capital base and liquidity for credit unions and, potentially, relax or eliminate restrictions that exist currently. Is that correct?

Hon. C. James: This, again — as we've talked about in a large chunk of the act and, particularly, this end section — really looks at a more modernized framework. It doesn't specifically say that those pieces will be changed, but it does provide the framework so that if there were changes, they could occur.

Sections 111 and 112 approved.

On section 113.

S. Cadieux: My reading of this is that sections 113, 114, 115 and 116 essentially increase requirements for members to submit or put forward formal resolutions or ask for or get special AGMs. Am I correct in that reading that it's, essentially, just a firming up of some of the rules around that?

Hon. C. James: Yes. This is, again, another piece of modernizing. These ratios and the membership haven't changed, and the world of the credit unions has changed a lot since the 1990s. You have many more large credit unions than you did previously. There's been an amalgamation of a number of credit unions. So this just reflects the change in membership and, therefore, the change in percentages when you're looking at members to be able to bring forward motions at general meetings, etc.

Sections 113 to 120 inclusive approved.

On section 121.

S. Cadieux: Can the minister suggest or provide examples of what sorts of contraventions are envisioned that credit unions could or would make that would require the increased fines under this amendment? Or are the fines here just being modernized to align with other acts or standards, and in which case, which ones?

[3:50 p.m.]

Hon. C. James: We've talked about the challenges of acts that haven't been updated in 30 years. Again, these amounts have been changed to be consistent. There are no new fines. These are the same areas, but the amount has been raised to match, 30 years behind on fees. Yes, they're consistent with not only other jurisdictions but other acts as well.

Sections 121 to 133 inclusive approved.

Title approved.

Hon. C. James: Thank you to the members for a very good discussion and a very good, I think, opportunity to be able to show people what good government can be, across the aisle.

With that, I'll move that the committee rise and report the bill complete with amendments.

Motion approved.

S. Bond: On behalf of my co-critic, we want to thank the minister and particularly thank her staff. We appreciate their participation in the process and the good work they do as public servants. We appreciate that very much.

Again, thanks to the minister for what I think was a thoughtful and reasonable approach to complicated tax policy. Not exactly the most scintillating debate, but I think it is part of what we do as legislators. I want to thank the minister for her time and also for her willingness to listen to the concerns raised by my colleague, myself and the credit union sector in particular. Her response was much appreciated.

The committee rose at 3:52 p.m.

The House resumed; Mr. Speaker in the chair.

[3:55 p.m.]

Reporting of Bills

BILL 37 — FINANCIAL INSTITUTIONS AMENDMENT ACT, 2019

Bill 37, Financial Institutions Amendment Act, 2019, reported complete with amendments.

Mr. Speaker: When shall the bill be considered as reported?

Hon. C. James: With leave, now.

Leave granted.

Mr. Speaker: When shall the bill be read a third time?

Hon. C. James: Now, Mr. Speaker.

Third Reading of Bills

BILL 37 — FINANCIAL INSTITUTIONS AMENDMENT ACT, 2019

Bill 37, Financial Institutions Amendment Act, 2019, read a third time and passed.

Mr. Speaker: This House stands recessed for five minutes.

The House recessed from 3:56 p.m. to 4:02 p.m.

[R. Chouhan in the chair.]

Hon. C. James: I call second reading of Bill 45, Taxation Statutes Amendment Act, 2019.

Second Reading of Bills

BILL 45 — TAXATION STATUTES AMENDMENT ACT, 2019

Hon. C. James: I move that Bill 45 be read a second time now.

These amendments to two tax acts are aimed at reducing demand for products our government believes are harmful to British Columbians and that present particularly worrisome risks to the health of British Columbia's youth. Amendments to the Provincial Sales Tax Act, increased taxes on vapour products and amendments to the Tobacco Tax Act raise taxes on cigarettes and other forms of tobacco. With this bill, British Columbia will be the first province to have introduced legislation to increase the price of vaping using the tax system.

I want to begin by putting this in the context of government's approach to vaping. I want to recognize, in particular, the Minister of Health. He's been hard at work developing the vaping action plan for some time, and last week announced our government's plan. The Ministry of Health sees the PST increase on vaping products as a critical component of the 10-point plan to address concerns around vaping.

While the issue of vaping and particularly youth vaping has been steadily growing, it's taken on a new urgency with the kinds of cases that I know all of us have been paying attention to. In fact, the September notice report came out from our provincial health officer regarding vaping-related illnesses.

I know there isn't a member in this House who hasn't heard the concerns that have come forward from parents, from teachers, from grandparents, from youth themselves, who have been talking about the expansion that we've seen of youth vaping all across our communities. But we've also seen it in our classrooms, and we've seen it at home. This is a very serious health risk. It's a growing risk and concern that has to be addressed.

Why does vaping matter? Well, in fact, normalizing vaping puts our youth at risk for lifelong nicotine addiction. The potential for a young person to actually start with a zero-nicotine vape and then move on to the nicotine vapes and then perhaps move on to cigarettes is a concerning trend and certainly a path that we have to address.

[4:05 p.m.]

With the passage of this bill, our government will increase the PST on vaping products from the current general rate of 7 percent to a new rate of 20 percent, effective January 1, 2020. This represents an early action in support of the broader government plan's objective to discourage vaping.

On that same date, it will also become more expensive to smoke. This bill increases the tax on cigarettes to 29.5 cents for a total of \$59 per carton. It also brings the tax on loose tobacco, and other tobacco products that are not cigarettes or cigars, to 39.5 cents per gram.

We know the history in British Columbia. We know that tobacco taxes are effective at driving down smoking rates. We see it when we look at the numbers here in our province. Tax increases, as we all know, are rarely popular moves. But our government takes great pride, in fact, in having introduced legislation to increase tobacco taxes in 2017, in 2018 and now, if this bill passes, in 2019.

High prices are also a very important tool in persuading non-smoking youth and adults alike to stay away from tobacco and vaping products. Youth are particularly price-sensitive. That's part of the reason, again, we're bringing forward this legislation. In fact, it does matter to youth when you take a look at pricing.

These measures are aimed at reducing the consumption of vapour and tobacco products. Our government is taking these positive steps because we know the critical nature of the impacts of vaping, particularly on youth, and tobacco itself on youth and adults. We know, also, the costs to not only that individual and their family but the costs to our health care system and the costs to all British Columbians. These costs are, in fact, shouldered by all British Columbians.

We believe it's incumbent on government to do everything we can to be able to work on behalf of British Columbians to ensure that health care services are there for everyone and that those services remain affordable for taxpayers. Part of doing that is ensuring that we're doing the prevention work to be able to keep youth from connecting with vaping.

With that, I'll look forward to the discussion on second reading. I know that the member has been quite engaged and involved in this issue and, I know, has been given credit, as

well, by government and the Minister of Health for the kind of work that he has put into vaping. I look forward to the member's comments.

Deputy Speaker: The member for Kamloops–South Thompson. [Applause.]

T. Stone: There's nothing like starting with a rousing round of applause.

I am very pleased to be able to stand here today to take my place in debate on second reading of Bill 45, the Taxation Statutes Amendment Act, 2019. I do appreciate the introductory comments of the Minister of Finance insofar as setting some context here for the nuts and bolts which are actually dealt with in this piece of legislation.

The bill, in and of itself, is quite a straightforward and simple, short piece of legislation, certainly compared to a number of previous bills that have been before this House even just this week. But the context within which this bill and these proposed tax changes fit.... The context of that bears a little bit of discussion here, I believe.

Before I get too deep into my comments, I want to acknowledge that I have been very appreciative of having tremendous support from every member of the B.C. Liberal caucus, every member of the official opposition, and many members across the way in government and with the Third Party.

With respect to the colleagues in my caucus, in particular, I want to pay a great big thank-you to the official opposition critic for Health, the member for Kelowna–Lake Country. I think all members of this House know that he takes very seriously and works with a tremendous amount of passion and purpose in pursuing accountability, on the one hand, of government priorities and commitments and progress on health-related matters but also looks for opportunities to work across party lines, to work with members of the government in the advancement of good public policy.

[4:10 p.m.]

I'll let the member go into more detail, perhaps, in his remarks. I understand he may have a few things to say about this piece of legislation as well.

I will end this part of my remarks by simply saying that I went to the member early on, the member for Kelowna–Lake Country. We had a discussion about mutual concerns that we had with respect to surging rates of youth vaping, and from that day forward, I've had his support.

I know he's had my back in supporting the efforts that were embodied in a private member's bill that I introduced and that were embodied in a tremendous amount of advocacy, effort and energy that I and many other members of the official opposition really advanced to try and raise the profile of this issue, to shine a bright light on a growing health challenge affecting many of our youth.

As I have spoken about many times in this House, I have three daughters. They're 15, 13 and ten.

Now, a couple years ago — a year and a half ago, possibly

even a year ago — I really had no idea what vaping was. It's not an activity that I've ever tried. It's not an activity that I was, therefore, really aware of.

I'm a dad, and my two older daughters are in middle school now, up in Kamloops. Every opportunity that I get when I'm home, which is not as often as I would like it to be, I insist on driving my girls to school.

Now, my youngest child is in grade 5. She doesn't mind if I pull up to the front door of the school and give her a big hug and a kiss. With my other two daughters, the protocol now is at least two blocks before or after the school. Other parents in the chamber know exactly what I'm talking about. They would be mortified to be seen with me. Of course, on top of that normal mortification is the fact that I'm the MLA for Kamloops–South Thompson.

I would drop off my two older daughters. In order to point my vehicle in the right direction to head to my office, I would have to go around the back side of their school, and there was the vape pit. Now, again, I had no idea what the kids were doing initially. I thought: "Are they smoking?" There would be up to 100 kids. These are kids that are 13, 14, 15 years old. At 8:30 in the morning, on any given school day, that vape pit was full.

I started asking questions. I started asking other parents what was going on. I went into the school — again, off hours so I wouldn't embarrass the girls, my daughters. I went in, and I talked to the principal and vice-principal and a number of teachers in the school. I made some inquiries with the school district. I really wanted to understand what was going on, because I didn't get it at that point. I quickly learned that what was happening at my daughters' school was happening at middle and high schools all over British Columbia and, increasingly, all over North America — surging youth vaping.

Now, e-cigarettes and vaping products have actually been around for quite some time, my understanding is for the better part of a decade. The earliest e-cigarettes were actually developed as a smoking cessation tool. The more I've learned about this, the more I've researched it, the more people I've talked to, the more people that have taught me what this industry is all about — how the products work, how we got to where we are today — I have learned that you really have to look at this as a spectrum.

On the one hand, from a harm reduction perspective, there is a role that I think we can all land on and agree is important for adult smokers. There is a role for vaping and e-cigarettes to play in helping adult smokers come off of the traditional combustible cigarette, which is very harmful. I don't think we need to canvass that at all. I think that's generally understood by everyone in society to be a very dangerous habit.

When you're talking about 13-year-olds and 14-year-olds and 15-year-olds — and, in some cases, even younger than that — vaping, there is no harm reduction in that discussion. There is only harm.

[4:15 p.m.]

When you're talking about nicotine levels that are through the roof in a lot of these products, these vaping products.... Our children, who have never smoked a cigarette in their lives, have never been exposed to nicotine in any other manner, are trying it out because it's cool, trying it out because there are aggressive social media campaigns telling them how cool and sexy and innovative this is. They try it, and they get hooked on that nicotine in very short order. We've got a problem. That's harm.

The more I dove into this, I quickly realized that the statistics are pretty jarring. There has been a 74 percent increase in vaping rates amongst youth, grades 10 to 12, in Canada this year over last year. Now, think about that: a 74 percent increase in one year. It's to the point where today — the estimates vary, the range varies — generally speaking, most research suggests that approximately 30 percent of all students in B.C.'s high schools in grades 10 to 12 are vaping. That is a terrible, tragic statistic.

One company in particular which has become increasingly prominent in British Columbia is a company called Juul. This is now, I believe, the world's largest producer of vaping products.

A story that a very well-respected journalist wrote for Reuters earlier this month actually was able to dive deeper than anyone ever has in understanding what this company, Juul, really did in its early days. They've only been around for a handful of years. What they did to go from having no revenue to being a multi-multibillion-dollar company.... If not the largest vape company in the world, they're certainly No. 2.

Last year Altria, one of the largest tobacco companies, invested \$12.8 billion for a 35 percent stake in Juul. Most of the major vape companies are now owned by big tobacco companies. We'll talk about more of that in a moment.

When you look at the history of Juul, as told by many former managers, former executives, former employees — people who couldn't work for this company anymore because of many of the choices that this company made in its early days, choices that were mostly about targeting our youth to drive revenue for their company — it makes you nauseous. It makes you angry. As a parent, it makes you darn angry.

I'm going to quote a few sections from this news story, again, with respect to the history of Juul. I want to share some of this context because the story of Juul is quite similar to the story of many other large vape companies. They very specifically, early on, after launching in 2015 — that's only four years ago — made a very deliberate decision to target youth as the key strategy to drive revenue for their businesses.

Now, this particular news story, which was written by Chris Kirkham and was published or filed on November 5, 2019, had this to say about Juul's decision to target youth.

"Inside the company, the first signs that Juul had a strong appeal to young people came almost immediately after the sleek device went on sale in 2015, according to the former company manager, who

spoke on condition of anonymity. Employees started fielding calls from teenagers asking where they could buy more Juuls, along with the cartridge-like disposable pods that contain the liquid nicotine”

[4:20 p.m.]

Its former manager goes on to say:

“Company leaders also clearly understood the long-term benefit of young users on its bottom line.... It was well-known that young customers were ‘the most profitable segment in the history of the tobacco industry,’ because research shows that nicotine users who start as teenagers are the most likely to become lifelong addicts.”

And further:

“Following the product’s launch, it took nearly three years — and pressure from regulators and U.S. senators — before Juul, in April 2018, announced what it called a comprehensive strategy of measures to curb youth sales. By that time, a leading U.S. government youth tobacco survey showed that more than three million U.S. high school students, one in five, had tried an e-cigarette in the month prior. More than a quarter of those vaped at least 20 days a month. The latest available data from the same survey, in September of 2019, shows yet another increase.”

At that point, and this is only a couple of month ago, more than one in four high schoolers, or just under 30 percent, reported using e-cigarettes in the previous month.

These companies very deliberately targeted our youth. They targeted our youth with fancy packaging. They targeted our youth with vape juice products with fancy names: Dracula Blood, Fantasia, Nuke Heads, just to name a few. These flavoured vape juice products were developed in a whole wide array of kid-friendly flavours: mango, cotton candy, candy floss, crème brûlée, bubble gum, gummy bear, and on and on the list goes.

Now, these products weren’t just developed with flavouring that kids would really be attracted to. They weren’t just sold with names like Nuke Heads and Dracula Blood, and so forth. They weren’t just sold in fancy packaging. They were also delivered to users in sleek, modern, compact delivery devices that are easy to conceal, that look like little USB sticks. They were marketed and advertised directly to our youth using really good-looking young models, famous actors and singers, very deliberate social media campaigns.

Then, of course, the clincher of them all. Increasingly, these vape juice products were loaded with nicotine. That’s the final secret ingredient — not so secret — of these big vape companies, these big tobacco companies, to hook people and hook our youth on these vaping products.

When you stand back and you look at the incredible rise in the use of vaping amongst our youth.... As I said, 30 percent in grades 10 to 12 are vaping on a regular basis. When you see it with your own eyes and when you understand that research suggests very negative health consequences — not just of the nicotine, which we’ve all known is the most addictive substance on the face of the earth, but all of the other chemicals that are in vape juice — and when you see the rapid rise of people across North America getting sick and when you see, unfortunately, that dozens have lost their lives in the United States, it was time for some action.

My compliments on the day when the government announced their action plan were sincere. They were heart-

felt. Most of what I had been calling for was in the action plan in some form or another. I’d had numerous conversations with the Minister of Health. I see a serious intention on the part of the government in this action plan to combat youth vaping.

If there was any element of criticism from me on the day, a week ago, that this action plan was launched, it was that it really shouldn’t have taken this long.

[4:25 p.m.]

I had introduced a private member’s bill in this chamber seven months ago. Now, my private member’s bill was not nearly as comprehensive an action plan as what was announced by the Minister of Health last week, but I called for a ban on flavoured vape products. I called for tighter restrictions on retail sales. I called for tighter penalties for non-compliance on the retail side.

I would note that those three items, in some form or another, are contained in the action plan. The government didn’t go so far as to ban all flavoured products, but there are some significant steps on that path of seriously restricting the number of flavours that are available to anyone — the weeding out of kid-friendly flavours and the provision that flavoured vape products, that narrower range of flavouring that will still be available for sale, will only be available for sale in vape stores, where there is a requirement that you must be 19 years of age to enter. These are tighter retail controls. There are stiffer penalties. There is enhanced enforcement.

I had also called for a ban on advertising and marketing. That was not provided for in my private member’s bill, but certainly — till I was blue in the face — I was calling for that as well. I’m pleased to see that the government is moving in the direction of banning advertising, at least where it can, in provincial jurisdiction and provincial assets.

I have been calling for restrictions on nicotine levels. That is a significant feature of this action plan.

I have been calling for a very serious commitment to education — awareness, prevention and support — not just through a package of posters and buttons and pamphlets but an actual program in every middle and high school that’s delivered by youth to youth.

That, certainly, is how the Minister of Health talks about what is in the action plan that was launched last week. That’s one of the areas I’m going to be paying very close attention to, moving forward, to make sure that the investment that has been suggested actually materializes. I’m a bit skeptical, at this point. The language that the minister has used and the government has used doesn’t go as far as the type of behavioural, interactive, youth-led, youth-focused prevention program like Preventure, which is a program I talk about often.

Preventure is a program that was developed in Montreal a number of years ago. It’s a program that works by having children self-report their personality style. It focuses on four key personality traits that make people vulnerable to addictive behavior, whether that be vaping or smoking or alcohol use or other drug use. The four key personality traits that

make people vulnerable that this program focuses on are impulsivity, thrill-seeking or sensation-seeking, sensitivity to anxiety, and hopelessness.

As I said a moment ago, the program works by having youth discuss those behavioural traits with one another and tell one another what they feel they might be susceptible to on a spectrum of each of those four personality traits. There are workshop sessions. There are follow-ups. There is partnering that takes place.

Of course, for this kind of interactive program, which.... By the way, where it has been piloted in a number of schools, including most recently up in Vernon, it has been shown to, year over year, drive down smoking rates, drive down alcohol rates and drive down addiction rates. There's a lot of hope that if it was deployed and deployed well and funded — funding is a big part of a successful deployment — this program could go a long ways, perhaps more so than almost any other component of this action plan, at really driving down youth vaping rates.

[4:30 p.m.]

I haven't heard from the government that that's what they really have in mind. I hope I'm wrong on that. But that's one area that I'm going to paying very, very close attention to, moving forward.

I introduced my private member's bill last April. There was a significant rise of momentum that built up to a crescendo this fall of parents and teachers and school trustees and health officials. You name it. People were beginning to become aware of what vaping was, what its dangers are, and how it's impacting our youth.

I want to acknowledge the city of Richmond for stepping up not that long ago and saying: "Notwithstanding what the provincial government is going to do, notwithstanding the fact that the federal government has a role to play here," which I know that the government of British Columbia articulates as well.... The city of Richmond decided: "We're going to ban advertising of vape products and vape companies on municipal infrastructure in Richmond." So they are moving forward with that. That's good.

[J. Isaacs in the chair.]

I applaud the efforts of West Kelowna and Coquitlam and Lake Country for bringing forward resolutions at the recent UBCM convention in Vancouver in September, calling on the province to take action on vaping.

I received a stack of letters from school districts in every corner of the province, all taking time to put into writing not just the frustrations that they're all feeling increasingly but their absolute determination to do everything that they can, as partners in this, working with the province and working with the federal government and others to drive down youth vaping rates.

The Langley school district said: "On behalf of the board, we want to express our concern in relation to the effects of vaping on the health and safety of our youth and the chal-

lenges this activity has created for our school district administrators and educators." We need action.

The board of education, school district No. 67, said: "As a district, we are seeing a dramatic rise in the use of vape products in students ages 13 to 18."

School district 41 in Burnaby said: "We're urging the School Trustees Association to advocate with the provincial government to make resources for youth on vape health implications and cessation widely available and to revise current resources and services for smoking cessation to specifically include vaping in youth."

The Quesnel school district said:

"Our school board, representing the communities of Quesnel, Wells, and Nazko, strongly urges the province to ban flavoured vape products, outline stringent retail controls and ensure a program of retail compliance is put in place. Online advertising needs to be regulated and particularly advertising on sites frequented by our youth. In addition, our B.C. government needs to fund evidence-based prevention programs in every high school and middle school in the province. We are writing to urge you to enact legislation that keeps our children safe and healthy. Our children deserve an immediate response."

The school district in Kootenay-Columbia, school district 20, said:

"We have witnessed firsthand the surging rates of vaping in our youth, and we're exhausted. We're exhausted from having to deal with the youth vaping in classrooms, in school hallways, on school buses and pretty much anywhere they live, work or play.

"Despite our best efforts to educate youth about the real negative impacts of vaping on their health and despite the fact that the health risks associated with vaping have become front-page news, the vast majority of youth believe that vaping is not harmful to them, or at least not as harmful as smoking cigarettes. The vaping industry has been masterful at marketing their products to youth and by messaging that their products are safe."

Of course, we know they're not.

School board 83, North Okanagan-Shuswap, said: "Vaping is made much more appealing to young people through the marketing and sale of supplies geared towards youth — i.e., flavours and discreet devices. As partners in the care of the students of B.C., we call on the government of British Columbia to pass tougher restrictions on the sale of e-cigarettes."

The Central Okanagan school district said: "The topic of students' use of vaping products is a concern of the board of education, and we urge you to advocate for and support tougher regulations on the sale of e-cigarettes and vapour products to minors, including banning the marketing of vaping products to children."

[4:35 p.m.]

School district 42 in Maple Ridge-Pitt Meadows said: "Our school district takes youth vaping seriously, and our district is committed to doing the work at the school level to educate our students and families about vaping, and we hope that the Minister of Health will further support that work by taking action at the provincial level."

I'll end on this one. There's a whole bunch more. School district No. 53, Okanagan-Similkameen, said:

"The number of our children getting drawn into this unhealthy

practice is steadily increasing due to the efforts of vape companies that deliberately target youth through seemingly innocuous vape flavours and savvy high-tech marketing.

"I therefore urge you" — it's written to the Minister of Health — "to join the many jurisdictions across North America and to take immediate action by eliminating youth vaping in B.C. now and by providing for evidence-based awareness, prevention and support programs to educate our youth. The health and safety of our youth is of paramount importance, and the time for action is now."

Again, that's just a cross-section of feedback received, mostly in September and October, from school districts who were faced with a brand-new school year in September. There hadn't been any action taken to that point by the provincial government. In just a very short period of time, a steady, steady increase in youth vaping within their schools, and everyone is trying to do the right thing. Local governments, school districts and lots and lots of parents have been quick to call for action.

With respect to the actions that the government is taking... As I said a moment ago, there is a tremendous amount of, I think, well-intentioned effort there to do as much as possible to combat youth vaping.

I did note that everything that we had been urging the government to do has been rolled into this action plan in one form or another. So we certainly appreciate that.

I have, however, said that there are a few areas that we're going to be paying close attention to. I've talked a fair bit about education here today and the importance of ensuring that the resources are made available to invest in those true evidence-based prevention, awareness and support programs in our schools. We need to make darn sure that the resources are there to help kids who are already addicted to nicotine and who need that support to come off of that nicotine.

There is a significant amount of wariness within the health community about the level of financial commitment that is needed to ensure that smoking cessation clinics will be expanded, in some cases, to also welcome and support those addicted to the nicotine and vaping products and that the resources are made available to make those addiction programs available to people who have become addicted to vaping. Again, we're going to be paying close attention to that whole side of the equation.

I do know that one of the actions is an expansion of the QuitNow program. It will include a vaping component to it moving forward. That sounds good. Let's make sure that the resources are there to actually help kids.

I've got a couple of stories from parents on the addictions side of things. I had a mom who sent me an email the other day, after the action plan was announced by the government. She starts it off by making clear that she's appreciative of the efforts of everybody — the government, the efforts I made on her behalf as her MLA, the efforts of, I think, all members of this chamber, teachers, health professionals.

She says:

"How is this action plan actually going to support teens who have already fallen prey to the marketing of vaporized e-cigarettes and

have developed addictions due to their naivety and a lack of vigilance on behalf of regulators to this point? I'm speaking from personal experience, as our daughter has developed an addiction, like many of her peers. There are few, if any, supports for her to quit in a medically safe fashion.

"Prevention is great. It's a fantastic step forward. But let's not forget that there's a whole cohort of youth who are facing a lifetime of addiction."

[4:40 p.m.]

I couldn't have said it better. The words of this mom, on behalf of her teenage daughter, really resonate. They reflect a pretty common theme from a lot of parents who, I think, have awoken to the fact that they, too, have kids who find themselves in a place that they never, ever expected they would. You know, their kids don't do drugs, don't smoke cigarettes, don't do some of these other more, generally speaking, harmful activities that, as parents, we all try and steer our kids away from.

We know kids are going to be kids. Youth are going to be youth. We were all there at one time. It might have been a while ago or quite a while ago for some of us, but we were all there. It's why parents or authority figures or teachers telling kids not to do something is usually the surest way that they'll do what you don't want them to do. It's why those evidence-based, peer-led prevention and awareness and support programs are really important.

I haven't met any parents, to this point, who, if they were thinking back two years ago, thought that they would be dealing with a situation where they're seeking addiction counselling and support, addiction therapies and addiction support for a teenage child of theirs who's addicted to something called vaping. Yet so many parents find themselves, so many families find themselves, in exactly that place.

I had another set of parents come in and see me. This is going back about a month. Again, their daughter is 17 years old and, by all accounts, an amazing student, a great athlete, an active participant in 4-H. She started vaping last year, the end of grade 11. Now she and her boyfriend have been caught several times selling vape juice to much younger kids in the same school.

Nobody has really been able to come up with a solution as to what to do here. The principal and the vice-principal are doing what they can with the tools they have. The parents have pulled their hair out trying to help their daughter. Their daughter has now moved out and moved in with the boyfriend. It all traces back to this vaping and being addicted to vaping. It's actually broken this family apart, and that's the underbelly of addiction, generally, as we all know.

The last story I'll share with you is one that's very personal to me. I have many parents and many youth who have come to see me as their MLA. There are others that have come to see me more informally because they're family friends. When you have a 14-year-old girl that you've known since the day she was born, who is a great student and a great athlete, and she looks you in the eyes and says, "I'm addicted, and I don't know what to do about it," it breaks your heart.

That's why action was so critically important. That's why

I, with the support of all of my colleagues, have been working so hard, so diligently, so purposefully over many months now to encourage and urge the government to take the action that they took last week. We've got to break this addiction. We've got to break this cycle of youth vaping, this rise of youth vaping. We've got to tamp it down before it's too late, before we lose a whole generation of our kids to vaping.

We're going to be paying close attention to the education investments that we believe need to be part of the action plan moving forward. We're going to be paying close attention to the vape juice flavouring component of this. I still personally believe — and I think many, many, many British Columbians and certainly most of my colleagues, I would say, agree — that a ban on flavoured vape juices would have been a better way to go. But there are strong steps that are being taken there, so we'll see how that works.

[4:45 p.m.]

As with this entire action plan, as the official opposition, as an MLA, as a dad, we and I are going to hold the government accountable for implementing this action plan as quickly as possible, for measuring the success of each of the different elements of this plan and for making sure that this plan is properly funded — that education component.

The last piece that I want to touch on is the actual nuts and bolts of the bill. I'm done with the context part of my remarks. The provisions in this bill, again, as I said at the outset of my remarks today, are very straightforward. It's a very short bill. It amends two acts to provide for, on one hand, a slight increase in the taxes on tobacco and tobacco-related products and then, on another hand, provides for an increase in the PST from 7 percent to 20 percent on the sale of vape products, which is defined in this act.

We're going to have a whole bunch of questions to canvass in committee. This was not an initiative that.... It certainly is not something that I've been advocating for, that I've been suggesting the government pursue. It is, however, a component of the ten-point action plan that was rolled out.

We're going to be paying close attention to two aspects of this tax provision on vape products. One, we're going to want to know what analysis was done by the Ministry of Finance on arriving at the 20 percent level. There's a fine balance that has to be struck here — I know the Minister of Finance knows this well — between ensuring that that tax level on a sin tax.... Certainly, it's been the experience with tobacco. We could talk for another hour or two about cannabis and the impacts of pricing on cannabis products.

If that tax is set, you want it to be set just high enough to act as the deterrent that it's intended to serve as, but not too high that it simply drives people to the black market. That is a fine balancing act. It's a bit of an art form. So we're going to want to understand, and we'll canvass this with the Minister of Finance, what exactly that analysis looked like that enabled the government, with confidence, to arrive at a 20 percent PST rate for the sale of vapour products.

We're going to have some questions around cannabis vaporized products as well and what analysis or work that

government has done in the context of a broader cannabis retail strategy, which is kind of flailing right now. Lots of concerns that people have around.... Have the price points reached a level in terms of cannabis retail sales such that there's more black market activity than less when this whole process started? So we'll have some questions around there.

Thirdly, back to my education point. If I sound like a broken record on anything here, I hope it's this point. That is that we're going to make darned sure that every single penny of this vapour products PST, every single penny that's collected in this tax, be dedicated to prevention, awareness and support programs to help break the surging youth vaping rates. Anything short of every penny going towards helping our kids not vape in the first place — but if they do, to support them to stop — will be a failure. As I said, I think the ultimate judge of this action plan, as ambitious as it is, as comprehensive as it is, will be the success or failure of the education component in every middle and high school.

We're going to want to know what the projected revenues are from this level of tax, and we're going to be looking for assurances from the government that the dollars raised will be focused on those awareness, prevention and support programs that are so critically needed.

With that, again, I will take this opportunity to say this.

[4:50 p.m.]

We found an issue here where I think we have demonstrated what most British Columbians probably want to see more of, and that is some collaboration and some cross-party working together. I said from the outset of my advocacy on this vaping issue that this was not about partisan politics to me. I don't believe it is to anyone in this House. If we can't check at the door partisan politics when it comes to the health of our kids, when the heck can we?

I acknowledge the efforts of the Minister of Health. I acknowledge the efforts of the government in their action plan.

I intend on being as much of a thorn in their side moving forward to ensure the speedy implementation of this action plan, the measurement of the success of each of the measures in this action plan and the funding that's necessary to ensure that the education that is needed for the success of this action plan is actually there.

I'm hopeful that it's not too late. Let's not get this implementation wrong, moving forward. I'm certainly going to do my part to ensure that we actually get it right.

S. Furstenau: I'm happy to rise today to speak to the Taxation Statutes Amendment Act and to follow on the comments of the member for Kamloops–South Thompson, who has very passionately advocated for action on this file on vaping for a long time. He has been an effective voice and an effective advocate, and I appreciate the work he's done.

I want to start with some of the things that were brought up by that member — in particular, education, as such an important part of the solution to vaping and the rates of vaping that we're seeing, particularly amongst youth in B.C. and

across the country. I think that it's almost like a perfect storm or a perfect vacuum happened.

Our generation grew up as cigarettes became increasingly stigmatized and increasingly recognized for their dangerous health impacts. We were the generation that was fully educated about the problem and the dangers of cigarette smoking, and we recognized that we didn't want to be smokers when we grew up. The education aspect of that was very effective.

Then I think to the film that came out, I think, in the 1990s. It was *The Insider*, and it was a film about the tobacco industry and the way in which they've operated and the description that they had for cigarettes, which was that a cigarette was a nicotine delivery system.

We now have a new nicotine delivery system on our hands. What we don't have is any kind of preparation going into this quite sudden arrival of this new nicotine delivery system, which came packaged in neon and pink and purple and came in flavours like bubblegum and candyfloss, as was indicated.

I, as a teacher, only became aware of this new nicotine delivery system in 2012, when suddenly there was a puff of smoke in my classroom. I turned away, and I turned back, and I had no idea what this smoke could have come from or where it could have come from or where the smell came from. That was the first indication of what was to come as a tsunami, I would say, between 2012 and now.

The figure just indicated by the member for Kamloops–South Thompson — a 74 percent increase in one year in vaping use among youth — is a shocking figure. My children are also.... One is going into high school next year; one is in high school now. It is a significant problem in all of the schools that young people have access to this nicotine delivery system without the understanding or education of the impacts of nicotine, the high addictiveness of nicotine.

[4:55 p.m.]

I remember, again, learning, when I was a teenager and talking with my friends about this.... We were shocked to know that nicotine was as addictive as heroin. Of course, in our minds, conflating nicotine and heroin meant that you didn't want to touch either one of those things. I think that we now have a generation of children and youth that have grown up without access to that kind of regular education that we had the benefit of. We're very much seeing the result of that now, and I commend the government, the ministers, for putting together this action plan.

I agree with the member for Kamloops–South Thompson that education really has to be the central piece of this, because education is how we change behaviours. It's how we get outcomes that we want to see. It's how cigarette smoking rates decreased to the rate that they had, as a result of that long-standing education that had existed.

Also, I think that when we are talking about this.... I appreciate the comments about the health of our youth and the health of our children. I spoke about this a little bit yes-

terday when I was speaking to Bill 38, the Climate Change Accountability Amendment Act.

I do want to bring up another significant health issue that we have facing our children today. There was a report that has just come out in the last few days from *The Lancet*, a highly regarded medical journal. That report stated that children born today will face a lifetime of climate change-related health problems. These health problems include low birth weight, neonatal death, lung problems, asthma, insect-borne diseases and vulnerability from extreme heat, as a starting point.

The member for Kamloops–South Thompson was saying that the health of children and youth is a non-partisan issue. I couldn't agree more. We've seen the first vaping-related illness in B.C. confirmed four or five weeks ago. Within four weeks, the government comes up with a ten-point action plan. We are instituting new taxation. We are bringing in education. We are taking this very seriously.

Yet the greatest threat to our children's health is climate change, by a wide margin. On that, both of the other parties agreed in the spring to a significant amount of subsidy to the LNG industry in this province, which is a contributor to climate change. I think we need to wrestle with that. I'm asking every member in this House to wrestle with that.

I so applaud the passion of the member for Kamloops–South Thompson for his capacity to speak to this from his personal experience, from what he's heard from parents and educators, and from what he sees, the risks. I think we all need to feel that same level of passion about the very serious risk that climate change poses to our children, to unborn children and to future generations of children. I want us to take that as seriously and as passionately as we are taking this issue, which deserves the action.

I want us to wrestle. I want us to wrestle with where we're at. I want us to recognize that, yeah, educators and parents and physicians are calling on us to make these changes to ensure that youth are protected from vaping products and understand the risks that those pose.

Children and youth are gathering in the thousands and tens of thousands and, around the world, in the millions, asking us, as decision-makers, to take seriously the risk that climate change poses to them, their lives, their health and their well-being in this biosphere that we depend on for all of us to survive.

[5:00 p.m.]

What I hope we can see is that we recognize the importance of action to protect the health of youth and children on this issue. We have to very seriously ask ourselves: are we doing enough? Are we moving in the right direction on the greatest health issue in our existence as a species, and can we put the same urgency and the same non-partisan agreement on that issue as we are putting into this issue?

I just wanted to, once again, bring these together. I do commend the government. I commend the opposition. I am glad that we're approaching this in solidarity as legislators. I'm glad that we are doing this work. I look forward to seeing

the results, but I hope that we can recognize that if we want to take the health of children seriously, the greatest challenge in front of us is to act on climate change.

N. Letnick: Thank you to all the members who have spoken to Bill 45 so far. I'm going to add a few comments. I won't repeat too many of the comments already committed to *Hansard*, committed to the record, so that we can move along and continue debates on this and other bills that are important, of course, to British Columbians.

In particular, I want to thank the Minister of Finance for bringing forward the bill. She and her staff, of course, have done great work in a short amount of time. They're to be commended, and of course, the Minister of Health also and his staff for researching the impacts of vaping on our young people and coming up with what the government believes are the right approaches — at least at this stage, with opportunities for more action in the near future, of course, we hope.

Working with the member for Kamloops–South Thompson.... He, obviously, has been driving this issue for some time — and, of course, municipal governments at UBCM, teachers and all kinds of other advocates wanting to make sure that we stamp out, as much as we can, the nicotine addiction that our young people are seeing through vaping, in particular. Older people as well. But we have to start somewhere.

Speaking of starting somewhere, I want to explain, for the millions of people watching this at home, what actually occurred here, at least from my perspective. We all have different perspectives in life. From my perspective....

A few months ago, the member for Kamloops–South Thompson came to my office and said: "We have a problem. It's called vaping." I'm from a different generation than the House Leader for the Third Party, being that she's 20 years or more younger than me. I said: "What seems to be the problem? You know, you have these kids. They're having a little fun. Don't be such a party pooper, member for Kamloops–South Thompson." He quickly schooled me on what the vaping issue was.

I decided to do a little research, as I like to do. I spent a few days putting together some academic journals on the whole issue, and actually, the evidence at that time was on both sides. It wasn't that clear-cut. But as time went on, the evidence became more and more very much, as we see today, the challenge that we have.

Another piece that the member for Kamloops–South Thompson has mentioned, but I think needs to be repeated, is that he has three daughters who are in the prime vaping age at school. My daughters are 34 and 25, and my son is 31 now. I have a granddaughter that's four years old. I'm not quite in that prime.... I hope not, anyway. That four-year-old — wait till I get home and talk to her and her pre-kindergarten friends about vaping and that she shouldn't do it. I'm serious. At some point, you have to have a discussion.

[5:05 p.m.]

Jocularity aside on this, the member for Kamloops–South Thompson obviously lives or has lived this issue with his family and his peers. When we had that conversation about who should go forward with this, the answer was very clear. There's nothing more that can lead to success in this place than someone who has a personal interest and passion for an issue, as we've seen with the member for Kamloops–South Thompson. He definitely has to get an award for....

I think, other than the Leader of the Third Party, who is able to get his private member's bills passed quite quickly because he sits on the government side of this chamber.... There'll be some who argue he's actually in opposition, but there'll be others who argue he's not in opposition. So we'll just leave that as it may for now. Other than the Leader of the Third Party....

Since parliament has started, with the last throne speech, there are 29 private members' bills on the order paper, three of which have been passed because they were introduced by the Leader of the Third Party. All the other ones, other than one, have not been called up for any action, as opposed to the member for Kamloops–South Thompson's bill. He introduced it on October 23 for first reading, and here we are on November 20, doing second reading debate — less than a month from the time he introduced the bill to the time that we are debating second reading. So whatever magic the member for Kamloops–South Thompson has, I think we need to spread that out to a whole bunch of other bills.

I remember that in my first year in this chamber, some ten years ago, I was looking at a private member's bill to help first responders when they were exposed to blood products — that maybe they could have caught some kind of contagious disease. It wasn't until year 3, I believe, when I was given the green light by my own team to introduce the bill. Then, after that period, it finally got through the government. I was a private member at the time. The government decided to bring the bill forward and actually get it passed. It passed unanimously in the House.

I didn't have the magic that the member for Kamloops–South Thompson had in getting the bill so quickly brought forward to the House. The magic that he has, of course, is in the support of the evidence. The magic that he has is in the support of the people that have children that are exposed to this increase in nicotine addiction.

Of course, it has been said in this House before that the Minister of Health is a collaborative minister. He works with all members of the House to solve problems. We'll agree many times on what is in the best interest of health care and the people of this province. Of course, other times we may disagree, but we do so in a civilized manner that in the end, I believe, is in the best interest of B.C.

Why do I do that? Like many other topics that we address in this House, I believe health care, if not very high up there, is the most important topic to make sure that it transcends different governments. Whether it's a government that repeats into another four-year term or a government

that changes to another political party, we have to get health care right on behalf of all British Columbians.

Anything that we can do to work collaboratively to ensure that the decisions that the government of the day makes actually are able to transcend that four-year election cycle, I believe strongly, as has been identified by the member for Kamloops–South Thompson, we have to do.

Of course, it's supported by the Leader of the Official Opposition, as well, as you've seen in initiatives like the diabetes initiatives, the initiatives for measles and other things that we've undertaken, including the review of the Health Professions Act that.... Hopefully, in the near future, all three parties will have something to announce. So again, kudos to all members of this House that look at health care as a distinct area for collaboration and consistency to the future.

Just a few stats that I want to reintroduce into the record to make sure that people understand in this particular case. Yesterday I got a report from the OECD, the Organization for Economic Cooperation and Development. They're showing that people 15 years and older, 19 percent across the OECD.... The average is 19 percent of people are addicted to nicotine, to smoking in particular.

[5:10 p.m.]

In Canada, the rate is 10 percent. I imagine that in British Columbia, we're doing about the same, if not better than that. If I remember correctly, the B.C. rate is below the Canadian rate, so we are doing well. Still, 10 percent in this country is too high. We have to get that 10 percent down to zero percent, and one way of doing it is making sure that we don't start the kids up by being addicted to nicotine when they're young. Whatever we can do to make that happen, of course, is extremely important.

We've seen a spike in vaping. From age 16 to 19, it's up by 74 percent in the last year. Clearly, that draws attention of all members of this House that something needs to be done. A study found that cigarette smoking between 16- to 19-year-olds in the same period increased by 45 percent. So we have to attack smoking, and we have to attack vaping in particular.

We know we're not alone in B.C. Numerous jurisdictions in North America have begun implementing restrictions, including restrictions on vaping, advertising, purchase limits, outright bans of flavoured products. Just this week alone, Michigan became the first U.S. state to ban flavoured e-cigarettes as part of its efforts to curb youth vaping by preventing companies from using flavours specifically intended to hook children on nicotine. Of course, our medical health officer, Dr. Bonnie Henry, has been very vocal about this issue.

These amendments, based on what the member for Kamloops–South Thompson has proposed, have come quite a bit to what the member has proposed in his private member's bill, introduced less than a month ago. It didn't quite make it all the way, but we'll continue to work with government, to congratulate them on the work that they've done so far and to try to encourage them to continue the work.

We would like to see, of course, banning of sales of flavoured vapour products, limiting the supply and accessibility of e-cigarette products through stricter retail controls and enacting tougher penalties for non-compliance. These are things that, of course, are important and were included in the private member's bill. He also called for appropriate resources in schools to increase awareness, prevention and support to students.

As you heard today, the member for Kamloops–South Thompson, on behalf of the opposition, has asked for all of the funds that go into the black hole of the treasury from the increase in fines and from the taxes to go to education, to make sure that we are able to stamp this out.

The regulations from the government will restrict the amount of nicotine in vapour pods and liquid to 20 milligrams per millilitre and will require plain packaging for vapour products that includes health warnings. We also see public advertising on vapour products will be restricted in areas where youth spend time, such as bus shelters and community parks. The sale of vapour flavours, other than tobacco flavours, will only be allowed in age-restricted shops.

The increase in provincial sales tax is going to be applied from 7 percent to 20 percent. That will make us in B.C. the first province in Canada to introduce specific tax rates related to vapour products. The new tax rate will go into effect on the first of January, 2020. It will be applied to all vaping devices, the substance or juice that is used within the vaping device and any vaping product or accessory. I also understand from the legislation that tobacco tax is proposed to go up by two cents.

In the end, again, we have to work with government to help those that are already addicted to vaping.

The member for Kamloops–South Thompson brought a very compelling letter from one of his constituents, saying: "How do we help my child, who is already addicted?" That's something we're going to have to work on together with government to make sure that we have a plan to help those people kick the habit. We thought initially that vaping was going to be used to help people kick the smoking habit, not to help people get addicted to nicotine so that when they become adults, they start smoking cigarettes. What a bizarre world we live in sometimes, you know — all of these unintended consequences.

We'll work together with the government on making sure that we continue to move the yardsticks. The government has moved the yardsticks considerably, and I would say thanks in large part to the work of the opposition and, in particular, the member for Kamloops–South Thompson and the Leader of the Official Opposition, with his medical knowledge, as a past medical doctor.

[5:15 p.m.]

I would like, at this point, to again encourage the government to do what it does always when it comes to health: to continue working with us and, in this particular case, the

member for Kamloops–South Thompson, who will be the lead on vaping issues.

We will strive to stamp out nicotine addiction amongst our youth and continue to work to reduce nicotine addiction amongst adults so that our publicly funded health care system is sustainable, especially so that as those of us in this generation, which is 20 years older than the generation of the House Leader of the Third Party, start using the health care system more and more, we won't have to worry about the costs associated with nicotine addiction.

Those people who have been smoking and who are able to kick the habit will have a much better life in their senior years, as they go through, if they're not smoking. I believe they know that. They just need more help so that they can come to the conclusion that they need to kick the habit. We're there for them for whatever it takes.

Thank you for allowing me to speak. Again, thank you to all members of the House for what it looks like is going to be unanimous support for this bill.

S. Chandra Herbert: I really am excited today, because it's yet another example of what can happen when you collaborate. For many years, as I sat in opposition, I dreamed of the day we'd have a government that would look to try and get the best out of every single MLA, if they have a passion, if they put in the work, if they put in the evidence, to make change.

With this legislation, I've got to say it's another example of our provincial government being collaborative, working together, building change, because of advocacy from all members in this House. Addressing youth vaping and vaping in general.... Really, I want to thank the member from Kelowna for talking about nicotine addiction and vaping as the tool which is used to create nicotine addiction, in this case. Nicotine addiction, of course, is the issue. Vaping is the tool. We've got to act, clearly.

I thank the member from Kamloops for his advocacy. I thank the Minister of Health and the Minister of Finance, who I know were also aware of the issue and working on it as well. I thank ministers and members across this floor who've raised issues internally, behind the scenes, as well, to push for change.

You know, people have already talked through about how this was thought to be a great tool to get folks off cigarettes and nicotine. In fact, it can be used just the opposite, to get them onto it.

One area that I'm really excited about is that money raised through this increase in taxes on vaping, this tax on vaping, can go into public education, smoking cessation, vaping cessation, addiction treatment there. There are many options that we can help drive down the impacts of this before it gets out of control.

Now, I remember.... When did I first think about cigarettes? I think I was ten, and there was a kid who I hung out with down the street who was smoking. He was two years older. He was 12, and he was smoking. At the corner store,

they used to give you the cigarettes for your parents if you wrote a little note. If the parents sent you with a little note, they would give you cigarettes. So he figured out how to forge the notes and get the store to give him cigarettes.

Of course, we passed legislation some time ago to make it harder for younger people to get vaping products already, but they're still clearly getting them. This legislation will help to reduce that, and it will help us get action.

I know my colleague from the Third Party talked about how we must act on a public health threat, the greatest public health threat facing children, as well, which is climate change. I raise that because it's another example of where collaboration can lead us so much further. Our collaboration with the Green Party to develop the CleanBC climate action strategy is another example of how we can get the best out of all of us.

I wish we'd, in the past, done more of that in this House. Hopefully, our government's leadership in collaboration, in bringing people together and trying to get more out of each and every one of us for our constituents — indeed, that's why our constituents send us here — becomes a trend in this House regardless of parties, and we start to get beyond partisan differences and rivalries and start to look at issues more often.

[5:20 p.m.]

The leadership of the Premier and the leadership shown by cabinet here in responding in this way I think shows that it can work and shows the benefits of that kind of leadership as opposed to just attack, drag down and divide, which, for a long time, has been the recipe in this place and the recipe we're seeing around this world.

One discussion, I think, around the question.... We've already, obviously, banned advertising to children of vaping products. Small side note. I've often thought we should just ban advertising to children for most products. Maybe I'm saying that now as a father of a 2½-year-old who, when they see products advertised in stores and on TVs, can pick up an interest. We see the great lengths people go to branding products to target young people to make them demand that their parents buy it for them.

A side issue, and I think it's probably something that would have to be dealt with more by the federal parliament, but I've long also thought it wrong that children be focused on for advertising in general, given their impressionable minds and given how effective marketers have been at trying to get at them, as we've seen with vaping, as we saw prior to that with cigarettes — Joe Camel and the like. Clearly, I think that's a whole other series of topics that go beyond this bill, but it's something I've long believed.

Thank you, hon. Ministers. Thank you to the hon. members for collaborating, for working together, for highlighting the need for action and for bringing that action. It's the kind of government I know my constituents want.

They've long told me, "You are the member for the West End. You are a New Democrat, absolutely, and we support you because we support the New Democrats" — in many

cases, not all of them. They support me for other reasons too. But they want me to look at this as a community, not as one party against each other. I endeavour to do that, and I'm so happy that the government is doing the same here today.

S. Bond: It's been a long afternoon in the Legislature, but it's been a productive one. I'm very appreciative of the work that the Minister of Finance did, not just with this particular element dealing with an important issue in British Columbia and in North America, but also, we just worked our way through a very significant and complex piece of legislation around taxation where we actually saw two amendments pass, one introduced by the opposition and one introduced by the government.

We're building on that success now as we talk about this issue. Like others, I actually think that, as legislators.... The public tends to focus on a 30-minute period of the day in this place. Often the rest of the work goes unnoticed, as the Finance Minister said the other day. People won't even know that there was that give and take and working through a piece of legislation to make it better. It is possible when we set our minds to it, and this is another example of that.

I like days like today. I like days like today for a number of reasons. One of those is that I am very privileged to work with an incredible group of people, one in particular for whom this has been a very personal journey. The member for Kamloops-South Thompson came and talked to our caucus, talked to us and put it in the context of what it was like to be a dad and looking at what potential challenges are facing his three girls. It made me think a lot about what matters to me.

Now, I am way beyond his stage in life. I've reached that place of enjoying what it's like to be a grandmother.

Interjection.

S. Bond: I appreciate that from the Minister of Health.

I think that what you're seeing today is a recognition by government, opposition and the Third Party that together we need to tackle a challenge that is pretty serious in British Columbia. I can honestly tell you that if it wasn't for my friend and colleague who came and said to me, "Do you have any idea what's going on...?"

[5:25 p.m.]

I had no idea that vape juice came in all kinds of flavours. Do you know there are dessert flavours? In fact, there's strawberry pie and custard. There are categories that are called sweet and sour and trendy. It doesn't take a lot of analysis to understand why those flavours are so attractive to young people today, especially when there's a category called trendy.

When I think about my grandsons.... They are seven and one is soon, very soon, to be turning ten. He continues to remind me that he's going to be double-digits really quickly. I tell him that someday he'll regret those double digits. I know I certainly am questioning them.

They're starting to explore and to think about "How do I fit in?" and "What's important to me?" I'm going to be really pleased to be able to tell him that because of the work of a group of people — and, in my case, particularly because of my MLA colleague and friend — I am way better prepared as a grandparent to be able to have those conversations and to deal with some of the risks that are very present and very current.

We should be clear. Vaping is not harmless, when you think that it increases exposure to harmful chemicals. It can lead to nicotine addiction in children. Here's the part that really makes me feel encouraged by the steps that British Columbia is taking. Think about it. When you read.... I did go and read. I was encouraged to go and read and understand and know more about what we needed to do as legislators.

Here's the phrase that got my attention: "Long-term consequences are unknown." A generation of young people are potentially being exposed to nicotine addiction and chemicals, and we really don't know what — never mind what the short-term challenges are — it means in the long term.

I don't know about you, but if ever there was a need for us to set aside partisan differences and look at how we tackle this issue, it is now. Think about it. An addicted teenager — what happens if they want to quit? They have to go through withdrawal. It's not as simple as saying: "I don't want to vape anymore." They actually face circumstances that include things like headaches and depression and not sleeping well. They need to deal with the symptoms of withdrawal.

I don't know about you. I have walked down the street, and suddenly you smell that fruity smell. You realize exactly what's happening. Imagine being a teacher in the school system, as if they don't have enough challenges on their plate, trying to deal with children who are, in essence, covertly vaping in classrooms. It is so important that we are tackling this issue together.

I want to thank my colleague for his incredibly dedicated advocacy on this issue. He taught me a lot. He taught, I think it's fair to say, our caucus colleagues a great deal.

I also want to thank the Minister of Health. He wasn't sitting idly by. It's probably fair to say that we would have liked to have seen a little more expeditious response, and I think he recognizes that. But I think what ended up here is a hopeful beginning.

The government has tabled a ten-point plan. As has been pointed out, I'm very grateful to see that the government included the items that were tabled in a private member's bill. I think that encourages all of us.

[5:30 p.m.]

I'm really going to take this opportunity to remind the Minister of Health that I have a private member's bill on the order paper as well. It has to do with defibrillators, and I'm not going to let him forget that either. He's made a good start here, so I think it's time for us to be looking further down that list. But this isn't a partisan issue.

The other thing I want to do.... I know a couple of other

members have spoken. The issue isn't about tackling vaping; it's the how. It is very legitimate, as members of the opposition, for us to ask questions and hold the government accountable, even though there is broad agreement that we all need to do something. So that's what we're going to do.

[R. Chouhan in the chair.]

I actually have the sense that the Minister of Health would welcome that opportunity to continue to explore the effectiveness. Nobody wants to announce a ten-point plan without being held accountable for the outcomes.

My colleagues, the Health critic and, obviously, the member for Kamloops–South Thompson, have spoken eloquently about the need for education. When we think about one of the points.... I have it listed as No. 7: "Create a provincial youth advisory committee to support and advise on youth vaping, education, social awareness and other initiatives, making sure we have a toolkit and launching a social marketing campaign." All of those things are important. But are they enough?

Those are the kinds of questions we're going to ask, because, as has been pointed out, it has to start with education. To be honest, there needs to be a pretty significant parental component of that, because I think most parents are probably asking themselves: "What do I do? How do I help? Where is there support? How do I talk to my teen about that?"

We've seen all too clearly in the last year that there are significant impacts as a result of vaping. It relates to damaging health outcomes. We saw in October the provincial health officer confirming the first probable case of vaping-related illness in British Columbia. Over the past number of months, we've seen numerous people hospitalized across Canada, the United States and, potentially, even some fatalities that can be attached to vaping.

As has been pointed out by the House Leader for the Third Party and other members on our side of the House, the statistics are alarming and shocking. If we saw those kinds of increases anywhere else, we would be quickly working to deal with them.

Recent studies show that vaping rates are dramatically increasing among Canadian teens. With those ages 16 to 19, the practice has increased up to 74 percent in the past year. The same studies also show that cigarette smoking in that same age group has significantly increased in the same period. That's a concern, too, because it's changing a decade-long trend of smoking rates decreasing.

As was mentioned very capably by the minister when she introduced the legislation, this bill is being introduced to complement the work that the Minister of Health is doing to curb vaping, and it is part of the government's ten-point action plan. It is encouraging to see the government taking action through legislation, and obviously, other jurisdictions have done that as well. Around North America, we've seen municipalities and states increasing bans on certain fla-

voured products, stricter restrictions on advertising and purchase limits and the like.

The interesting piece — and the piece that we'll be debating in committee and that is under the purview of the Minister of Finance — is actually increasing the tax. This bill will increase the tax on vaping devices and substances — and on tobacco products, as this bill will do. We certainly are hopeful that it will reduce the incidence of vaping among youth in British Columbia.

There's always a lot of debate about consumption taxes. But you know, from a general perspective, consumption taxes typically and hopefully reduce consumption. That's the whole point of introducing them.

I noted that in looking at what was happening across the country, Alberta has also announced its intention — they announced it in their budget — to consider a tax on vaping products as well. They're doing some additional work, and their tax will likely be introduced in 2020. They made that announcement on October 25, 2019, I believe.

[5:35 p.m.]

We'll certainly, as has been pointed out, be asking some questions about the logistics around this tax. It is incredibly important that we look at finding the balance. We're going to want to have the minister explain to us how, from her perspective and the tax analysts in her ministry, a move from 7 to 20 percent is the optimal place for the tax to be.

As my colleague pointed out, the last thing we want to do is drive this into the black market. That's a legitimate consideration when you see a tax increase of that magnitude. So we want to, certainly, ask some questions about how 20 percent was chosen.

We're also going to look at the anticipated revenue. As I understand it, at this point, the revenue that'll be generated for the rest of the year, the balance of the year, is approximately \$2.5 million. I think that's the anticipated quantum. I think, moving forward, it looks to be about \$10 million in the next fiscal year. That is not an insignificant amount of money.

What we are hoping to see is a dedicated fund that provides support, education, all of those things that will help ensure the success of the ten-point plan. What's absolutely critical to us.... Certainly, as one of the Finance co-critics, we will want to see a transparent reporting-out process, knowing exactly how much revenue is being generated and exactly where it's being used.

We don't have a lot of dedicated funds in government. That's not typically how taxes are managed. We are urging the government to ensure that there is a dedicated fund and that the reporting out of that is transparent. We want to make sure that this funding goes into programs that will support young people, that will help with the education program, which needs to be meaningful and substantive.

We know that there's a possibility for government to funnel the funds back into general revenue. Certainly, it's our belief that that simply wouldn't be an appropriate way to treat those funds. There are mechanisms that allow for

taxation revenue to be dedicated, and that's what we will expect to see.

I look forward to joining my colleague from Kamloops in committee, as we walk through some of those issues.

The bill also raises questions about how it will be implemented in the case of people acquiring vaping and tobacco products on line. Will the reach of this bill, if someone intends to buy products from another province, for example, and ship them back to B.C...? Those are things we need to contemplate as well.

We also will be asking questions about enforcement. How are we going to ensure that the changes will be enforced going forward? What does the taxation look like in practice?

It should also be noted — the minister referenced it — that there are increases to other tobacco products in the bill. Cigarette taxes by two cents per cigarette and loose tobacco, as well, by an additional two cents.

Key questions. Why the 20 percent? We know there are differing views on consumption taxes. Do they work? How do you find that balance? Probably even more critical than that is the use of the additional revenue. Where will it go? How will it be accounted for?

We certainly are encouraging that there be a transparent accounting process. Not only do we want to know; I think that would be an incredibly important story for the public to know — that we can introduce a new element of taxation in our province.

New taxes aren't generally welcomed by British Columbia. We've certainly heard a lot about that, with some of the taxes that have been increased. This one, we hope, especially when you can demonstrate to British Columbians that there is a tax and it will be directly applied to making sure that we have programs and supports and all of those things in place....

[5:40 p.m.]

I think there is a growing recognition that we need to take some very bold steps to deal with the issue of vaping. Our kids deserve it. As legislators, it's our responsibility to implement important but also effective legislation here in the House.

We look forward to committee stage, where we are, just as in the case of UNDRIP and other important pieces of legislation, asking those necessary questions so that, together, we can create a piece of legislation that all of us can support.

With that, I appreciate the time that I've been given to speak here in the Legislature. Again, I want to thank everyone who has spoken very eloquently and personally about this — the minister, for bringing forward this initiative as part of government's package, and, in particular, my colleague and friend from Kamloops. Just a real sense of gratitude for his personal advocacy on behalf of the children and young people of British Columbia.

I think, from his perspective, I hope that today he takes a moment to reflect on how effective that has been and that working collaboratively with government, we can make a difference and address some of the challenges that he has so ably presented over the last year or so to me and our caucus.

With that, I certainly appreciate the time I've been given today.

Hon. A. Dix: Of course I want to speak in support of the bill put forward by my colleague the Minister of Finance, who has been, as we've worked on some of the issues around vaping and youth, a strong supporter. This bill represents a part of our effort, a part of our collective effort, to address issues of vaping amongst young people.

I think it's important to reflect in the debate. I was asked, when we did a news conference to announce our plan, whether a number of years ago we got it wrong. I think I was invited, even, to comment on getting it wrong. I said I think that collectively, at every jurisdiction — every provincial jurisdiction, at the federal jurisdiction.... We had the debate in the House. None of us, I think, recognized, when we debated in 2015 — the member for Kamloops spoke in that debate — that we'd be back here talking in this way about vaping issues, as we have been. Sometimes we get it wrong.

I think the other thing we have to understand, and the reason why I like to and want to continue to involve members of the House in this plan and in our efforts to reduce vaping amongst young people, is that we're not going to get everything right here. We have to acknowledge that, I think. This is our best decision we've made, based on the evidence and based on the input of a lot of people, including members of the Legislature.

We're going to have to continue to work on this and make adjustments and work together over time and, in particular, have our discussion infused with the ideas of young people, who are (1) most affected and (2) will have, I think, extraordinary ideas about how to address this issue.

I think these sorts of debates, collectively, should make us humble sometimes about the decisions we make and about the need to continue to work on them and work on them together, not just as governments but as society. Sometimes things don't work out as they should. Rather than have a discussion about why that was the case, I think we need to come together and try and address those issues.

That's the spirit in which, when I was asked that question, I answered the question. I said: "I don't want to talk about that, because I didn't hear in the debate at that time people suggesting that the plan was the wrong plan at the time. We should come together now and work on it, and we're going to have to continue to do that over time."

The bill, of course, addresses two sets of issues specifically. They reflect, I think, an important part of the plan.

One is to raise the sales tax on vaping products to 20 percent, which is the key initiative here, a very significant initiative. We believe that will have a positive effect, in addition — not by itself but in addition — to the other measures in our plan that we've brought forward. So we are supportive of that. We think we've found the right level, at 20 percent, that will discourage consumption. Young people, in particular, are price-sensitive. I think it will have a positive impact in and of itself.

[5:45 p.m.]

It's not intended to be the sole response, nor were increases in the Tobacco Tax Act over the years by governments of all political stripes the sole response to the issue of tobacco addiction, but they are part of the response and a significant part. That's why they were included in this package, and that's why we're debating them in the House today.

I think, over the last number of years, we've addressed.... Especially in the last year, I'd say, the vaping issue has been addressed. We as a ministry, the Ministry of Health, participated, in the fall of 2018 and the spring of 2019, in federal government initiatives. I think the federal government, which brought in legislation in 2018, even as recently as 2018 really got the balance wrong. So we've been participating in their processes.

I want to say today that one of the messages I'm going to have in congratulating the new federal Minister of Health is that, from this Legislature, unanimously, people from all parties want to see federal action as well in this area, federal action on all kinds of issues from nicotine to flavouring to others. The member from Prince George and, I believe, the member from Kamloops rightly talked about the different ways people can obtain vaping products. Clearly, a federal law that will deal with these issues and federal regulations that deal with these issues would be very helpful.

I think that the message I'll have when I have the opportunity to speak to the new federal Minister of Health on this question, which we also discussed amongst Health ministers in a conference call on Monday, together as Health ministers, is that this is a central question and we'll be expecting federal action. In several areas, especially advertising, where federal government has way stronger powers than provincial governments, and with respect to the products and wholesaling and interprovincial sales and so on, the federal government needs to step up and play a role complementary to us.

We believe that the plan that we've laid out sets a real framework for them to step forward and step into this debate. I'm hoping to hear from them with the action that they intend to take before the end of this calendar year. I think that if we do that as a country and then we do it as a province, as school districts, as municipalities, as opposition and as government, that is the most effective approach to dealing with a broad societal problem.

The measures we've taken have been discussed. I don't want to talk about them at length when we had an exchange, I think, in question period. I believe it was in May or April with the member for Kamloops—South Thompson. I remember the exchange very well, because he talked about flavouring and I talked about nicotine, which were the issues that each of us thought were the significant issues. I think the truth is that they're both significant issues.

I think the issue of nicotine is fundamentally important — that we have higher levels of nicotine in our vaping products in Canada. That same *British Medical Journal* study that members have referred to today, which was published in the *British Medical Journal*, compared

Canada and the United States and the United Kingdom and showed lower levels of vaping in the United Kingdom and in Europe. Those are strongly linked to lower nicotine levels. If a product is less addictive, people get addicted less. This is a fundamental reality.

We will be taking action to limit the level of nicotine in vaping products in British Columbia, and we're hoping the federal government will follow with national measures that meet the same standard so that we can follow the best practices, which are not in North America but were, in this case, in the EU and in Europe.

On flavouring. My colleague from Kamloops has spoken often about this question, and we've had at least a couple of exchanges in the House but also a number of private exchanges on the question, on its importance, both in Kamloops and here. That question is something that we've addressed very clearly here. Our principal powers under our act are at the retail level, and that's where we're imposing the restriction.

That is to say that other than adult-only vaping stores, where you have to be an adult to step in the store, we're not going to allow flavoured products other than tobacco flavour, which is a straightforward measure to say that we think that marketing of these products to young people is a significant part of the problem.

We need retailers to take responsibility too. In terms of the adult-only vaping stores, who in good faith have started their businesses, we're handing with them. They should partners in this effort to ensure that this not be used by young people. It is not allowed to be used by young people, and it is disastrous for their business if it continues to be used by young people — disastrous for them. They need to be part of the solution, too, in this effort to involve everyone. We're obviously taking other elements of the problem, from labelling to advertising to price, that are significant.

The second set of measures is really about education. First of all, giving parents — and we've done this work over the last number of months with the B.C. Lung Association and others — the means to understand.

[5:50 p.m.]

I have never vaped, never smoked a cigarette. So my insight into these issues is different from people who are in those circumstances. I think that's true of a lot of parents. I don't think they know.

Vaping has often been described as harm reduction. Harm reduction is an important concept, but it doesn't, of course, mean no harm. It means less harm. If you're not a smoker and you're 15 years old or you're 14 years old — or yes, ten, nine or eight years old — then it's just harm. It's just harm. We have to ensure that parents are empowered with the tools to understand the impact and be able to talk to their children and understand the implications of people who are over 19 providing vaping products to people who are under 19.

We need young people involved. We're going to be involving members of the House in this discussion of how we get broad participation, because I think that while we can

have an advisory committee, we want this participation to be broad, and we want to hear from people. We want young people to inform our message and to deliver our message and design our message and provide suggestions, ideas and proposals that they think will work with their colleagues, with their fellow students, their fellow young people. We need to hear from them.

We have a history with this when it comes to dealing with the issue of tobacco addiction. This was the issue when I went to school in British Columbia. People would go and smoke, right? We really got effective when we involved young people in those campaigns. That was something that, I think, in British Columbia was started under the NDP government and absolutely continued under the Liberal government in the '90s and just after 2000. In that period, we saw a reduction in tobacco use that was driven by the fact that young people made it culturally and socially unacceptable amongst young people to smoke.

I think we need that very same discussion here. We need information out and education out, and then we need to infuse that with the ideas of young people. I think a campaign driven and supported by young people will help us on the ground. We already — in the bill that we passed in 2015 together, unanimously, in the House — said that young people shouldn't be allowed to vape. We already said this. That prohibition has not been sufficient, collectively. We may have thought it was sufficient, but it hasn't been sufficient, collectively, to stop the current increases in rates.

We've talked about a 74 percent increase. There was a McCreary study that showed that at that time of the study, 22 percent of young people had vaped with nicotine in the previous 30 days — 22 percent, one in five at a high school age — which is, I think, an extraordinary number of youth. If you disaggregate that into absolute terms, we're talking about tens of thousands of young people.

We're not going to solve this problem tomorrow. We're not going to solve this problem alone. We're not going to solve this problem just here. We have to work on it together. I want to invite people to be involved in the campaign, to be involved in our efforts to convince the federal government to join us, to be involved in overseeing how this works, to assess each of the measures that we're taking together. I invite members of the opposition — I know the member from Kamloops but other members who want to be part of that — to join us in that effort.

We want to make sure that we consistently brief and we consistently evaluate the steps we're taking because to make changes, once something has started, takes some effort, collectively. And it will take some effort for us to see those numbers decline.

I think it's starting to happen, though, in a sense. I think the discussion we're having publicly is important. I think the information that is out and the greater information already is letting people know there's a problem so that people aren't, with ignorance, doing something that they think will be fine for them in proceeding and doing it.

With that, hon. Speaker, I wanted to thank all members, my friend from Kamloops, my friend from Vancouver—West End, the many members who have come and spoken to me about this, people who are active in the community, young people at Windermere and Gladstone schools who have talked to me pretty frankly about the situation — some of whom were using vaping products who spoke to me.

The teachers at those schools in my constituency have been very much involved in this and talked about the embarrassment of staff meetings to discuss taking doors off washrooms and such things as responses to something that's just happening and that they needed some help with. I want to thank all the people involved and say that this is something we're going to have to continue to work on together.

Deputy Speaker: Seeing no further speakers, the minister to close the debate.

[5:55 p.m.]

Hon. C. James: I just want to close with a very few comments to focus on the Minister of Health's final comments, which were that we have a job to do here, which is to solve the problem. The only way we're going to do that is by working together.

I think that has been modelled in the debate, but it's also been modelled in the way this bill came forward and in the way the ten-point plan came forward. I give credit to the Minister of Health for pulling in not only the information that was there through a private member's bill by the member from Kamloops—South Thompson but pulling in the Minister of Education and pulling in myself as the Minister of Finance to look at a comprehensive approach to this.

It's going to take a comprehensive approach. We know the challenges of changing behaviour. We know that from the history, whether we're talking about smoking, whether we're talking about seat belt use, whether we're talking about safety issues. We know the challenge that is ahead of us, and it's going to be critical for us to make sure that we're working together. We expect to be held accountable. All of us expect to be held accountable. We certainly expect to be held accountable as government as well.

I think the Minister of Health mentioned it, but I think it's important to note again. The member from Kamloops—South Thompson mentioned an education program, some ideas around that approach. There is a very clear focus that this will be youth-driven. Youth do not need grownups to tell them that one more thing is not good for them to do. That's not going to be effective. That has been proven, generation-wise, so this is important — for it to be peer to peer.

I think any resources that the member raised in his comments, any specific programs that he thinks are important, please share that information as well, because I think it's important. We're in the early stages. We're in the early development. This will be an opportunity to be able to include all of those programs and ideas, but as I said, with a youth focus.

I think the other piece — and I've raised this on one other

piece that was brought forward — is a tax piece. The focus is not on this tax as revenue. It's a focus on prevention. It's a focus on using the fact that youth are more price sensitive. In fact, we know that if we — and we've seen it with tobacco — increase the prices, you see the shift in behaviour occurring. I think that's a very important piece.

The member raised a very important point around the analysis of the 20 percent and why the 20 percent. I think we've had and heard a little bit of that discussion already around that line of where the black market takes over and where you're able to keep it inside. That's exactly the kind of analysis.... I know we'll have more discussion in committee stage on that piece as well.

I think it's pretty clear this is an issue that is supported across the board — to make sure we're doing everything we can to be able to address the issue of vaping and, in particular, youth and the challenges that we see out there.

With that, I will move second reading.

[6:00 p.m.]

[Mr. Speaker in the chair.]

Second reading of Bill 45 approved unanimously on a division. [See *Votes and Proceedings*.]

Hon. C. James: I move that the bill be referred to a Committee of the Whole House to be considered at the next sitting of the House after today.

Bill 45, Taxation Statutes Amendment Act, 2019, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Hon. M. Farnworth: I call, in this chamber, committee on Bill 39, Miscellaneous Statutes (Minor Corrections) Act, 2019.

[6:05 p.m.]

Committee of the Whole House

BILL 39 — MISCELLANEOUS STATUTES (MINOR CORRECTIONS) AND STATUTE REVISION AMENDMENT ACT, 2019

The House in Committee of the Whole (Section B) on Bill 39; R. Chouhan in the chair.

The committee met at 6:08 p.m.

On section 1.

P. Milobar: I'm just going to kind of lump everything in one question, just more for the public's knowledge. Then I won't have any other questions, in all likelihood, and we can just move everything as a block.

I get the concept around getting continuity in terms of punctuation marks and all of that stuff. I'm just wondering. It seems like, to me, a lot of rigmarole to go from a round bracket to a square bracket. What is the overall significance, I guess, within search engines or anything like that that requires this type of editing to have to happen? I get some of the pluralization and things like that. Maybe just for the public's information.

Like I say, I'm pretty much done.

[6:10 p.m.]

Hon. D. Eby: You know what? I learn something new every day, and I thank the member for the question.

The particular text that the member is talking about in section 1 and in other places in this bill is called a descriptor. A descriptor has a specific formatting in the statutory format of the B.C. Legislature, and that is that a descriptor uses square brackets and italics. A descriptor is something that is meant for ease of reference when someone is reading a section — the example is section 1 — so that they're able to immediately understand what the subsection reference refers to. There's a brief descriptor to tell you what it was about.

Here it says: "specifying other persons who are exempt from section 84(1)...." You might be like: "Oh, what is sub 84(1)?" Then you get a handy descriptor afterwards in square brackets with italics: "prohibiting payment for an adoption." It's like: "Oh, that's the section that prohibits payment for an adoption." Then you don't have to look back to that section.

The reason to put them all in square brackets with italics, instead of leaving them with round brackets and plain text, is so that somebody reading a statute who has familiarity with B.C. format — most judges, lawyers and people familiar with B.C. statutes — would immediately recognize it. It is simply for ease of reference and consistency across the statutes of the province.

Sections 1 to 4 inclusive approved.

On section 5.

A. Weaver: Now, I was intrigued by the additions in sections 5, 6, 7 and 8. They all follow along the same category. I'll just do it with respect to section 5. I saw an equation here, and that piqued my curiosity. Upon looking at this in a little more detail, I looked at the original, and I'm a bit perplexed as to why a suggested change would occur.

Is it because it now says...? It basically is with respect to the division sign. Was there some kind of misinterpretation that when you had "operator's tariff revenue/previous year's tariff revenue," in fact, the slash only referred to the revenue divided by previous? Or what other reason here? I can see no logical reason to only do this with respect to the division, whereby you have one-quarter times estimated expenses. The same logic would be one-quarter times estimated, with an expenses hanging off here.

I'm not sure how this is mathematically more correct or less correct. I do raise concerns about it making the bill longer, because it's spreading over extra lines. I'm wanting to see what the rationale is for this rather, almost, elementary school-type logic, in terms of having a big thing over another big thing. If the minister could perhaps educate me as to the rationale for this change.

[6:15 p.m.]

Hon. D. Eby: I was remiss in failing to recognize Cara Leitch, who's beside me here. She's the statute revision coordinator with the office of legislative counsel. I am indebted to her assistance as I answer the member's questions.

Previously, it was very difficult for legislative drafters to lay out a formula in a way that would be more immediately intuitive, which is the current format. So they did it in a straight line, and they did it with a slash rather than having one term over another term. The simple explanation is that with modern software, it's much easier to lay out a formula in this way, which is intended to provide ease of use for people who read the statute to understand how to do the math — in this case, in relation to ferry operator payments — more easily.

It's not a math correction. It's a formatting correction, I guess is the word. But it's not even really a correction. It's bringing it into consistency with the formatting standards of other formulas throughout B.C. legislation.

A. Weaver: Now, I would like to remind the Attorney General that in math, elegance and simplicity often trump, like long division, in this way. I cannot support this change and will be voting against it in light of the fact that what was very elegant mathematics displayed in a tight format, very easy to understand, is being replaced by what I can only describe as, frankly, inelegant mathematics that is not any more accurate and not as abbreviated as it could be.

Thank you to the minister for clarifying that.

Hon. D. Eby: I thank the member for his commitment to his principles even in the face of overwhelming evidence that this is the format for formulas in the B.C. statutes. I do admire his commitment to the cause, and I'm sure that history will note his disagreement with the formatting.

Sections 5 to 8 inclusive approved on division.

Sections 9 to 21 inclusive approved.

On section 22.

Hon. D. Eby: I rise to propose an amendment to Bill 39, section 22. The text of the bill reads "Statutes of B.C. 2000." It should read "Statutes of B.C. 2002," and the proposed amendment reflects that.

[SECTION 22, by deleting the text shown as struck out and adding the underlined text as shown:

22 Section 45.1 (1) of the Residential Tenancy Act, S.B.C. 2000 S.B.C. 2002, c. 78, is amended in the definition of "household violence" by striking out "affected a tenant" and substituting "affected a tenant's".]

I move the amendment:

On the amendment.

[6:20 p.m.]

A. Weaver: I do have a question on this amendment. This is the first time in my time in the Legislature that a miscellaneous statutes bill, which is dealing with commas and apostrophes and things like that, is being amended on the floor.

My question to the minister is.... I know the level of detail and work done by the various legislative drafters in this place, and they are phenomenal. How on earth was this profound error not caught? And why is it that we are having to debate it on the floor here today, as opposed to doing the work in advance to ensure that we didn't have to take the time up to discuss these amendments here on the floor?

Hon. D. Eby: Well, I regret to inform the member that I was concerned that the member had not been reading the bills. So I advised staff to insert an intentional error into the bill, with the aim of catching out any members who had not read the bill. It looks like we were successful.

A. Weaver: I very much appreciate that answer. I humbly take my chair. As the minister did point out, I did not check that, nor did I catch that, although I have checked historically, as you will know, certain comments.

With that, I'm very supportive of this amendment. It's a pivotal piece of legislative change that we cannot do without in this province.

Amendment approved.

Section 22 as amended approved.

A. Weaver: On that note, seeing as this is such an important change to this section, and as a member of this Legislative Assembly, I give notice now that I will not grant leave for this to go to third reading until such time as I'm able to see the bill printed in its corrected form, as is my right, after this bill passes through committee stage.

Sections 23 to 28 inclusive approved.

On section 29.

P. Milobar: I'm just wondering if the Attorney General could maybe give a little more depth to what exactly this is enabling — it is a consequential amendment; I think it's the only one in the whole bill — in terms of what this means moving forward, this change, in terms of the changes to how

the cross-referencing terminology amendments to the regulations will be made with statute revisions.

[6:25 p.m.]

Hon. D. Eby: On occasion, a statute will be revised, and that revision will have an impact on regulations that are already in existence. The issue is that until the revised act passes, the regulations that existed before the coming into force of the revision can't be revised until the act is passed.

The goal of the office of the legislative counsel is: could we bundle all together the changes to the regulations that are necessary to bring them up to new terminology in the act that's about to pass with the order-in-council that brings the act into effect, as opposed to having to bring the act into effect and then going back and changing all the regulations individually?

Staff have brought an example of that. Under the old Workers Compensation Act, there is a description of a permanent disability award that was made by the board, and that was incorporated into the regulations. But then the Workers Compensation Act was changed to describe a permanent disability compensation determined by the board — different wording. That wording could now be incorporated into all of the associated regulations, in the order-in-council, all bundled together when the revised act is brought into force, as opposed to having to bring it into force and then do them all individually later.

It's an intended efficiency mechanism to assist the office of legislative counsel in bringing regulations up to date with revised terminology in a revised act.

Sections 29 and 30 approved.

Title approved.

Hon. D. Eby: I move the committee rise and report the bill complete with amendment.

Motion approved.

The committee rose at 6:27 p.m.

The House resumed; Mr. Speaker in the chair.

Reporting of Bills

BILL 39 — MISCELLANEOUS STATUTES (MINOR CORRECTIONS) AND STATUTE REVISION AMENDMENT ACT, 2019

Bill 39, Miscellaneous Statutes (Minor Corrections) and Statute Revision Amendment Act, 2019, reported complete with amendment, to be considered at the next sitting of the House after today.

Hon. D. Eby: I call Bill 40, the Interpretation Amendment Act, 2019, committee stage.

[6:30 p.m.]

Committee of the Whole House

BILL 40 — INTERPRETATION AMENDMENT ACT, 2019

The House in Committee of the Whole (Section B) on Bill 40; J. Isaacs in the chair.

The committee met at 6:31 p.m.

On section 1.

L. Larson: As the minister knows, I support this bill. I just wanted to take an opportunity here to say that and also to comment on the fact that there are areas of the province that are not in the same time zone as other areas of the province and, with your indulgence, to allow my colleagues who live in the northeast and southeast corners to make comment before we go through the thing.

T. Shypitka: I want to thank the member for Boundary-Similkameen for initiating a private member's bill — the reason why we're here today, in part. I wanted to put a little disclaimer out first. This Bill 40 is applicable to everybody in the province except those on Mountain Standard Time and Mountain Daylight Time.

That kind of brings me to my first question. There was a little bit of confusion on the survey when it first was brought out. I looked at the survey. The reason was.... A lot of people in my riding and, I know, in a lot of other ridings took part in the survey. In an effort to.... A lot of people don't want to move their clocks twice a year, and some people do like moving their clocks twice a year.

What they found after the survey was done was that this bill and this survey didn't apply to them. They were very confused, some very angry. I got lots of phone calls, and I still get them to this day. I just wanted to ask if that was considered. I'm looking at the survey right now. I'll just read one sentence, for example. It was the first question, "B.C. continues the practice of changing our clocks biannually," or not. Then it goes on further to say: "B.C. should continue our current practice of 'springing forward.'" The question was if B.C. should continue its practice.

Using that terminology of "B.C." sounds inclusive to me. Was there any thought that went into the ministry to exclude the terminology "B.C." and make it pertain only to those in the Pacific Time zone?

[6:35 p.m.]

Hon. D. Eby: The concern was that in doing the survey, there might be a feeling in the member's community that government was planning on telling his constituents what to

do in terms of which time zone to adhere to, either Pacific Time or otherwise. The goal was for those communities that have made their own decisions about particular time zones to continue to be able to do that. The concern was that putting that kind of wording into the survey may have suggested that government was looking at forcing them in one direction or the other.

Really, the intent was simply to gauge whether British Columbians wanted to continue changing their clocks or not and whether they wanted to be in sync with neighbours on the borders to the north and the south.

As far as the decision for the member's constituency, it is a local decision about whether they will decide to move to Pacific Time or to remain in the current time zone. They will be able to make that decision locally, which was the desire of government — that they be able to do that.

T. Shypitka: Absolutely, it's a local decision. We can do that regionally and municipally.

However, a simple disclaimer to avoid the confusion would have been very easy to do. I think for me to phone the 36,783 people in my riding would have been pretty tough to do to tell them to stop. I could have put it on websites, or I could have spent some money on advertising. It could have been all kinds of things.

The simplest solution would have been merely just to say: "Disclaimer. This is only for people in the Pacific Time zone region, and it excludes people on Mountain Daylight Time and Mountain Standard Time." That's really all I'm trying to get at here.

Going a little further, does the minister have any thoughts on how this could have skewed the survey in general?

Hon. D. Eby: We did have responses from East and West Kootenays. I'm advised by staff here, by Neil Reimer, director of policy and legislation, Ministry of Attorney General, that it was consistent with response patterns from other parts of the province, which was overwhelming support for Pacific Time and support for remaining consistent with neighbours, if possible.

I take the member's point. His suggestion is a sound one. Simply note in future that if there's an engagement that's up and members are hearing concerns that somehow there's a local issue that's not adequately reflected or is creating confusion, please don't hesitate to let us know, because then we could make adjustments and clarifications to try to avoid what it sounds like the member had in his office, which are phone calls and questions about the survey.

T. Shypitka: I will certainly take that back to the constituents. They would appreciate the words, for sure. It did cause some confusion, and a lot of people were a little upset. Not feeling part of the province is kind of what the general feeling was.

This next part here talks about Pacific Time meaning seven hours behind Coordinated Universal Time. I'll just use

the initials UTC to describe that. Now, this is a tough one for me to even wrap my head around. The proposed time is minus seven from UTC. That actually means based on the Pacific Daylight Time model. So when we spring ahead, we're minus seven hours from UTC time.

That's to the opposite side of what Greenwich Mean Time is, and that's what the Vancouver Charter, in section 194, identifies as being seven hours behind Greenwich Mean Time.

[6:40 p.m.]

There are two different time zones. Greenwich Mean Time recognizes daylight savings time, and UTC is a fixed standard time. So if we're going to a minus seven on the UTC, it actually resembles more the standardized time of Mountain Standard Time, which is an actual standard time across the board.

It becomes a little bit more confusing, because people in my time zone, on mountain daylight savings time, as opposed to people in the members' from Peace north or Peace south.... They're on Mountain Standard Time. So there are three different time zones in the province. I can drive 40 minutes down the road, and I can go through all three time zones within 40 minutes, because Creston, next to Cranbrook, is actually on daylight savings time.

What could possibly happen here is if we ever wanted to coordinate our time with the rest of the province — as the Attorney General mentioned, we have that ability to do it — we would now either be called Pacific Time zone or we'd stay on Mountain Standard Time. So we could essentially have two different names of two different zones with the same time in the province.

Now, the sensible thing to do would be just to accept being on Pacific Time, so the whole province would now be on Pacific Time. Ours would resemble Mountain Standard Time. Theirs would resemble Pacific daylight savings time. If you can follow me with this.

Now, the conundrum kind of goes down the road, because Alberta is going through a survey right now, and we do a lot of trade with Alberta. I think, probably, the general consensus in the province, same as here, is people like the daylight savings time model. We like those late nights and stuff like that.

However, if they went to Mountain Standard Time, they would either now be put into the position of calling themselves Pacific Time zone, or they would have a different time zone called Mountain Standard Time, which is what they would be more truly reflecting.

This would confuse a lot of commuters going from Calgary to Cranbrook, going from Mountain Standard Time to Pacific Time and it being the exact same time zone. I'm just wondering if the minister thought about these kinds of conundrums that could happen down the road, because we're very diverse in this province, and this could have a ripple effect across the board.

Hon. D. Eby: The member is right. I've spent a lot of time

thinking about this. No, I haven't. The truth of this matter is that I am very reliant on staff that spend a great deal of time working this through. I have to admit my eyes crossed a little bit when the member was running through the explanation of the issue. I think I have a handle on it now.

The member is correct that Pacific Time would be the same as Mountain Standard Time — the same on the clock. If you looked at it, it would be the same time. As long as Alberta continues to do daylight savings time, that would be half the year we would have the same time — Pacific Time, Mountain Standard Time — and half the year we would be different times. Now, I understand that Alberta is doing an engagement on that very question right now. So that may or may not be an issue in terms of half the year, half the year.

In terms of people's experience of the time, the name of the time zone is not hugely significant. However, I do accept the member's point that we'll have a couple different time zones, with, for at least half the year, the same time, and potentially all year round, should Alberta decide to abandon daylight savings time as well.

[6:45 p.m.]

T. Shypitka: Not to belabour this, but the next question would be.... Alberta has got a survey going on right now. Has the minister been in contact or asked the Alberta government which way they think it's going to go?

I think it'll probably go to daylight savings time. So this could all be just an exercise here in clarity. If Alberta goes to Mountain Standard Time, they will either then be forced to be called the Pacific Time zone all the way to the Saskatchewan border, or they'll be Mountain Standard Time, which aligns with UTC on a standardized set time, and we would have two different time zones with the same time.

I'm just wondering. The question to the minister would be: has he contacted the Alberta government on their survey that they're doing right now?

Hon. D. Eby: No, I haven't. I do want to recognize the significant number of British Columbians in the survey who said it was important to, as best as possible, be on a similar time zone with our neighbours to the north and south. I'm sure the feeling is the same to the east, as well, but I would not want to be seen to be weighing in, in any way, on Alberta's sovereign consultations — wrong word — their own provincial jurisdiction to do their own engagement with their own folks about their own time zone and what they want to call it.

I don't suspect that Mr. Trudeau would want to weigh in and force them to adopt the moniker Pacific Time in the event that they decide to vote to do away with daylight savings time, but I'm just speculating way out of my range now. This is an Albertan matter for Albertans. As far as British Columbians, the message to us is very clear that they want to get rid of daylight savings time.

M. Bernier: First, I just wanted to acknowledge and thank

the minister for agreeing that it's not appropriate to interfere with Alberta's affairs. That's a great acknowledgment here in the House. I thought I'd do that.

I actually thought I understood this topic until I heard my friend from Kootenay East with his preamble. I think I confused myself again, but I'm glad that you have learned staff with you. Just quickly, though....

Obviously, the minister knows that the Peace region, for decades now, has been on Mountain Standard Time and has actually not recognized daylight savings time. Thus, we stay the same year-round. I would, I guess, acknowledge that that's kind of what we're looking at doing now in the province, the rest of British Columbia. Half the year we were Alberta time, and half the year we're B.C. time, if you want to call them those time zones for simplicity. I'm just hoping....

All I really need is for the minister to clarify it for the people in my riding. The understanding, first of all, that I've got it correct but to basically acknowledge that what this bill enforces.... If it's enacted through regulation next year, the understanding, then, will be that the Peace region will no longer have that effect of only being the same as British Columbia half the year. Provided the Peace region stays with what is now Mountain Standard Time, it will now reflect the Pacific daylight savings time that the province is looking at going to, which means we'll be the same year-round, my region with the rest of the province, absent maybe a few in the Kootenays that are being discussed. I just want to make sure that that's correct.

Hon. D. Eby: That is correct, and I do appreciate that the member has not lectured us all on "I told you so." They were clearly ahead of the curve in his constituency, and we're catching up to them.

A. Weaver: My question with respect to this section is.... I understand the bill was proposed after a very extensive consultation process in the midst of the summer, when everyone's sitting on their patios enjoying the long summer nights. My question to the minister is: why was the option for remaining on standard time not put to the people as well?

I've received quite a bit of feedback from my constituents, invariably opposed to going on daylight time but, rather, staying on standard time. I'm wondering why that option was not put forward.

[6:50 p.m.]

Many people who've expressed their concerns to me have done so saying that they don't like the change. They understand the research in terms of both the health and safety impacts with springing forward and falling back every year. They understand that. They understand the move and desire to keep on the same time zone.

The arguments were not particularly compelling, as my friend from Kootenay East here pointed out, with respect to interjurisdictional matching, in light of the fact that we have three time zones already in our province and in light of the fact Saskatchewan remains on standard time year round. So

does the Fort St. John region. Alberta is going through this process that could end up being on standard time or daylight time or Pacific Time. So why was this not put as one of the potential options?

Hon. D. Eby: Remarkably, 223,000 British Columbians in the summer participated in this engagement, a very significant level of participation. There was an open-ended section in the survey where people could provide their feedback to us. Staff advise that 3 percent of those open-ended answers referred to preferring to be on standard time versus the option that was put forward in the survey.

The key motivator around the options that were presented in the survey was, I think, borne out in the consultation: the idea that we would be well placed to be consistent up and down the coast, from the Yukon all the way down to California, if we could.

I accept the member's contention that it wasn't put forward in the survey. But even where people did have an opportunity to raise the issue, we did not see a significant number of folks raising concern about this. It was on the order of about 3 percent.

A. Weaver: Well, I don't feel that that's a very satisfactory answer. The question was why it was not put on as opposed to in the open space, where people often.... They like to click boxes in these surveys. There was no option presented.

In the second reading speech, I gave a long discussion about some of the issues that will arise. I would suggest to the Attorney General that the information — does he not feel this is true? — provided to people was incomplete.

The information provided to citizens voting or selecting choices, limited choices, did not really talk about some of the failed models — when we went to daylight savings time in the U.K. in 1968. It did not talk about the safety issues that arose as a direct consequence of that, which is why, in 1971, after people complaining, they switched back to standard time. I remind the Attorney General that our latitudes are actually, in many cases, south of what in Victoria.... And we have other latitudes more north than places in Britain, where this was occurring.

In addition, we know the experiment in the U.S. not once but twice was reversed. Again, once, it was put in and reversed after a short period of time during the OPEC crisis as a direct consequence of people once more complaining. It's going to matter when people in Prince Rupert and children going to school in Prince Rupert realize that they're waking up with sunrise at 10:30 in the morning or whatever it might be.

It's quite different, given that the whole reason that standard time was put in, in the first place was a standard time — recognizing that the solar noon, the temporal noon and our body clock should be as closely matched as possible. This kind of idea here seems to be half-baked.

It's based on California, Washington and Oregon musing about it. California has since mused about going on standard

time instead of daylight time. Frankly, Alaska, in the same corridor, is on a different time zone.

[6:55 p.m.]

I come back to the point. Does the minister feel he has the information, in light of the fact that incomplete information was provided to the electorate on which to base a decision? Does he think that, in fact, two years from now, we're going to be reverting back to standard time like every other jurisdiction that's done this has done so, because people will be complaining the first time a child gets hit by a car on their way to school in the dark?

Hon. D. Eby: I think it's important to note for the member that in terms of aligning clocks to when we're awake, the current method of changing time does the best job of that. If you're choosing a different time zone, there are pluses and minuses. The member mentions dark mornings as a point of concern. Similarly, on the time zone the member is advocating for, there are very early morning sunrises — 3:30, four o'clock in the morning — during the summer, which has its own consequences.

The important thing to note is that there are choices to make here. I understand that British Columbians, after they experience not doing a changing of the clock for the first time in generations, may not like it, and they may want to do something else. That is certainly a possibility. It's not out of the question. I'm sure that the government would listen carefully to concerns like that.

I can tell the member that we had.... Ninety-four percent of participants in the survey supported the direction of the bill.

A. Weaver: Just one final comment to confirm that it is true that sunrise in daylight savings time does occur at 3:39 in the morning in Prince George on the longest day of the year. But the safety issue is the fact that down in these latitudes, we're going to have people rising in darkness. They'll be coming home in lightness. They're going to be going to school in darkness, and therein lies the essence of the concerns, which I don't think was brought to the public.

With that, I'll reserve any further questions.

Hon. D. Eby: I move that the committee rise, report progress and seek leave to sit again.

Motion approved.

The committee rose at 6:58 p.m.

The House resumed; Mr. Speaker in the chair.

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

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

Hon. D. Eby: I seek leave to table a report.

Leave granted.

Tabling Documents

Hon. D. Eby: I have the honour to present the final report of the 2019 British Columbia Judicial Compensation Commission. This commission is appointed under the Judicial Compensation Act to make recommendations regarding the salaries, allowances and benefits for provincial court judges and judicial justices for the three fiscal years 2021 through 2022-23.

Pursuant to subsection 6(3) of the Judicial Compensation Act, I also advise the House that if the Legislative Assembly does not resolve to reject any of the recommendations contained in the report within the time established in the act, then the judges and judicial justices will receive the salaries and benefits recommended by the commission.

The time established in the act for such a resolution is 16 sitting days after the date the report is laid before the assembly — in other words, 16 sitting days after today.

If any recommendations contained in the report are rejected, then the assembly must set the remuneration, allowances or benefits that are to be substituted for the commission's recommendations.

I thank the members for leave. Today was the last day for us to table this report.

Hon. M. Farnworth moved adjournment of the House.

Motion approved.

Mr. Speaker: This House stands adjourned until 10 a.m. tomorrow morning.

The House adjourned at 7 p.m.

Proceedings in the Douglas Fir Room

Committee of the Whole House

BILL 41 — DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT (continued)

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

The committee met at 2:53 p.m.

On section 1 (continued).

M. Lee: I just wanted to continue our discussion on section 1 by furthering the exchange we were having yesterday

between my colleague the member for Abbotsford West and myself with the minister.

One of the clarifications, certainly, in our discussion today on this section has been that the application of UNDRIP, meaning the words that are utilized in this bill, is understood by government in the use of those terms. The intention is that the courts would continue to use UNDRIP, as it's attached to this bill, merely as an interpretive tool. As that tool of interpretation, that certainly is consistent with other decisions of the courts, which is something I'd just like to spend a few minutes talking to the minister about.

[2:55 p.m.]

For example, the decision by the federal court in the *Nunatukavut Community Council Inc. v. Canada*, a decision of 2015. In paragraph 103, the court held that UNDRIP "may be used to inform the interpretation of domestic law." Then further: "While the court will favour interpretations of the law embodying UNDRIP's values, the instrument does not create substantive rights."

This is very similar to what the minister confirmed yesterday. The view of the government is that it is there to be utilized as a tool for interpretation by the courts. It doesn't create new substantive rights, and that's the intention of the government in this bill.

Having said that, I'd like to ask the minister... I'm familiar with decisions that have said, generally, the approach that the courts will be utilizing, which is the use of this as an interpretation tool. Can the minister, from the government's point of view, understanding it is an interpretation tool, share with the committee other instances of decisions of the court where it has been actually applied as an interpretation tool?

Hon. S. Fraser: Thank you to the member for the question. The *Nunatukavut Community Council Inc. v. Canada* — that's the first I'd heard of that case. I thank the member for edification on that. Besides that, we have found two others: the *Inglis v. British Columbia 2013* case and the *Taku River Tlingit v. Yukon*; 2016 is the date of that. That's not an exhaustive list, but that's what we've been able to come up with on short notice here.

M. Lee: I appreciate that response — on short notice, as you say. It will be useful because so much of this depends upon the current understanding of the government as to how UNDRIP will be viewed by the courts. So I think it's important. Perhaps I would ask, as we go through the rest of the committee stage here, that this may be a point that we can come back to as the minister's team has an opportunity to consider, through the course of today and the days that follow, what other decisions the government is aware of.

[3:00 p.m.]

Again, I do think it's important that we have a clear understanding of how the courts have applied UNDRIP. Certainly, these decisions are helpful, but as we look at it, it is still new. That's something that the minister took an opportunity to,

again, share with this committee — that this has not been done before. Even though Bolivia is a jurisdiction in which they've gone through a similar but different process, in terms of actually appending UNDRIP to a legal document and enacting it in a bill of this nature in totality.... That, as I understand, is not what Bolivia has done. There are certain portions that they may not have brought into their legislative framework.

I think it's important that we understand, with this bill, how the courts will be looking at UNDRIP. We are in a collective understanding, based on these decisions to date, that directionally it is to be a tool for interpretation. I just wanted to ensure that, for the record, we have a clear understanding of what that is. Again, if the minister would be agreeable to that, as your team is able to identify those other decisions, if there are any others, perhaps we can circle back and have that further discussion, regardless of when that might be, during this committee proceeding.

Hon. S. Fraser: We'll endeavour to comply with that. It sounds reasonable to me.

Section 1 approved.

On section 2.

M. de Jong: With respect to this section, which, again, focuses on the application of the declaration to the laws of British Columbia and speaks to the implementation in 2(b), the implementation of the declaration.... I wanted to just take a few moments, along with my colleague, to explore that aspect of it. I'm talking about sub (b) and the implementation, the work ahead and the work that has taken place.

The minister, in his earlier remarks in this committee and, I believe, at second reading, spoke to the mandate letter that guides his work. I wonder if he might relay to the committee, and the people watching, the nature of the mandate he has been handed by the Premier when he took office.

[3:05 p.m.]

Hon. S. Fraser: I'll read directly from the mandate letter that I received from the Premier over two years ago now. This is the first part. I think it was universal to all ministers. I'll start with that, and then I'll move into the specifics.

M. de Jong: To help the minister, I have a copy. I am grateful that the minister will read into the record the part that he can choose to reference, whatever part of the letter he wishes. My sense is that the relevant part for our discussion here today is on page 2 of the letter, about four or five paragraphs down. It speaks to: "As part of our commitment to lasting reconciliation...."

Hon. S. Fraser: Thank you to the member opposite. I will read that in. It's a paragraph that was part of, I believe, all my colleagues in all ministries. All ministries received

this as part of a universal mandate letter that went out. I had some more specifics, of course, and other ministers would have too.

It reads:

"As part of our commitment to true, lasting reconciliation with First Nations in British Columbia, our government will be fully adopting and implementing the UN declaration on the rights of Indigenous peoples, or UNDRIP, and the calls to action of the Truth and Reconciliation Commission. As minister, you are responsible for moving forward on the calls to action and reviewing policies, programs and legislation to determine how to bring the principles of the declaration into action in British Columbia."

I guess I could elaborate on that, but that is the specific wording that I did receive, as did other ministers of the Crown.

M. de Jong: As the minister has pointed out, in his particular mandate letter, there are at least two additional bullet points that refer specifically to the United Nations declaration. I wonder if he might care to provide those for the record as well.

Hon. S. Fraser: I'd be happy to. "Work collaboratively and respectfully with First Nations to establish a clear cross-government vision of reconciliation to guide the adoption of the UN declaration on the rights of Indigenous peoples, the Truth and Reconciliation Commission calls to action and the Tsilhqot'in Supreme Court decision." Next is: "In partnership with First Nations, transform the treaty process so it respects case law and the United Nations declaration on the rights of Indigenous peoples."

There are three more bullets. They're not very long, so I'm just going to put them into the record too. "Support Indigenous communities seeking to revitalize connections to their languages." Next is: "Provide reliable, dedicated funding and support for friendship centres." Lastly: "With the Minister of Finance, negotiate with First Nations leadership and communities around expanding opportunities for their share of B.C.'s gaming industry."

M. de Jong: As the minister has indicated, the first part of that, the first paragraph, references the government's commitment to lasting reconciliation and speaks to implementation of the United Nations declaration. That paragraph, as I understand it, was included in the mandate letters of each member of the executive council.

I've looked at a few. I have the Forest Minister's mandate letter, the Finance Minister's and the Attorney General's. That paragraph appears to be embedded in all of the mandate letters. The minister can, I think, confirm that it formed the basis of the instructions that the Premier provided to each member of the executive council at the time they were sworn in.

Hon. S. Fraser: I apologize in advance. I was reading my mandate letter off of an iPad, and I realize that's not appro-

priate. I don't think I have a paper copy here. If I have to refer to it again, I may have to get a paper copy.

That being said, that paragraph, specifically.... My understanding is every one of my colleagues in executive council received that exact same paragraph as part of their mandate letter. Of course, they would have received, along with that, specifics to their ministry in their mandate letters that I would not have received. I, too, received.... The portions that I read in there, below that paragraph, were specific to my ministry.

M. de Jong: How's it going?

[3:10 p.m.]

Hon. S. Fraser: Pretty good, I think. The question is somewhat subjective, and I'm probably somewhat biased. Thank you for the softball on that one. To the member opposite, I appreciate the humour of it too.

I have been in the position for 28 months now. I thought I knew everything about the ministry, as I was a shadow cabinet critic for many years with many ministers, including the member opposite as minister. I thought I had a pretty good handle on how things worked, but I did not. I learned a lot in the first couple of months.

The mandate letter was quite clear to me on all of those key issues that were highlighted by the Premier in my mandate letter. This last piece, bringing in the legislation to recognize the UN declaration, was a key part. The other mandates that I was given, specifically, are all well underway.

M. de Jong: Yes. It was an uncharacteristically general question, but I think the minister caught the essence.

In his second reading remarks, he actually took a moment to point out some of the progress that he feels the government has made departmentally and across government with respect to implementing the UN declaration since taking office in 2017. I thought I might ask him here, since we are talking about a section that deals with implementation, what he sees as the achievements, the highlights that relate to, specifically, the implementation of the United Nations declaration, whether anything of substance has been accomplished.

In his second reading remarks, he pointed to some things that he feels fall into that category. I'm interested to know what, given the opportunity, he would point to, what the government would point to, as demonstrating progress with respect to the specific task of implementing the United Nations declaration.

Hon. S. Fraser: I know, at one point, myself and my colleagues in executive council tried to quantify the pieces of what we're doing together across government. We are breaking down, I think, silos within government. I think in this particular.... The identical mandates that were given to all the ministers are reflected in each ministry. It's interesting, as we work together in government, to try to implement the spirit and intent and words of the UN declaration.

[3:15 p.m.]

With that in mind, in my particular ministry, the Ministry of Indigenous Relations and Reconciliation — the language portion — we invested \$50 million over three years towards protecting and revitalizing Indigenous languages through the First Peoples Cultural Council. So that's underway, of course. We're in the second year of that.

Core funding for friendship centres was another key specific mandate in my letter from the Premier. We've invested, I think, just over \$6 million in three years. That's ongoing also.

Treaty transformation work has also undertaken some major changes in a tripartite agreement. Just before the writ dropped for the federal election, we were able to sign off with our partners — the First Nations Summit and the federal government, our federal counterparts — on some major work on treaty transformation, bringing the treaty process in alignment with the UN declaration.

Gaming. Specifically, the largest revenue-sharing agreement in the history of the province — \$3 billion over 25 years, about \$100 million a year, coming out of the provincial portion of gaming. Just for the record, it's not affecting gaming grants that go to local governments or NGOs. That money is already flowing. Then, of course, there's the UNDRIP legislation.

Besides that, my colleagues in other ministries.... This will not be exhaustive either. For example, in Housing, we've got \$550 million specifically earmarked for Indigenous housing, off and on reserve, also, which is a new thing. That's over ten years.

Implementing a new K-to-12 curriculum that makes sure all children in British Columbia are taught about Indigenous culture and history. Again, this is just a list. I'd have to sit down with all of my colleagues. I know that they'd be able to bring out numerous other examples of where government has, I think, taken the mandate letter seriously.

M. de Jong: To be fair to the minister, you're not often confronted by questions from the opposition to outline all the great things you've done. The minister has provided a list, admittedly not an exhaustive list. He referred to most of these things in his second reading remarks as well.

I take it that there has also been some work done around statutory harmonization or statutory updating. The reason I can say that with a measure of authority is that the House dealt last year, for example, with Bill 51, the Environmental Assessment Act, which included provisions that specifically referred to the United Nations declaration.

Section 2, I think, in that act, specifically referred to the purposes to support reconciliation by, in sub (A): "supporting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples." I think I recall that correctly. That is an example of a statutory change that has taken place. There may well be others where there has been specific reference to the declaration built into the legislation.

So (a), will the minister confirm for the committee that my recollection of that particular amendment is correct?

And (b), if he can cite any other similar examples where legislation has been amended to include a specific reference to the declaration, I'd be obliged to hear about them.

[3:20 p.m.]

Hon. S. Fraser: To the member opposite, his memory was correct. In the Environmental Assessment Act, subsection (2)(ii): "support reconciliation with Indigenous peoples in British Columbia by (A) supporting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples." The member was spot on.

Besides that, there's also the Professional Governance Act, subsection 7(2), and off the top, that's what we've come up with. Again, that may not be exhaustive, but those are the two that come to mind at this point.

M. de Jong: I think, for the purpose of the conversation I wish to have with the minister, that's sufficient, and I acknowledge that there may be other examples.

My question relating to that is this. I don't recall this being an issue at the time those provisions made their way through the parliament here. But in the course of developing them, drafting those — I know the minister would have been involved in advancing the mandate that he's been handed by the Premier in his role as minister — did he, the government, legislative counsel, encounter any statutory impediments or other impediments that threatened to frustrate the desire to include the amendments and the references to the declaration that we have just identified in at least two statutes and possibly more? Well, that's my question.

Hon. S. Fraser: Just a reminder that any advice received is subject to solicitor-client privilege. So I cannot speak to the question.

[3:25 p.m.]

M. de Jong: Right. I may have asked the question incorrectly. I wasn't seeking the minister to reveal anything that might be covered by solicitor-client privilege.

I'll try again. Is Bill 41 — this section or any of the provisions that we have or will deal with — designed to address or overcome any obstacles that the government has encountered in advancing the kinds of provisions that we have just talked about in the Professional Governance Act or the Environmental Assessment Act that allow for specific reference to the UN declaration?

Hon. S. Fraser: The answer will be a simple one. It would be no.

M. de Jong: Thanks to the minister. I will say it one different way, and it's a question. The passage of Bill 41, obviously, then, was not a prerequisite to being able to successfully amend the two statutes that we have referred to — the Environmental Assessment Act and the Professional Gov-

ernance Act. It was possible to do that absent the passage of Bill 41.

Hon. S. Fraser: That's correct.

M. de Jong: Going forward on the assumption that Bill 41 passes and is enacted, as I expect it will be, can the minister advise: will it be necessary to advance the kinds of amendments and embed the kinds of provisions that we now see in the Environmental Assessment Act and the Professional Governance Act? I hope the minister understands my question. Will it be necessary, post passage and proclamation of Bill 41...? If the government wishes to create that linkage, will it be necessary to do so on individual statutes?

[3:30 p.m.]

Hon. S. Fraser: As we move forward, there's no one answer. This will be case by case, depending on the objectives of government and our work with Indigenous peoples. As you'll see in section 3 coming up, the process for doing that will be there. There's no one answer. It'll be a case by case.

M. de Jong: Maybe the fairer question, then, to the minister at this stage of the game is to ask him to confirm that the legal authority to make the kinds of changes that have already been made to at least two statutes — the Professional Governance Act and the Environmental Assessment Act — to include specific reference to the UN declaration exists today and is not dependent upon passage of Bill 41. Is that a fair statement?

Hon. S. Fraser: That would be an accurate statement, yes.

M. de Jong: My colleague is going to pose a few more questions, a couple more questions, in a moment. Then — so that the minister and his team can, perhaps, begin to prepare — what I'm proposing we do, as part of the discussion in section 2, is to move to the actual declaration and, as best we can, move through some of the questions that have arisen with respect to the articles.

The minister, happily, has chosen to append the declaration. Since it is ultimately about the declaration, a more detailed and, to the extent we can keep it organized, orderly examination of the articles of the declaration is what I propose to move to momentarily.

Before we do that, though, I want to.... I was thinking last night about summarizing what we've learned so far. If it's the kind of thing that I am going to say, I'm interested to know whether or not the minister, on behalf of the government, agrees with this proposition.

I think it is fair to say that the government of B.C. and the minister are seeking to accomplish certain things. We see that revealed in the mandate letters that we have had referred to us. We have heard it from the minister during the course of this discussion, in his introductory comments, in second reading comments — a desire on his and the government's

part to align B.C. more closely with the principles of the UN declaration, for our laws to be more consistent than they are presently with the UN declaration, that those are specific objectives that reveal themselves and that the minister is trying to advance.

[3:35 p.m.]

I understand that. I think if I've misstated that, the minister can correct me. There are clearly other aspirations for the government, more broadly, but with respect to the UN declaration, I hope that is a fair and accurate summary.

What we have learned thus far is that the passage of Bill 41 won't create or bestow any new rights for Aboriginal peoples or Aboriginal communities in B.C. We have learned that following the passage and proclamation of Bill 41, the UN declaration will, according to the minister, have no legal force and effect in B.C.

We know — again, thanks to the minister — that today the UN declaration is available to the courts in B.C. for use as a guide if the courts wish to use it as such. We have learned further from the minister that following passage and proclamation of Bill 41, the UN declaration will continue to be available to the courts as a guide, but the minister made the point that there will be no mandatory or legal requirement for the courts to consider or apply its contents. We have learned, thanks to the minister, that section 35 of the constitution remains determinative on the question of Aboriginal rights in Canada.

We have learned this afternoon that steps by the government to implement the declaration have been underway since 2017. We've seen, and discussed briefly, the mandate letters. We've ascertained that legislation is being amended to include references and incorporate elements of the UN declaration — the Environmental Assessment Act, the Professional Governance Act.

All of this has been happening in advance of the introduction and ultimate passage of Bill 41. We've heard just a few moments ago that the government has all of the legal authority required to continue its United Nations declaration implementation work and that Bill 41 is not a prerequisite to advancing that work.

If all of that is true, if all of what I've just said is true, then in fairness, Bill 41 strikes me as being somewhat less historic than, perhaps, many of us have been describing it to be. But in fairness to the minister, I should provide him with an opportunity to consider what I've said, in summarizing what we have learned today, about what the government's position is with respect to Bill 41 and these matters. Maybe I'll be obliged to change my mind.

[3:40 p.m.]

Hon. S. Fraser: The member gave his characterization of the state of affairs with Bill 41. I will respond by giving mine.

I don't know if any of the members opposite attended any of the Truth and Reconciliation Commission's hearings that happened with, at the time, Justice Murray Sinclair, Senator Sinclair now — powerful events. I had friends and Eld-

ers and Chiefs — proud Indigenous people and leaders in the province — come forward in a way that I've never seen before. They broke down; we all broke down.

It was, as we all know, the horrors of the residential schools legacy — the dark legacy of the residential school system — that led to the Truth and Reconciliation Commission's work and their *Calls to Action* that came from that. I think it's incumbent on all of us, certainly in leadership roles, to take those calls to action very, very seriously.

Article 43, call to action 43, for the record: "We call upon federal, provincial, territorial and municipal governments to fully adopt and implement the United Nations declaration on the rights of Indigenous peoples as the framework for reconciliation."

This is part of the impetus — it's about justice — for government going down this road. The legislation, as it says in the *Calls to Action*, provides a framework for government. They're calling for governments of all stripes to take this on. I know our federal counterparts made a valiant attempt at that the last time around. Hopefully, they will come back for that.

It provides a path forward, a different way where we recognize the rights and title of Indigenous people in this province, as opposed to a rights-denial approach. The best tools for that, I think, are the articles within the UN declaration. They will help provide government the pathway forward to provide more stability in the province. More fairness and more justice are key here, but also more predictability on the land base and more certainty.

We've heard that message also, loud and clear this summer, when we travelled around to industry groups, businesses, local governments and a whole number of groups, too. They urged us, as the courts have told us time and again over the decades, to move on with reconciliation, for all the reasons I've just stated. I believe that Bill 41 provides us a very measured, predictable way, a transparent way for us to accomplish that as government.

M. Lee: At this juncture — just prior to diving further into this particular section, section 2 — by way of understanding where the government has made progress in the last 2½ years, the member for Abbotsford West has taken the minister back through the operative paragraphs, which, from what we understand, the Premier had put in every mandate letter for the members of cabinet.

[3:45 p.m.]

I had the opportunity, as I mentioned in the previous section at committee stage, to discuss with the Attorney General his similar mandate and the progress that has been made to bring in place the principles of UNDRIP.

In response, 18 months ago the Attorney General had a similar list of various initiatives, including the implementation of some of the additional funding requirements to meet the expansion of Parents Legal Centres, some of the recommendations that came out of Grand Chief Ed John's report, for example. He also referred to the ten principles that the provincial government had come about to guide

public servants in their approach in relationship with Indigenous people. These ten principles were very much in line with the similar principles that the federal government had put in place as well.

I just would like to ask the minister.... In terms of the operation of those principles, many of them at a higher level, let's say, don't have necessarily the same level of detail of the 46 articles of UNDRIP, but they're similar in nature, in terms of the broad themes around self-determination, reconciliation, even the recognition of free, prior and informed consent. In the context of these principles, first, to the minister: what level of consultation was utilized for the development of these principles?

Hon. S. Fraser: Thanks to the member for the question.

Concrete actions aren't within the context of the bill, just for reference. The ten are draft principles. They are very similar to what the federal government did. They were within the concrete actions, the document that we have with the.... They actually began with the previous government, with the leadership council. They are drafted in the sense that they are adaptable. We will take input on them. They're essentially a guide for the public service, as we were embarking on this journey of reconciliation in a different way. So for the public service, this will help provide them with some of the guidance.

Hopefully, we're not going get into detail on the ten draft principles, because that's another discussion.

M. Lee: I appreciate the response. I was really wanting to ask what the learnings might be from the implementation of these draft principles across the public service. How has that been tested in terms of what the response has been like in applying these draft principles?

[3:50 p.m.]

Hon. S. Fraser: I'm hopeful that we will not be going down a discussion about the draft principles. They were put in place as a prelude to what government is doing, as far as the mandate letter goes. But this is not really germane to section 2 of our discussions here today on Bill 41.

M. Lee: I'm only just trying to establish the progress that the government has been making against its mandate letters. It just appears that with these draft principles, they do outline a framework for reconciliation and how government and the public service have been working through that.

Let me just ask.... In the discussion I was having with the Attorney General, there was reference to the cross-committee of ADMs, across ministries, chaired by the ADM with the minister here today, which would work closely with statutory decision-makers in applying and looking at the practical applications of these principles and makes reference to action plans around diversity and inclusion.

When the ministries are looking at action plans, how does that take shape, and what various forms are they in, in terms

of measures, of milestones? What's being looked at to be accomplished against these principles?

The Chair: Member, those questions are probably more appropriate for estimates than related to this bill. So perhaps you want to re-ask the question.

M. Lee: Thank you, Mr. Chair. The reference to reconciliation and the purpose that the minister, in response to the member for Abbotsford West, spoke very passionately about is the signal to all British Columbians, including First Nations in our province, about the importance of adopting UNDRIP. We'll get into what that means, of course, as we are doing in committee.

I'm only suggesting that when we look at the mandate letters of the various ministers, in recognizing the mandate that comes from the Premier of this province to implement the principles on UNDRIP, that the ten principles that were set out in draft that the Attorney General had referred to previously, 18 months ago, presumably in response to my question as to what the status is of the government's progress to implement the principles of UNDRIP, pursuant to those mandate letters....

The response I got back was: "Well, we're doing these ten draft principles, and we have not taken the time to walk through exactly what those ten draft principles are." But I think the minister agrees with me that they're directly relevant and similar to many of the overarching principles in the articles of UNDRIP.

I'm only just trying to establish the kind of progress, the action plan reference, because of course, the term "action plan" is utilized in this bill. So only at this juncture, because we are talking about what progress has been made by this government over the last 2½ years to meet their mandates, which is really the area of coverage my colleague the member for Abbotsford West has invited discussion of....

I just wanted to take that opportunity to ask, in this context in particular, with respect to these ten draft principles, when the Attorney General refers to action plans, what that learning might be, recognizing that already the government has been in progress to implement principles around UNDRIP.

[3:55 p.m.]

The Chair: I appreciate that, Member, and thank you for rephrasing it. But we would like to keep the conversation regarding this bill, as opposed to questions that might arise at estimates.

M. Lee: Well, I appreciate your response, Mr. Chair. I think that there are opportunities that we, as Members of the Legislative Assembly, have to ask questions and to gain information from government as to understanding things. I think, with respect, that response really talks about the forum in which I'm obtaining that information. I think we should just consider the subject matter at hand and the rel-

evance of the subject matter. I would expect that that is the actual concern about my question.

I would, again, respectfully submit that my question is actually relevant to the progress that this government is making. If you like, I can rephrase my question, which is: what action plans, if any, to date have the government had to implement the principles of UNDRIP?

The Chair: Member, I would refer you back to questions that relate to Bill 41. If you would like to ask those questions, perhaps it would be better under section 4 under action plan.

M. Lee: Sure. I will reserve my right, then, to ask those questions relating to action plans on section 4.

M. de Jong: As always, we are appreciative of the guidance from the Chair. I will say this, though, and hopefully, it will be received in a constructive way.

We are endeavouring, I hope in a constructive way, to work our way through the legislation. The intention here is not to try and complicate this unnecessarily. We're going to head into the declaration. We'll try to go article by article. I can't guarantee that, at some point, we might not have to come back to an article if something is triggered by the response from the minister, but we are endeavouring to assist the committee in its work in as constructive a way as possible and not obstruct that work.

I had this question, just before we get to the actual UN declaration provisions. Earlier this year.... I was referring last day to some of the submissions that the standing senate committee heard. In the course of one of those submissions from the assistant deputy minister from the Department of Justice, she made reference to a meeting that took place in December of 2017 involving all of the federal-provincial-territorial ministers involved in the implementation of the UN declaration.

Here's what she said about the meeting. "At that time, they committed to continue to take steps and to discuss the measures that would be needed to progressively implement the declaration over time."

I'm not sure if the minister was one of the ministers referred to, if he was present at the meeting. If he wasn't, it's going to be a short discussion. My interest is whether or not, as B.C. embarks via other channels in Bill 41 and this section on the implementation of the UN declaration, there is any protocol in place linking us with other provinces and the work they are doing or not doing, I suppose, around the implementation of the UN declaration.

[4:00 p.m.]

Does the minister have any recollection of the December 2017 meeting? Was he present? If so, were there any agreements set in place? Are there any protocols that link British Columbia with other provinces in the work of implementing the UN declaration?

Hon. S. Fraser: I was not at that meeting. It's not ringing

a bell at all. We currently have no protocols with other provinces on the UN declaration. So just if that helps.

M. de Jong: Are there any agreements, memorandums of understanding, linking the province with the federal government in that regard?

Hon. S. Fraser: No.

M. de Jong: Finally, on this point. In our discussions last day, the minister referred to the existence of a private member's bill in Queen's Park, in the provincial legislature in Ontario. Aside from that, is he aware of any other legislative statutory attempts at implementation of the UN declaration in Canada?

Hon. S. Fraser: The Ontario model cited yesterday is the only one that I'm aware of.

M. de Jong: Then maybe what we can do as part of our discussion around section 2 — it is, of course, a section that affirms the application of the declaration to the laws of British Columbia — is take a look at the declaration itself and solicit the minister's views and opinions on behalf of the government as to what it actually says and what it represents. As I've said a few times, we're obliged to the fact that the declaration is actually appended to the bill as an annex. I think that was an appropriate thing to do, and helpful.

I'll have a couple of questions about the recitals, if that's the appropriate term for a declaration of this sort, before we get to the actual articles. I think my first question, though, is: can the minister confirm, for the purposes of Bill 41, where the word "state" is used in the declaration, does this, in our context, refer to the Crown in the right of British Columbia? Do we need to read the word "state" as intending to impose obligations on the government of B.C., as opposed to the government of Canada?

[4:05 p.m.]

Hon. S. Fraser: I think the member's question was whether the term "state" represents the government of British Columbia or Canada. In some cases, it's British Columbia; in some cases, it's Canada. There are different jurisdictions there. Canada has embraced the UN declaration, so the term "state" could apply to Canada in some instances. But we've built Bill 41 with a focus on British Columbia.

M. de Jong: That, actually, somewhat surprisingly, strikes me as a bit ambiguous. British Columbia has chosen to move forward with a piece of legislation. It has attached a declaration that includes the word "state."

Now, I am not aware of any other subnational entities that have taken the step. We had that conversation yesterday. I'm not certain — nor, I expect, is the minister — whether the United Nations, in creating the declaration, contemplated legislative adoption by a subnational jurisdiction. But even

as an interpretive instrument, which the minister says this is and will be, following passage of this Bill 41, it is, I think, an appropriate question for which we will need a clear answer.

Does the government take the position that where the word “state” appears in the declaration, the Crown in the Right of British Columbia is being referred to?

[4:10 p.m.]

Hon. S. Fraser: The UN declaration follows a very broad range of subject matter, as the members opposite know, I know. Some of those are of provincial concern and/or jurisdiction, and some are of federal. I mean, some deal with military. That’s federal, right? So our intent is to focus on the matters that are within the jurisdiction of British Columbia.

M. de Jong: I was not suggesting that we should read the declaration or the passage of Bill 41 as altering the constitutional division of powers in Canada. I was asking what I thought was a pretty simple and straightforward question.

In the text of the declaration, where the word “state,” which I take to mean “governing entities” where the subject matter of the article relates to areas that constitutionally within Canada fall within the jurisdiction of the province of British Columbia.... In those circumstances, “state” refers to the Crown in the Right of British Columbia, the government of British Columbia. If the minister is unable to provide clarity around that, then we’re not off to a very roaring good start on this one.

Hon. S. Fraser: As a government, we are committed to implementing the UN declaration on the rights of Indigenous peoples. I will try to keep this clear and simple. I thought I did. When it’s within the jurisdiction of British Columbia, the “state” would apply to the term “British Columbia.”

We’re not usurping the state-ness of Canada. Canada has embraced the UN declaration, and they’ve tried to bring it into law. But they formally embraced the UN declaration. They’ve done so at the United Nations. I believe that’s where the courts have their interpretation of the UN as a tool within their range. I believe it’s because the government of Canada has embraced this. But the term “state” as it applies to us in British Columbia is where it’s our jurisdiction.

M. Lee: I just wanted to follow on that response, just to ask a couple of questions here. One, if what I’m hearing from the minister is of concern, is really around expectation.

[4:15 p.m.]

There’s an expectation, of course, that with the way the bill is framed, it’s the application of the declaration as appended to this bill, as opposed to the application of the declaration insofar as it relates to the jurisdiction of British Columbia. Now, I agree that ought to be the case, because the bill can’t overstep the jurisdiction of this province. Perhaps that’s an implied understanding that ought to be made more explicit.

In terms of the first concern, it would be: what expectations do First Nations in this province have around the

entirety of the declaration? Is this government saying to British Columbians, including First Nations, that there are parts of the declaration which this government will not be able to implement? Is that the message that the government is relaying here?

Hon. S. Fraser: Within the declaration itself, there are articles that apply directly to the province, and we intend to take action on those. It’s actually laid out in the act in section 2(b), and we’re on section 2: “The purposes of this Act are as follows...(b) to contribute to the implementation of the Declaration.” That’s exactly what we’re planning on doing as a province.

M. Lee: Well, I appreciate that. In terms of the actual contribution to the implementation of the declaration, presumably, as this bill moves forward, the effort of the government of British Columbia will be to ensure that it coordinates with the federal government in terms of how they may continue to consider the implementation of a similar bill.

I wonder, with the minister, when he refers to certain articles that are not within the jurisdiction of the province.... Apart from the one relating to military activity on the lands of Indigenous peoples — which, certainly, we can understand the concern about — can I ask the minister to identify the other articles which, in his view, are not within the jurisdiction of the province?

[4:20 p.m.]

Hon. S. Fraser: The act itself contemplates us, as the province, the government, working in consultation and cooperation with Indigenous peoples to implement the declaration within provincial jurisdiction, of course. Our government will work with — like all governments, I’m sure — their federal counterparts.

I note those ministers have been announced today at the federal level. If I’m not mistaken, too, all parties, when questioned prior to the election, said they would support federally bringing in legislation similar to what we’re doing here provincially, except for one party. So I’m anticipating a good and healthy conversation with my federal counterparts.

M. Lee: I suppose this does invite the question.... I think the member for Abbotsford West and I were intending to start to walk through the articles, but it does draw us back — the minister’s last response — to section 2(b) of the bill.

This was one question I intended to raise, which the minister has already started to address, which is: what is the meaning of the word “contribute”? Whose responsibility is it to implement the declaration? When we say “contribute,” what do we mean in the context of this government?

Hon. S. Fraser: With respect to paragraph 2(b), the act contributes to the implementation of the declaration by requiring government to align its laws with the declaration — you’ll see that in section 3, as we move forward — also to

prepare and implement an action plan, which you'll find in section 4, which we will get to, I'm sure, and report annually on progress made. That's the intent of subsection 2(b).

[4:25 p.m.]

M. Lee: I appreciate that response. That's something we've canvassed at length, even having covered where we are in the bill to date. But I think what I'm hearing from the minister is that there is, in his view, on behalf of the government, a certain level of joint cooperation that may well be necessary with the federal government. He gave a specific response about the current understanding of where federal parties in this federal government might be.

Recognizing that, of course, over the course of the lengthy and what might be a very involved implementation plan or action plan, this may cover successive governments at the federal level. So I think it's important for British Columbians, including First Nations, to understand that when the minister says the definition of "states," as that term is utilized in the articles of UNDRIP, in some cases it refers to the federal government and in some cases refers to the provincial government, based on jurisdictional responsibility.

When I look back at the articles, certainly the one that we have identified to date at this committee stage is article 30, which, I think members would agree with the minister, does relate to federal jurisdiction in respect of military activities not taking place on the lands or territories of Indigenous peoples.

Again, I think it's important to clarify and to understand for everyone involved what other articles in the declaration do not fall within provincial jurisdiction.

Hon. S. Fraser: I think it's important that the legislation be read recognizing that it's within the constitutional framework of Canada — section 35 and such. So the jurisdictional issues, I think, would be clear there. The province has a role, as does the federal government. I'm sure the member has the ability to go through the articles and determine that. We'll work with Indigenous peoples as we develop our action plan, and we have committed to implementing, within our provincial jurisdiction, the UN declaration.

M. Lee: Well, I appreciate that response. It just brings me back to the earlier response that the minister gave the first time I asked a similar question, which is comfort around where the federal government stands in its process to similarly implement UNDRIP.

As I understand from the minister in his response, there is an expectation by this government that the jurisdictional considerations around how to implement or what the application is of specific articles in the declaration of the B.C. law. That will be determined through the course of the action plan. It's what I believe was the response I just heard from the minister.

[4:30 p.m.]

In doing so, is there any concern of this government, in

terms of getting the necessary cooperation from the federal government to fully implement UNDRIP?

Hon. S. Fraser: Again, the announcements for our federal counterparts.... It was just today. So I haven't spoken with anyone at the federal government and the current configuration with their current cabinet. They haven't been sworn in yet. I can't speak on behalf of or even refer to what the federal government may or may not do, except for what I mentioned before, with the commitments that were made pre-election.

It doesn't really matter what other governments are doing. Our action plan, what we will be dealing with here.... We'll deal with what B.C. can do to implement the UN declaration.

M. Lee: I want to take this opportunity to summarize what the response from the minister is, then, in response to the question as to what "states" means in the course of this declaration. The minister has said that for certain articles, areas which are not provincial jurisdiction, it means the federal government. To date, for the purpose of this discussion, we've only been able to identify one clearly, and that is article 30.

Is the minister agreeable that article 30, on its face, at this juncture — before the effort that's needed to be made on the action plan, as we look to adopt this bill and pass it in this Legislative Assembly — is the one article that this government can identify that does not fall within its jurisdiction? Therefore, when we look at the effort that's going to be made under Bill 41, that it would not include the implementation, the review of B.C. laws against an article that clearly is not within the jurisdiction of this province, is that the one article that this government can identify?

[4:35 p.m.]

Hon. S. Fraser: I want to make it clear that we're committed. If it's within provincial jurisdiction, we will work with our Indigenous partners throughout this process. If it's within the provincial jurisdiction, we are committed to taking action over time to implement the UN declaration.

M. Lee: I take that to mean that at this time the only article that government can identify clearly on its face that doesn't fit within provincial jurisdiction is article 30 and that there are no other articles that the government can identify at this time without taking further steps to analyze, which is something we'll get into later in this committee stage.

I just wanted to restate one other point that the minister did make in the exchange we were just having, which is that, again, this is another example where it is the government's clear intention and view that the bill, Bill 41, including the articles appended to Bill 41, ought to be read and applied, insofar as it applies to B.C. laws, within the Canadian constitution and legal framework. In this instance, the minister refers to the clear separation of powers between the feder-

al and provincial jurisdictions. So I would just ask that he reconfirm that that is the case.

Hon. S. Fraser: Just to be clear, this law must be read within the constitutional framework of Canada. I want to get that on the record.

M. de Jong: I won't ask the minister to respond, but having opened up the can of worms in the first place.... Again, the objective was not to try and trick anyone here. My colleague from Langara was....

The government is pledging to implement this document, this declaration. It's doing something that no other jurisdiction has done. There are, as a subnational government, constitutional issues within Canada that are relevant. And the essence of the question was, in making that pledge to people, that there is at least one part of this 46-article document that the government of British Columbia constitutionally cannot be held accountable for.

Article 30 deals with a subject matter entirely outside of the government's constitutional authority. The question was merely to ask the minister, on behalf of the government, to identify whether there are any others. My sense is that in every other article there are areas that fall within.... It touches on subject matters and areas, a portion of which fall within the jurisdiction of the province, but it was an opportunity for the minister, on behalf of the government, to say: "Look, we have no authority to deal with article 30 and to identify any other articles that fall into that category."

He has chosen not to do that in anything approaching explicit terms. I guess we'll move on.

[4:40 p.m.]

We're still on the preamble. And there is on....

They don't number these things. There are some colourful verbs used at the beginning of each preamble. The one I'm referring to is 11, from the end of the preamble, and reads: "Considering that the rights affirmed in treaties, agreements and other constructive arrangements between states and Indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character...."

What does that mean? Or what does the minister and the government take that to mean?

[4:45 p.m.]

Hon. S. Fraser: The articles themselves within the UN declaration.... The declaration itself is a holistic document, and the document must be contextualized for each circumstance, read in its entirety and not teased apart. We're committing to working with First Nations in British Columbia to reach agreement on how we will actually implement the declaration based on that. Teasing apart each article contextually takes it out of the reason for it being.

M. de Jong: Well, that's a bit odd. I think I just heard the minister say that he really didn't want to discuss individual articles. Well, the document, the declaration is the sum of

its parts. It makes.... Surely that is not the case. Surely, in commending via Bill 41 in the way he has in the assembly and in speaking about the historic nature of the document and the declaration, he would want British Columbians, all British Columbians, to have a clear understanding of the provisions.

We are, as he has pointed out, doing this for the first time. We are the first in the country — arguably, the first in the world. Surely he wants British Columbians to share in his understanding of the terms and articles of the document that are being presented to them to apply to the laws of British Columbia.

I'm sure that the minister, upon reflection, will choose to articulate whatever he was trying to articulate a bit differently, because I'm in a discussion that I really enjoyed and that I think has been very helpful. It's certainly been helpful for me and, I think, others. What I just heard is a bit astounding.

[4:50 p.m.]

What does the phrase, contained in the preamble...? To look ahead, the minister should expect this question with respect to other articles as well. What do these articles mean to the government of British Columbia? If the minister's view is that those are inappropriate questions, we've got a problem, because that is the essence of what we are doing here. We are saying to British Columbians: "This is a declaration. This is a historic moment. This declaration speaks to fundamental rights."

It is the minister's task, I would submit, to explain to all of us — the committee and to British Columbians — what those rights, as articulated in the declaration, mean and what they mean to the government of British Columbia. I've gone on too long. I'm sure, upon reflection, the minister will realize that that is not an unreasonable request to make of him and the government.

I'll try again. In most of what's in the declaration, although we have some questions about how they might apply in the context of British Columbia, what the UN is trying to say is reasonably apparent on the face of the article or in the text. I just don't know what this means.

The government is advancing the document and saying that it needs to be and should be enshrined in B.C. law, in whatever way we propose to do that and that we've been discussing. I've just asked the minister, he and the government of British Columbia.... I'm not asking him to try to conjure up what might have been in the minds of the member states of the United Nations. He can't do that, and I'm not asking him to do that. What does this mean? I don't know what it means.

"Considering that the rights affirmed in treaties" — we have treaties — "agreements" — we have those — "and other constructive arrangements between States" — B.C. being a state — "and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character." I don't know what that means, and I'm asking the minister what it means to him and the government.

[4:55 p.m.]

Hon. S. Fraser: I want to reinforce that this is a holistic document, and it was written generally, within the context of all the UN nations in the world. Again, that's why pulling it apart individually is problematic. We recognize that there are international treaties that exist that may need to be considered, but again, that's part of the work ahead.

M. de Jong: Be that as it may, I should place on the record that I believe that British Columbians, into whose law this is going to apply in the way contemplated by Bill 41, deserve to know what is in the declaration and deserve an analysis of it article by article, as troubled as the minister seems to be by that prospect. I do wish him to know that that is the approach we intend to take — to explore how these articles are relevant to British Columbia and to the British Columbia laws to which they would apply.

We do that not to be meddlesome or mischievous. It strikes me as not just logical but necessary and that the minister would want to welcome that.

[5:00 p.m.]

All right. I have theories on what this section of the declaration could mean, but my theories are not relevant. I'm not the government of British Columbia. I take it the minister either does not wish to share those views or does not have any on what this language means.

It's clear that we have treaties. It's clear that we have agreements. I don't know in what case, if at all, those might be matters of international concern, interest or responsibility. I'll try one more time, and then I think we had agreed to take a break for a few moments.

Is it the minister's and the government's position...? Let me ask that differently. Can the minister, on behalf of the government, advise the committee: does British Columbia have any treaties, agreements or other constructive arrangements between British Columbia and Indigenous peoples that are matters of international responsibility? I'll try that.

Hon. S. Fraser: The answer is no.

The Chair: Thank you, Members. We're taking a short five-minute recess.

The committee recessed from 5:03 p.m. to 5:13 p.m.

[S. Malcolmson in the chair.]

M. de Jong: I'm still in the preambles, the recitals. The second-last recital prior to article 1 in the declaration reads as follows: "Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration."

My question is a similar one. In the context of embedding

or applying the declaration to British Columbia law, what is the minister's view on what that clause means?

[5:15 p.m.]

Hon. S. Fraser: Just before, again, a point of clarification. The bill does not apply the declaration to B.C. law as legal force and effect, as we have established earlier. I think yesterday we established that. I just want to make sure that's in context also for the member opposite.

In the response to this specific question around the second last preamble piece, I think we harken back to yesterday. We've got some 35 Indigenous linguistic groups within the province and 204 Indian Act bands. The diversity there is, obviously, very high. I think it's just recognizing that.

I will refer to — and we touched on this yesterday — section 1, Interpretation, subsection (2): "For the purposes of implementing this Act, the government must consider the diversity of the Indigenous peoples in British Columbia, particularly the distinct languages, cultures, customs, practices, rights, legal traditions, institutions, governance structures, relationships to territories and knowledge systems of the Indigenous peoples in British Columbia."

M. de Jong: To the minister, he has pre-empted me, happily. I wondered if he might draw the linkage between that particular recital and subsection 1(2). That was going to be my next question.

[5:20 p.m.]

It occurs to me that in subsection 1(2), the government has attempted, through the drafting of the bill, to highlight the diversity that exists within the Aboriginal community, Indigenous community, within British Columbia, and I think appropriately so.

I wondered if the minister perhaps thought, though, in the case of the recital that we're dealing with, it is broader than that and that in recognizing a degree of diverse circumstance confronting Indigenous peoples, the recital is also intended to recognize that the broader nation within which those Indigenous peoples live are themselves diverse and the product of different experiences and different cultural foundations.

It's a clumsy way of saying sub 1(2) seemed to speak about diversity for Indigenous peoples. I got the impression that this recital was endeavouring to import into the declaration some recognition that there are diverse circumstances for Indigenous peoples but also diverse backgrounds, cultures and circumstances for the broader communities within which they live.

I think I'm simply asking for the minister's views on whether he shares my view of that particular recital.

Hon. S. Fraser: I think it goes to the point that the UN declaration, in general, must be contextualized for each jurisdiction. Some 150 nations sign on to the UN declaration. That's what I believe the preambular statement was getting

at. For B.C.'s context, we've identified in subsection 1(2) a sort of B.C. context for that. I think that covers that.

There may be more, of course, but what Bill 41 does is it provides a framework for us to start working on this with Indigenous partners. That's what we'll see as we go further through Bill 41. That's part of the job ahead of us now.

M. Lee: I think it's important. This is the one opportunity that we have as an assembly to talk to government about how it is approaching the implementation of UNDRIP through this bill and how it will apply to B.C. law.

I think it's very important that we have this discussion. With all of the other sections that will follow in this discussion, there is no opportunity for this discussion. There will be the tabling of the action plan and an annual report about the action plan, but there is no opportunity to understand for British Columbians what the intention and the approach and the understanding of this government is at this juncture, prior to putting in place mechanisms to implement UNDRIP in British Columbia.

[5:25 p.m.]

The discussion that the minister is having with the member for Abbotsford West is, I believe, an example of consideration around this declaration itself. The minister referred to this being an holistic document obviously put together with nations over many, many years, reaching that historical time in 2007 where various nations signed on to this.

It's been said that this is a document which is a principles-type document. It is not a convention of the United Nations. And the discussion that was being had, the recital around section 14 and one that I will come to.... Sorry. When I say section 14, I mean that despite the fact that the recitals are not numbered, if one numbers the recitals, the recital that was being discussed, by my count, in terms of considering that "the rights affirmed in treaties, agreements and other constructive arrangements between states and Indigenous peoples are, in some situations, matters of international concern, interests, responsibility and character," is actually numbered recital 14.

The other one that I would like to speak to in a moment to the minister is recital 20, which is at the bottom of Bill 41 on page 6, which is: "Emphasizing the United Nations has an important and continuing role to play in promoting and protecting the rights of Indigenous peoples."

Before I go there, I just wanted to ask the minister.... The nature of the drafting of this document is such that it is one that is a principles-type document. It's not carefully drafted in an overly legal way in terms of legal terminology, by virtue of the fact that it is being adopted by many nations, and nations need to apply it to its own jurisdictions or states, as we had further discussion on a moment ago.

What considerations does this government have and challenges does it see in terms of the interpretation, the actual application, of the language of this document as it moves forward in its process?

[5:30 p.m.]

Hon. S. Fraser: It's a really good question. Of course, there are challenges with any legislation, and this one is new. This concept is new for any government.

An important aspect of the bill itself is that we will work together collaboratively with Indigenous peoples in this province to implement the UN declaration. By working together, sure, there may be challenges. There may be disagreements. But the outcomes by working together will be better. I think we've developed a good process to embark on that, highlighted in the bill, as we move forward.

M. Lee: I appreciate the response. It's a worthwhile challenge, for sure.

I would say that we will be spending time here on the articles of the declaration, but as the minister just referred to, there is understanding that we're gaining here at the committee stage about certain sections that are still upcoming in the bill. So here is that example. The minister referred to the front end of section 3, which is "consultation and cooperation." I believe we'll have more discussion about those terms and what's intended there.

I will only say, at this particular juncture, that it's important for this committee to understand what the government's understanding and approach is going into that exercise. Unless, of course, which was embedded in my previous questions, there's been progress made to gain a better understanding with First Nations as to how they interpret these principles. But we'll come back to that later, in section 4 of the bill.

We need to know today, in the context of this discussion, what the understanding of government is. I would suggest that there will be a great deal of challenges for this government and their staff, ministry staff as well, as to the application of various articles and the recitals themselves in the context of British Columbia.

Let me just turn to an element which I think is indicative of that but just raises another potential consideration. The minister, in response to the member for Abbotsford West a few minutes ago, before the break, mentioned international treaty in response to recital 14 and getting an understanding of that. I think that that's a recognition that there are international treaties that might be relevant, let's say, to the understanding of this declaration.

If that is the case, when we look at the recital which is two recitals down from that — that is, No. 16 — which starts with the words: "Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights...." After that, they have a footnote to that recital saying: "See resolution 2200 A (XXI), annex." Similarly, what follows is a reference to the International Covenant on Civil and Political Rights.

Sorry, I guess there's actually a typo in the bill. Or is there not? I guess there are two references there. International Covenant on Civil and Political Rights is used twice, and the Vienna Declaration and Programme of Action is referred to as another reference — so no typo, just referred to twice.

Are those documents being incorporated by reference in this declaration?

[5:35 p.m.]

Hon. S. Fraser: I would note — again, another good question — that this recital, the preambular recital that he's referring to, begins by acknowledging. It's an acknowledgment. It's a contextual statement.

On the specific question, we're not incorporating the attachment in Bill 41. But the important part, I think, of this acknowledging, this recital, is the term "self-determination" and the right to self-determination. I think that's, again, the key concept that we are agreeing with here, but we're not incorporating the attachment that the member was asking about.

M. Lee: I just wanted to go forward, then, to recital 20. I would just say to the minister, by way of reference.... I see that the next recital, which is at the top of page 7, recital 21, is also directly connected to my question. It ends with "in the development of relevant activities of the United Nations system in this field."

My question to the minister is: what consideration, if any, has the government done or had at this juncture about the so-called extraterritorial reach of the United Nations into British Columbia, as far as it might be perceived to govern the rights of Indigenous peoples in British Columbia?

When I look at these two recitals, arguably, when it uses the words "continuing role to play in promoting and protecting the rights of indigenous peoples" and it suggests that there is development, which one could imply is ongoing development, of relevant activities of the United Nations system in this field, are we adopting, by virtue...? Are we, as a jurisdiction, inviting further intervention, let's say, of the United Nations in how we continue down the path of reconciliation with Indigenous peoples in this province?

[5:40 p.m.]

Hon. S. Fraser: As the member probably knows — I think he alluded to it — the UN had been working on this for a long time. And actually, Canada was at it from the very beginning. Canada certainly signed on, and the UN did do good work with this document.

I've said this before, but the bill does not give UNDRIP full force and effect. This is a declaration. It is not legally binding in and of itself. As a declaration, it is not.

M. Lee: I appreciate that response and the additional clarification from the minister, which is very helpful in respect of the overall approach of this bill.

I have heard from others in our various communities in this province some consideration as to why it is necessary for our province to adopt a United Nations instrument. We know, of course, that in the spirit of reconciliation, for all of the good reasons that were spoken to on first reading, this is an important step forward. But I think the consideration

of ensuring the clarity around the bill is important, as we've discussed, and that's what we're doing here.

The only aspect that I'm really trying to get at here is.... We had earlier a discussion regarding certain articles not being within the jurisdiction of this province and identifying article 30 as being potentially the only one. Just looking at the international component, I think it's important, as we're looking at adopting a UN declaration, that it doesn't bring other abilities or opportunities for international bodies to have some greater line of sight into our province.

Perhaps I can just ask the question one other way, which is: has there been any consideration by this government — and, in fact, even any conversation it might have had with the correct body within the UN — as to how the adoption of this declaration will work in British Columbia?

[5:45 p.m.]

Has there been any consideration of that? Is there any expectation that the United Nations, vis-à-vis a couple of the recitals that we've been referring to, expects to have any ongoing oversight or role in reviewing the treatment of the rights of Indigenous peoples in our province?

Hon. S. Fraser: I'll just repeat. There's no legal force in effect. There is no expectation of a role of the UN. It's not the role of the province. It was Canada that adopted the UN declaration on the rights of Indigenous peoples.

M. de Jong: Moving now to the articles. There are 46 of them, if memory serves.

My first question relates to article 2. I guess for the purpose of the record.... They're not lengthy, so it's worthwhile to read article 2 into the record. "Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination in the exercise of their rights, in particular that based on their Indigenous origin or identity." I am certain that all agree with that statement. It is self-evident.

My question for the minister. The article speaks to discrimination broadly based, but with respect to state....

Interjections.

M. de Jong: Are we good?

The Chair: It's a very moving question. Back to you, Member.

M. de Jong: Let the record show I brought tears of joy to the eye of the minister. [Laughter.]

Has the province undertaken any kind of a review or survey of the laws, the body of statute law that is enforced in British Columbia, to determine whether there are any lingering examples of statutory or state-based discrimination that is lingering on the books? Has that kind of review taken place?

[5:50 p.m.]

Hon. S. Fraser: We have not embarked on that review, in response to the question. The bill creates a process, as the member knows, an action plan and such. I mean, it will allow us to have those discussions. We all know that whether or not bills or laws are explicitly discriminatory or not, those things will be dealt with, I'm sure, throughout this process.

Having the larger conversation, not just with Indigenous people but with the people of British Columbia, about discrimination and potentially having a way to try to find mechanisms to address discrimination in all its forms.... I think that's one of the beauties of this law. It's going to allow us that opportunity as British Columbians.

M. de Jong: The reason I ask the question.... I think most of us, many British Columbians, are aware of the graphic examples, historical examples where statutory law had embedded within it fundamentally discriminatory provisions in the case of Aboriginal peoples, whether it was the right to vote or the ownership of property.

My question was.... As the government gave consideration to implementing the declaration in the way that it has chosen to do with Bill 41, whether it had conducted any initial survey of the body of laws and uncovered evidence of lingering examples of discriminatory language that operated against the interests and the rights of Aboriginal peoples....

[5:55 p.m.]

It sounds like that has not taken place and remains to be done in the future. Maybe the minister can confirm that.

Hon. S. Fraser: The member is right. That has not taken place. However, I've been in the MLA job for.... It's my 15th year, and I spent most of my first 12 years as critic for this ministry. I know, early on, I reviewed the Royal Commission on Aboriginal Peoples. It's got to be 20, 25 years old now, but it's still germane. It highlighted that discrimination still exists within institutions, within governments, within policing, within society in general. Part of reconciliation is addressing that.

As we go through the action plan, reviewing our laws and policies and practices, that sort of thing, to bring them in line with the UN declaration, it will be key to make sure that we are addressing anything that was discriminatory. Many pieces of legislation were built back in the day, 100 years ago, that never anticipated that Indigenous people even existed in the province. I know we'll find those.

This is an opportunity, I think, a wonderful opportunity for us to have the conversation with British Columbians about what it means to be free of discrimination — most people take that for granted; Indigenous people do not — and find ways to address that and, hopefully, show the rest of the country and the rest of the world how to actually do that and make a better society for everybody.

M. Lee: I just actually wanted to go back to article 1 to ask one quick question to the minister. To the extent that we look at Canadian law and the Canadian constitutional

framework, including the Canadian Charter of Rights and Freedoms and any legislation, whether federally or provincial legislation that builds off of that....

In the event that there's any conflict between the body of international human rights legislation and declarations, as summarized in article 1, and any domestic Canadian Charter documents or other human rights documents, I just wanted to confirm.... If the minister can confirm which will basically have effect.

[The bells were rung.]

The Chair: I call this meeting into recess. We're going to go vote.

The committee recessed from 5:58 p.m. to 6:08 p.m.

[S. Malcolmson in the chair.]

The Chair: I'll ask the member for Vancouver-Langara.... You got your question out fully. Is that correct?

M. Lee: I did. They were considering the response.

The Chair: Very good. You've had a good, long consideration.

Hon. S. Fraser: Well, there were other things to do in the meantime.

Again, the bill doesn't give the declaration any legal force and effect. So the laws of the land would still apply.

M. de Jong: I'm on article 3 now. Again, for the record, it not being overly lengthy, I'll read it into the record. Article 3 of the declaration: "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

[6:10 p.m.]

The term "self-determination" has been used by the minister and the government extensively and, I think, in a positive way and in a way where the minister and the government have endeavoured to articulate their desire to work with Aboriginal peoples and First Nations in a constructive way. I thought, since it appears for the first time here in the body of the declaration, that it would be appropriate to ask the minister to articulate on behalf of the government what it means and what the government believes that term "self-determination" means within the context of article 3.

Hon. S. Fraser: It should be an easy question, but it's for a nation to determine. I mean, that's a strange answer to his question, because self-determination is about the nation's right to determine what that looks like.

M. de Jong: Again, within the context of article 3 of the

declaration, is it, as the minister just suggested, exclusively a collective right? Or is it a concept and a right that extends to individuals?

Hon. S. Fraser: I think in the context of article 3, it would be the collective.

M. de Jong: The minister's view is that in the context of article 3, the reference to self-determination is a right that extends to a collective of Indigenous peoples. In the context of B.C., then, what would that mean? Would that mean exclusively the band level? How does that notion of a collective right apply in the context or become relevant in the context of the British Columbia experience?

[6:15 p.m.]

Hon. S. Fraser: To harken back to yesterday's conversation in section 1 and a definition of an "Indigenous governing body..." I think we all learned from that that this is about the ability to self-determine. It can be manifested in many ways. It could be a band-and-council, a chief-and-council model. It could be hereditary. It could be a combination. It could be a number of individual nations within the province coming as a collective.

I don't think we can define that, per se. It is up to the nation to determine. That's the whole idea of self-determination.

M. de Jong: Is that equally true of the phrase "political status"? Again, I'm not asking the minister to endeavour to speak to what may have been in the mind of the United Nations or what may be in the minds of Aboriginal groups in B.C. But I suppose it's fair for me to ask what is in the mind of the government of B.C. when they see an article 3 reference to determining political status. What does that capture?

Hon. S. Fraser: If I've just got it right here, the question was: does my previous answer apply equally to political status? Was that the gist of the question? The answer would be yes.

M. de Jong: Last question, I think, on article 3 for me. In the course, again, of studying this declaration prior to making the decision to implement it in the way that Bill 41 purports to do, did the government, in reviewing the measure, identify any present impediments in British Columbia to the idea of Indigenous people, Aboriginal peoples, having the right to self-determination?

[6:20 p.m.]

When I ask the question.... As I said with respect to the earlier article, when we're dealing with rights, there may be impediments or encroachments that exist in broader society and practices and impediments that are statutory, legislative, and fall directly within the ambit of government. In asking this question again, I'm referring to the latter. That is: has the government identified, at this stage, any impedi-

ments to the exercise of that right to self-determination that it intends to...? Well, has it identified any that it is able to share with the committee and that are a priority for it to deal with, going forward?

Hon. S. Fraser: We didn't identify any lawful impediments, if that's the right term, but sections 6 and 7 of Bill 41, as we get through to that, provide us some tools, enabling tools, to potentially help with self-determination — be able to recognize other forms of governance structures, that sort of thing, outside of the Indian Act.

M. de Jong: Article 4 reads as follows: "Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions." The last part of that article, the last phrase, speaks to a right to the ways and means for financing their autonomous functions.

Again, my question for the minister, on behalf of the government, is: do he and the government read that, within the context of the declaration, as intending to create a positive funding obligation on the part of the state?

Hon. S. Fraser: The answer is no.

M. de Jong: So what does it mean, then?

[6:25 p.m.]

Hon. S. Fraser: I'll just remind again, because this seems to be an important statement for many of the questions, that the bill doesn't give the declaration a legal force and effect. But we would be working with Indigenous peoples to address the question of the financing and those issues. My opinion wouldn't be the determining thing. We're committing to working with First Nations and Indigenous people.

M. de Jong: For the minister restating what he has said a number of times, I will restate: the nature of the questions that we are asking recognize and don't question what the minister has said about the fact that the declaration, following the passage of Bill 41, has no legal force and effect. The minister has said that, and he may choose to repeat it periodically as we move through this discussion. That isn't at issue, and I'm not challenging that part of his contribution to this, our understanding of the bill.

We are now talking about the declaration that the bill purports to apply to all the laws of British Columbia. In the conversations that will take place going forward, the consultations with First Nations that are contemplated elsewhere in the bill — that are taking place now, in fact — it would be legitimate for a British Columbian to ask this question about an international declaration that has now been applied to the laws of their province.

That is: in the minds of the government and the minister presently in office, does article 4, insofar as it speaks to

a right to the ways and means for financing autonomous functions.... Does the government and the minister consider that to be restricted to what we have called here “own-source revenues” from economic activity generated by the First Nation?

[6:30 p.m.]

Or does it extend beyond that to include a right, because the article speaks of a right to funding — “financing” is the term used — that goes beyond own-source revenues generated by the community and, by implication, therefore, funding from another level of government.

I’m not sure there’s a right or wrong answer here, but there is an answer. There is an answer where the minister says: “In the mind of the government, in urging the adoption of this declaration and embedding it in B.C. laws, we believe article 4 means the following, and the reference to financing for autonomous functions means the following.”

It’s a tough job to be the minister speaking on behalf of government, but these are the days when the weight of that responsibility falls on the minister’s shoulders, and that’s the nature of my question. What does the government say article 4 means, with respect to securing financing for those autonomous functions?

Hon. S. Fraser: I appreciate the question, but I would note that the member was emphasizing, repeatedly, the word “right.” With that, I just want to reinforce that the bill does not give the declaration legal force and effect. I just don’t want to have any confusion here. The question tends to be focused on a “right.” I want to make sure that the rights here are....

The bill does not give the declaration legal force and effect. But when it comes to revenue sources, it could be own source revenues, as the member has suggested. I mean, it could be gaming revenues. There are all kinds of examples, I suppose, you could come up with, but it’s something we will be discussing with Indigenous people, with First Nations, as part of this process, through Bill 41. Again, the process is laid out in the following sections.

[6:35 p.m.]

M. de Jong: Okay. Well, that’s helpful, in a sense. I think what I heard the minister say is that he believes the article, as it is worded by the United Nations, is broad enough to include as part of the reference to financing not just moneys generated by the Indigenous peoples — in B.C.’s case, Aboriginal or First Nations people themselves — but is broad enough to encompass conversations about funding, from the provincial government, for example. Is that a fair statement?

Hon. S. Fraser: Yes.

M. Lee: The minister, in his previous response, mentioned that it is to be determined, in effect, how article 4, in consultation and cooperation with the Indigenous peoples in British Columbia.... I’m deliberately saying those words

because that is the lead-in language to section 3, which we will come to in this committee stage.

I think it’s important, as we look at the articles, by way of example, in terms of understanding the approach of this government.... Although we’ve established that it is the view of the government that UNDRIP has no force and effect and that even when we look at the usage of the word “right” in article 4.... In view of the government’s position on this — that there is no right, because UNDRIP has no legal force and effect — then we’re into what we’ll look at, which is the process.

When I marry up the opportunity that this government will proceed with — and that is to, presumably, after this bill is passed, go into the consultation and cooperation with Indigenous peoples in British Columbia.... This is an example of what we will look at in terms of how that will work.

Consultation is one thing, and I think we have a general understanding as to what that is. Cooperation is something that is more than consultation. Perhaps, in the context of this article, is it for Indigenous peoples to determine, as well as government, how this article will be interpreted?

The concern will be what expectation, even though we’re saying to each other here in committee that this has no force and effect.... Hopefully First Nations understand that, as they hear government’s responses to our questions in committee here, in an effort to get greater clarity.

Does this mean, then, that Indigenous peoples will have their own interpretation of what this right is, as expressed in article 4? Are we raising an expectation here for First Nations to determine, in absence of a clear understanding and indication from this government...? If it’s to be determined in the process, by virtue of section 3, when we talk about consultation and cooperation, will they be determining, as well, what ways and means for financing ought this be?

To the minister: help us understand what the position of the government will be in the face of that expectation. Is it the government’s expectation, as they have that consultation and cooperation type of discussion...? What is the position of the government vis-à-vis whether this is to be determined as ways and means for financing through autonomous functions? Is that to include the funding from the provincial government?

The Chair: Minister, before I ask you to answer, am I getting from the member’s question that you are finished with section 2 and that we can move to section 3, which is the one that refers to measures to align laws with declarations?

M. Lee: No, Madam Chair. I’m only illustrating by point that the minister, in his response to the member for Abbotsford West, again reiterated that UNDRIP has no force and effect, and that even though the word “right” is used here twice in this article, it doesn’t mean right. But the fact of the matter is, as the government sits down with

Indigenous peoples, however that is defined under section 3, by illustration....

[6:40 p.m.]

As the minister said, we need to look at the totality of this bill. We can't just look at articles in isolation.

The Chair: Member, thank you for your response. I'm really only trying to clarify where we are in the legislation. I'll turn this question back to the minister. Thank you.

Hon. S. Fraser: Just a couple of things in response. There may be different interpretations of these articles. This is why we're going to work together. That'll form an action plan, doing this together with cooperation. Working together, we'll get clarity. We'll get better outcomes. That's what's built into this bill.

I would harken back to the *Concrete Actions* document, the agreement that was entered into with the previous government. Contemplated in that — in 2015, I think it was.... A new fiscal relationship was built into that, agreed to as an important initiative with government and with the leadership council in the day back then.

I'm assuming we're on the same page on those. We took over that document, the *Concrete Actions* plan. We refined it, of course, and we've included the UN declaration as part of that too. The fiscal piece that we're talking about, I think, in article 4 — I think that was almost contemplated by a previous government.

M. de Jong: The minister has restated something. So I'll very quickly restate something that probably by now has emerged as a theme from the line of questioning.

We are not asking the minister to endeavour to articulate how Aboriginal peoples, First Nations, might interpret provisions of this declaration. We're not asking him to endeavour to interpret what may have been in the mind of the United Nations, to the extent that a body of that diverse composition has a single mind, when they created this.

[6:45 p.m.]

We are asking him to articulate, on behalf of the government that is urging its application to the laws of B.C., to share with the people of B.C. its views on what the document means? And I will say again that I believe that is not just a fair exercise for us to embark upon but, really, our duty and the duty of the government to share those views.

Article 5. I don't have a lot to explore. Again, reading into the record: "Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State."

My sense is that there are a lot of examples today in British Columbia about how that particular article operates, but my job is to pose the question to the minister. Does he agree? Can he summarize what he and the government believe article 5 is addressing? And then, thirdly, can he provide some examples to help illustrate what article 5 is referring to within the context of British Columbia?

[6:50 p.m.]

Hon. S. Fraser: I see article 5 as pretty self-explanatory. I can throw some examples, perhaps. In my constituency, in Mid-Island–Pacific Rim, there are a number of Maa-nulth Nations, including the Huu-ay-aht First Nation, that have a treaty, of course, and Huu-ay-aht councillor John Jack has once again been re-elected as the chair of the regional district board.

Again, examples here. We have examples, of course, in this place, of Indigenous people entering into the larger political realm in the province. We see that in Canada too. I think those examples would be how I would interpret article 5 — the right and the ability to be able to do that. There are all kinds of other examples, I'm sure, that the members could probably come up with.

I know I'm being given the note to close out here for the day, but I just want to reinforce the value.... Bill 41.... I can't understate the value of coming together in a different way, one based on respect and recognition, using the framework that we get from the UN declaration and working together with that on these articles to help develop an action plan together. That is going to be a great benefit to this province, when it comes to justice, when it comes to human rights and when it comes to economic activity — less conflict, more predictability and more clarity. This is a process that we will all....

I know the members opposite have seen the response from NGOs, from academics, from the business community, from the B.C. Chamber of Commerce, from the B.C. Business Council, from the mining sector, from tourism, from labour — across the board. The approach we're taking, I know, is a bold step. It has not been done before. But the time is right to do this, and I very much appreciate the interaction we're having today and the ability to go through this bill in the way we are.

With that in mind, I move that the committee rise and report progress and ask leave to sit again.

Motion approved.

The committee rose at 6:53 p.m.

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