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of BRITISH COLUMBIA

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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 27, 2019

The House met at 1:36 p.m.

[Mr. Speaker in the chair.]

Routine Business

Prayers.

Tributes

GODFREY GAO

Hon. K. Chen: I have a sad story, sad news, to share today. A very well-known Taiwanese-Canadian actor and model, Godfrey Gao, passed away suddenly yesterday while he was filming a reality show on set in China, at the age of 35. Godfrey was raised in North Vancouver and went to Capilano College before he moved back to Taiwan to pursue his career. He also appeared in Hollywood films in recent years.

My husband has been friends with Godfrey's brother Charles since they were young. He is also an actor in Taiwan.

Joined by the MLA from North Vancouver, we would like to send our condolences to the Gao family. We're very, very sorry for their loss, and it's really a loss for our community.

Introductions by Members

R. Coleman: Visiting us in the gallery today are a number of students from Langley Christian elementary school. With their teacher, Mr. Tim VanHemert, they will be cycling through the chamber throughout the afternoon.

I've been invited to speak to the class in early December about my duties as an MLA. I will be asking them their observations of the behaviour of the people in the Legislature at the same time, to get their feedback. So today you need to be on your best behaviour.

S. Thomson: Joining us in the gallery today will be representatives of the destination marketing organizations. These are the regional tourism associations — the Thompson Okanagan Tourism Association, the Northern B.C. Tourism Association, the Kootenay Rockies Tourism Association, the Tourism Association of Vancouver Island and the Cariboo Chilcotin Coast Tourism Association.

They're here operating as the Regional Tourism Secretariat, the chairs and the executive directors of the associations. We had a chance to meet with them this morning and hear about the great work they're doing in the tourism sector, building awareness and the brand for British Columbia all across the province in a sector that raises over \$18 billion in activity, 138,000 employees and 19,000 small businesses.

On behalf of the House, welcome, the representatives from these associations here today.

A. Kang: I have a few friends from Burnaby-Deer Lake who are here with me today. My very good friend and my sister Yuko Abeyama — she has a senior care called Nikoniko. They primarily focus on senior brain health through exercise, math and reading. With her are Takeshi Tamura, Kazuyo Imaizumi and Akiko Sakurada. Please make my friends feel very welcome to the House.

[1:40 p.m.]

Hon. S. Robinson: Well, I have two special guests here who are in the House today. My son Aaron Robinson and his partner, Kyle Demes, are here. I'm very proud of many of my accomplishments, but I'm proud of nothing more than having raised a fine young man — and a lovely daughter who lives in Israel. I'm really thrilled to have my son and his partner here joining us today in the House. Can everyone please give them a warm welcome.

Hon. G. Heyman: Over the past several years, I've watched as many members of the House introduced close friends, members of their family, and I have yet to do that until today. Joining us in the gallery today is my former partner and very close friend Joanne Fox.

Jo remains very active in the community, is known to many of my colleagues here. Her activities range from helping to settle Syrian refugees, including furnishing their new homes, to volunteering to help keep the People's Co-op Bookstore going to working on many political campaigns in the Lower Mainland. I think it's safe to say that I would have had no success in my union movement or political election campaigns without her advice and hard work.

Will the House join me in making Jo very, very welcome.

Statements

TEST OF EMERGENCY BROADCAST SYSTEM

Hon. M. Farnworth: I think most members in this House will remember a time when there were three channels when it came to television and would be familiar with what would occasionally interrupt those three channels. "This is a test of the emergency broadcast system. In the event of a real emergency, you would be told what to do."

Well, the world has changed, telecommunications have changed, and changes at the federal level in terms of how those kinds of emergencies are now dealt with have come into effect. Twice a year we now test through the cell phone system how the emergency broadcast system is working. So today at 1:55, there will be a text message sent out to cell phones right across this province — in fact, right across the country. That will be at 1:55. If we are in question period, I know cell phones will be off. But this will be an opportunity to test that system, so I just want to advise all members that that is in fact what will be taking place.

Introductions by Members

S. Chandra Herbert: I don't do too many introductions, but I'm pleased today to be able to do a few.

Of course, I, too, want to join with members in welcoming the Regional Tourism Secretariat. Thank you to the minister for inviting so many of us to hear from them about the important work they do across this province. I've known them and worked with them for many, many, many years, and I just want to say how important the regional destination marketing organization is to the functioning and the growth of tourism in British Columbia.

Welcome to all my friends in the tourism world.

I also have some folks from my constituency and from across Vancouver here, along with the member from Burnaby: Toshie Aoki; Yoko Hirate; from my community, Shigeo Hoshino and Yutaro Oka — all travelling here with Nikoniko Home Care. I understand they successfully took the bus and SkyTrain and took the ferry system for free today.

I'm so glad you're here. Welcome, welcome. That wasn't always possible.

I also want to, finally, welcome two friends, family of mine. They're currently living in Alberta, but they see how much better it is in British Columbia, so they're looking to move here. Please make Margaret and Rob welcome to, hopefully soon, their Legislature.

R. Chouhan: I continue with the introduction of our wonderful people from our Japanese community. As the member for Burnaby-Deer Lake said, they are here joining us, learning about our legislative system here in Victoria. They are my friends: Mari Fujita, Sachiko Ito and Kiyoko Nakai. Please join me in giving them a very warm welcome.

Tributes

KELLY PING DONG

Hon. L. Popham: I have some sad news to deliver in the chamber today. We have lost a member of our Ministry of Agriculture family. Kelly Ping Dong passed away on October 4 after a short but brave battle with cancer.

[1:45 p.m.]

He is survived by Lenny, his wife of 24 years, and his two children, Kyle and Larina. Kelly lived with his family in North Saanich. They are here with us today in the chamber.

Kelly had an almost 30-year career serving the public as a government employee. After graduating from UBC with a commerce degree and a certified management accounting designation, Kelly joined the federal government as an auditor in Ottawa. Later, he moved back to British Columbia and joined the provincial government, working in various ministries, including the Ministries of Health and Education and, finally, the Ministry of Agriculture. In addition to his job as a government financial analyst, Kelly taught night courses at Camosun College.

Kelly was a hard-working man who was generous with his time and his positive energy. Family, friends and colleagues remember his smile and his humour as well as his willingness to go out of his way to help people. Kelly was always quick to share a laugh and to lend a hand to anyone in need. His passing is a great loss. I know that his co-workers and friends at the Ministry of Agriculture miss him very much.

We thank him for his service to the citizens of Canada and British Columbia, and we express our deepest condolences to Lenny, Kyle, Larina and the rest of Kelly's family and friends.

Introductions by Members

Hon. M. Mungall: I have two guests today, John Pumphrey and Bill Arling. They're with North Coal. North Coal is working to develop the Michel Coal Project in the East Kootenays. They have been a wonderful company to work with for those of us in the Kootenays. I ask the House to please make them very welcome.

J. Sims: It's my pleasure today to introduce a few people I bumped into a long time ago, as far back as 1978. It was a real surprise when I walked into a meeting today to see both of them in there.

One of them, of course, is Pat Brady. He is the past president of the BCTF and chair of our AGMs and our RAs, rep assemblies, extraordinaire. Pat and I didn't always agree on a lot of the way things should proceed within the teaching profession, but I do know that we always had a great deal of respect and listened to each other.

Sheila Pither is an amazing, amazing professional. I first took a workshop from her in 1970, a long, long time ago. It delighted me today that, now retired and working with COSCO, she is still designing workshops and giving them, and thousands of people are benefiting.

Accompanying Sheila, of course, was her son Steven Pither. They were also accompanied by the president of COSCO, Gudrun Langol. Please join me in welcoming them and welcoming part of my history into this House.

Mr. Speaker: Member for Langley East, I think your class is here now if you wish to re-introduce them. I liked your reminder that we should be on our best behaviour for the class. They're up behind you.

R. Coleman: I could probably do that, seeing as Langley Christian elementary school students are in the gallery now. I introduced you a few minutes ago, and I did mention that I've been invited to visit the classes in December. I will be talking about my role as an MLA, and I will be asking you about your observations of the behaviour and the interaction of this assembly. I've told my colleagues to be on their best behaviour today, and you can tell me how they did when I talk to you in December.

B. Ma: I'd like to join my colleagues in welcoming the seniors from Nikoniko Home Care, who have come over with their seniors health care instructors to learn about the processes here at the B.C. Legislature and learn about the work that MLAs are doing. In particular, I'd like to introduce Momoko Wada, Sumiko Hui, Yoko Hayashi, Minako Brooks and Kimi Poole, who is from North Vancouver. Would the House please join me in making them very welcome.

[1:50 p.m.]

I'd also like to take this opportunity to thank the incredible work of the Coast Mountain Bus Co. and Unifor bargaining teams last night. They bargained all through the day and into the night in order to strike a deal, and hundreds of thousands of people in Metro Vancouver are able to use the incredible public transit system that we all support today because of their hard work. I'd like to thank the Minister of Labour, as well, for his good judgment in helping this collective bargaining agreement take place.

Statements (Standing Order 25B)

ADDICTION AND MENTAL HEALTH AWARENESS AND STIGMA REDUCTION

J. Routledge: It's National Addictions Awareness Week, and the theme this year is "Stigma Ends with Me." It's estimated that one in ten Canadians experiences the challenge of substance abuse, and more than half of them are too ashamed to ask for help. Stigma is insidious. It creates a trap of isolation.

Our government is leading the way to reduce stigma and to encourage more open, honest conversations about addiction. When Premier Horgan created the first and only Ministry of Mental Health and Addictions in Canada, he was sending a strong message. Mental health and addictions are challenges, not weaknesses. They are health conditions, not moral failures.

The Minister of Mental Health and Addictions is bringing addiction and mental health out of the shadows and into the light: by spearheading cross-government and cross-sector actions to address the fentanyl poisoning crisis, by filling the gaps in our mental health and addictions care, by embedding early intervention and prevention supports in our schools, by funding more Foundry youth centres and by expanding access to mental health counselling, because access to care should not depend on the size of your bank account.

Together we can get to the place where people aren't afraid to ask for help, and it's easier to find that help where and when they need it. I implore every British Columbian to be part of the solution, to remember that behind every statistic, every news story, there is a human being; that we are not, nor should we be, defined by our health conditions; that by using people-first language and challenging stereotypes about addiction, we are throwing a life-

line to those who might be struggling in silence, whether we know it or not.

Because stigma ends with me and with you and with all of us.

FIREFIGHTER TRAINING EXERCISE FOR ELECTED OFFICIALS

T. Stone: Last September, while at the UBCM Convention in Vancouver, I got a chance to feel the heat by taking part in Fire Ops 101. This is a day to give elected officials a chance to better understand the challenges and realities that face the men and women who, as firefighters, put themselves in danger every day to keep the rest of us safe. In controlled training exercises, we donned full gear, including a breathing apparatus, and we entered a burning building, extinguished a car fire, used the Jaws of Life and learned life-saving emergency, medical and fire survival techniques.

Now, this experience was especially touching for me, considering that my dad was a Vancouver firefighter while I was growing up in Port Coquitlam as a kid. My dad was badge No. 5019. He worked out of several Vancouver fire halls on pumper and ladder trucks. He even had a stint on the fire boats. As part of Fire Ops training, it was humbling to develop a deeper appreciation for the difficulty and danger of my dad's work and how much, as a kid, I took for granted his coming back home to his family after each shift ended.

I'd like to give special thanks to the Vancouver fire and rescue for the use of their fire training facility and to Gord Ditchburn and the B.C. Professional Firefighters Association for doing such a spectacular job coordinating the training. And thanks to Kamloops fire and rescue captain Kris Krutop and Kamloops firefighter Josh Booy, both of whom kept me out of trouble, keeping a close eye on me so as to ensure that I didn't endanger the lives of anyone around me. That included Kamloops city councillor Bill Sarai, who did the training with me.

Incidentally, the Kamloops fire and rescue has a long and proud history, serving the community and its citizens since its inception on August 7, 1884, making it the second-oldest established fire department in British Columbia.

Now, a personal note — I'll end on this. I want to assure everyone back home that Kamloops Coun. Bill Sarai and I will be sticking to our current elected roles in service of our fellow Kamloopsians, as our respective performances during the Fire Ops training cemented the fact that neither of us will be hired on by the Kamloops fire and rescue any time soon.

[1:55 p.m.]

CRAIG KULYK

B. Ma: One of my favourite sports to play is ultimate frisbee. If you play ultimate frisbee in Metro Vancouver, you probably know about the Vancouver Ultimate League, or VUL for short, and you probably know, or at least have heard of, a guy named Craig Kulyk. Craig was passionate

about ultimate frisbee and particularly loved what we know in the community as spirit of the game, which compels us to play honestly, with dignity and — in the spirit of self-officiating at even the highest levels — the profound need for open communication, compromise and an appreciation for diverse views.

When an injury prevented him from getting back onto the fields, he went on to contribute to the sport in a different way. He started working for the VUL in October 2011 and, during that time, helped to grow the organization into the largest frisbee league in the world and a model for other leagues. Craig was particularly active in driving special initiatives that improved the experience of new members and those members from under-represented groups — women, transgender players, the LGBTQ2+ community — and he even did some early work with First Nations.

Craig connected, built community and supported people everywhere he went. He barely knew me. He barely knew who I was when he went out of his way to donate to me in the early days of my election campaign. He also told me that he was inspired by my passion to make the world a better place, and I was motivated by his support. Craig was just that kind of guy. He showed up for people. So hundreds of people showed up for him early this month, packed into the Stanley Park Pavilion to celebrate his life.

Born in Winnipeg on January 7, 1982, Craig Peter Kulyk was 37 years old when he died by suicide on October 28. Craig is survived by his sister, Corrine; nephew, Emmett; and his loving partner, Joel Harnest, who leaves the following words with you today. “Craig will be remembered for connecting and building community everywhere he went. He was an entrepreneurial spirit and will be remembered for his generous compassion and insatiable curiosity. As a storyteller, a listener and a sensitive soul, a lover and never a fighter.”

Craig will be profoundly missed, but he taught all of us so much about how to live a life with love, connection, community and humanity. In this way, his energy will continue to live on in the lives he touched and for generations to come.

ROZ THORN

S. Bond: She loved to dance, garden and travel, and she was a dedicated volunteer. She had incredible friends, including a group of girlfriends who went to school together. For decades, they would meet and travel and spend time together. She had colleagues who admired and respected her and a family who loved her and was proud of her.

Roz Thorn worked for the Prince George and northern B.C. construction association. For 48 years, she worked her way to the top of the organization, eventually becoming its CEO. She retired in 2015, having made her mark in a typically male-dominated sector. She fought to increase training opportunities in northern British Columbia and was a vocal

advocate for her industry, her members and her region. She loved where we live.

Roz and her husband had a full life together until Bob passed away from cancer in 2013. I was very fortunate to be able to call Roz my friend, my supporter and a hard-working member of Team Bond. You can imagine our shock when Roz received a devastating diagnosis of cancer. Just weeks later, after a fierce battle, she passed away.

Ironically, in May of this year, Roz was a key member of our Relay for Life team that raised money for cancer research. Next year our team will walk in honour of Roz and the special person she was in all of our lives.

Thank you, Roz, for your contributions to our community and region. Thank you for being a leader and a difference-maker and for always stepping up, no matter how challenging the task. I appreciate the advice, the care and, yes, even the critique you regularly provided after watching question period. We miss you every day but feel blessed and grateful that you were a part of our lives.

[2:00 p.m.]

ACCOMPLISHMENTS OF TEACHERS AND STUDENTS IN NANAIMO

S. Malcolmson: “Chad Jobe and Brett Hancock are two of the best teachers I’ve met. They both have a special skill of making whoever they’re speaking to feel like the only person on earth.” So said a student in Nanaimo.

The Education Minister and Premier honoured their work, with school district 68, at the Premier’s Award for Excellence in Education last month. The enthusiasm of these teachers for each other was evident. When Chad’s award was announced, Brett jumped on his chair in the Lieutenant-Governor’s house.

They asked me to talk about their students’ success. In their words, “Jake was the recipient of the Uy shqwalawun Award for consistently demonstrating the teaching of having a good heart and a good mind. Jake continues to have success as a key member of the Nanaimo Junior Timbermen lacrosse team and has been good medicine to the Learning Alternatives family.”

“Jordan was couch-surfing when she started attending Learning Alternatives in grade 11. September of grade 12 had her living on the streets of Nanaimo. Thankfully, she’d started to create solid relationships with two of her educators and not only reached her goal of graduating from high school but got a job in the hotel industry. She stays in close contact with her teachers, now lives in Whistler and just received a promotion.”

Thank you so much for the flexible, supportive, culturally rich environment that these teachers provide so these inspiring students can thrive.

SEA TO SKY SOILS AND COMPOSTING SYSTEM

J. Sturdy: From cradle to cradle. These words aren't just a green economy catchphrase. They are the mandate for Sea to Sky Soils, an organization in Pemberton on a mission to support local food production through "field to fork and back to field" composting.

Their composting system is leading edge, utilizing the GORE Cover system technology. With a current capacity to process more than 25,000 tonnes of material per year, Sea to Sky Soils composts the residential organic waste from the three North Shore municipalities, as well as Squamish, Whistler and Pemberton, and landscape or yard debris and commercial food waste organics from throughout the Sea to Sky. The facility produces five varieties of high-quality soil and compost, which are then sold back to landscapers, farmers and residents throughout the region.

The GORE Cover system allows outdoor composting operations, which reduces the maintenance and capital costs associated with the more complex mechanical systems. The GORE Cover system in use in Pemberton retains heat and moisture, reduces odours, has a bioaerosol emissions reduction of over 99 percent, a very small energy demand of less than one kilowatt hour per tonne and a very limited physical footprint of three square feet per tonne.

Sea to Sky Soils is situated at the Rutherford Creek industrial park and is located on Lílwat Nation land. Ninety percent of their employees come from local area First Nations. The company is very engaged in community-building and is a contributor to health and agriculture projects like the Mount Currie community garden, the Lílwat agriculture program, the Southern St'at'Imx wellness program and the mental health garden in Pemberton.

Having been on site, Mr. Speaker, I can tell you that Sea to Sky Soils is doing important work in bringing us closer to a truly closed-loop waste stream.

Oral Questions

CHILD CARE SPACES

A. Wilkinson: Yesterday we learned from the Minister of State for Child Care that the number of actually operating child care spaces to be created in British Columbia has been missed by a country mile. The original promise was 24,000 new child care spaces. In a speech she gave on November 15, the minister said: "Just over 2,000 are now open to parents." So rather than 24,000 spaces, we have 2,000 spaces. That's a 91 percent failure rate.

The question goes to the Premier. Maybe he should be looking into the ministry of child care to figure out why they're not doing their job.

[2:05 p.m.]

Hon. K. Chen: I would probably suggest that the Leader of the Official Opposition double-check with his critic. Just two weeks ago his critic was criticizing that we only created about 5,000 spaces, and yesterday he said he's criticizing that we're creating 2,000 spaces. His number changes all the time.

But let me put this on the record and set things straight. The reality is that our government — we have committed to support the creation of 22,000 spaces during our term in government. And since we started our new spaces funding program in summer 2018 — last year — in a little over a year we have supported the creation and have funded 10,000 spaces.

Just let me quickly remind the member opposite and the Leader of the Opposition that his critic, when we just started our child care plan, said we don't need to invest in child care because we already have universal child care at home 24-7. Their party does not believe in investing in child care, while we are building a new system for B.C. families.

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

A. Wilkinson: Well, this child care program could be called "fun with numbers," because the minister keeps changing the numbers. We go from 24,000 to 22,000. She says, on November 15, that there have been 2,055 spaces created. That's what the briefing note says from her ministry, which we'll hear about shortly. That's 140 spaces a month. At this rate, it's going to take 14 years to reach her 24,000, or maybe it's 22,000, because she's going to pretend that funding spaces is the same as creating spaces.

Interjections.

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

A. Wilkinson: The point is, Mr. Premier, that your minister of Child Care is lost in space and is very confused about the numbers and is throwing out things that don't make any sense. The story doesn't add up. When are we going to get the truth from the minister of Child Care?

Hon. K. Chen: Let me just remind the Leader of the Opposition that while it is very encouraging to hear the member opposite talking about investing in early learning and child care, this is what the MLA for Kamloops-South Thompson said during the leadership race about the Leader of the Opposition's platform. This is what he said. And I think the leader and the member opposite might want to...

Interjections.

Mr. Speaker: Members. Members, you're out of order. Minister, if you might take your seat for a moment, please. Perhaps we could try this again.

Hon. K. Chen: Thank you, hon. Speaker. I just really want to remind the member opposite.... This is what the MLA for Kamloops–South Thompson said during their leadership race about the Leader of the Opposition’s platform. He said: “The ideas on housing affordability, the ideas on child care — they are just not there.” This is what our government has been doing, when their government, when they were in power, ignored the child care crisis. That we have to....

Interjections.

Hon. K. Chen: Apparently, they don’t want to hear the answer.

Interjections.

Mr. Speaker: Members.

L. Throness: Let’s take another try at this. On November 15, the Minister of State for Child Care said to the *Indo-Canadian Voice*: “Just over 2,000 new spaces are now open to parents.” But yesterday in the House, when I used the same number, she said that “the number that they’re throwing is incorrect.”

The minister knew that what she was saying was untrue. Will the minister now confirm that 2,055 spaces is the right number, and will she tell us why she contradicted her own numbers in the House? Was it an attempt to cover up this government’s failure to create child care spaces?

Interjections.

Mr. Speaker: Members.

[2:10 p.m.]

Hon. K. Chen: Let’s talk about the numbers. We have committed to support the creation of 22,000 child care spaces. And let’s just remind the member opposite that this is the fastest acceleration of the creation of spaces in B.C. in the whole of history.

Let’s put it in perspective. During the past year, a little over a year, we have funded and supported the creation of 10,000 spaces, and spaces are being created throughout B.C. communities every single week. There are spaces being opened. There are spaces being built. We’re working with the municipalities. We’re working with Indigenous communities. We’re working with child care providers throughout B.C. communities.

Let’s put it in context. During their last four years in government, they funded, in four years, about 4,000 spaces. We have achieved and funded and supported the creation of child care spaces of 10,000 in a little over a year.

L. Throness: The minister needs to get her numbers straight. I’m going to read from her own budget, page 22 of her main child care document. “Families can look forward

to funding for more than 24,000 new child care spaces over the next three years.” The minister needs to get her numbers straight.

When you look at the numbers more closely, they get even worse, because the government promised new spaces, as I just read, not old ones. Of the 2,055 spaces, 877 were created through the new spaces fund, but the rest are from a start-up fund to help existing spaces become licensed. They’re not new spaces.

So let’s get this straight. After two years, all with the help of a large bureaucracy spending hundreds of millions of dollars, this minister managed to create fewer than 1,000 working spaces when she promised 24,000. Sounds like a fast ferry program to me.

How is it possible? How is it possible, even for the NDP, to do this bad?

Interjections.

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

L. Throness: How is it possible, even for the NDP, to do this bad? Could the minister explain the total collapse of her program?

Hon. K. Chen: I believe I’ve been setting the record straight about the number, the creation, of spaces that we’ve been doing, and we’ve been accelerating the creation of child care spaces.

But let’s just remind all the members in the House that families in B.C. have really struggled with the child care crisis. Early childhood educators have been struggling with a lack of support. So ever since we became government, we have been putting together a comprehensive strategy with over three dozen initiatives to bring down child care costs for the first time in B.C.’s history.

We have been accelerating the creation of...

Interjections.

Mr. Speaker: Members.

Hon. K. Chen: ...spaces, and we have been supporting our early child care educators. And currently there are over 25,000 families paying less than \$10 a day or no cost at all for child care.

GOVERNMENT ACTION ON CLIMATE CHANGE AND ECONOMIC PLAN

A. Olsen: We’re coming to the end of a decade, and when we return back to this House, it will be 2020. It’s with this context that as we turn the corner, I believe we need to be more deliberate in how we tackle the wicked problem of our generation, climate change. CleanBC is a good start, one that

we celebrate together. However, to reach our targets, government is going to have to challenge business as usual and recalibrate our trajectory.

There is lots of talk about the new economy, but when we look around, we are still harvesting natural resources at unsustainable levels, still justifying logging old growth and still subsidizing multinational fossil fuel companies with taxpayers' money. It's not only about having the vision of a more prosperous, sustainable and resilient economy; it's about having a plan and the political will to bring all the stakeholders to the table — the people, the invested industries and advocacy organizations — to have an honest conversation about where we're at and where we need to go.

[2:15 p.m.]

To the hon. Premier: we've seen a very similar approach to engaging industry as we've seen with the last government. We react to threats and limit our ambition. Why are we still lowering the bar for industries that are trying to protect the profits they extract through maintaining the status quo?

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

As the member knows, we have one of the most, if not the most, ambitious climate change emission reduction strategies in North America that we have coupled with an ambitious economic plan to reduce emissions in our traditional resource industries and to promote technological innovations to reduce emissions further and market products.

I respectfully disagree with the member that we react to complaints from any one sector. We, in fact, consult broadly. In the Climate Change Accountability Amendment Act amendments that we passed a couple of weeks ago, we have set up and will be establishing a council that is broadly based of all British Columbia society, including labour, academia, local governments, Indigenous people, business, environmental organizations and people who live out of the mainly populated areas of southern Vancouver Island and the Lower Mainland.

We are intent on continuing our leadership in North America, but we know that you cannot have a climate plan that captures the imagination of British Columbians if we're shedding jobs or hurting the economy. We need to couple climate action with diversified economic growth and protecting jobs in communities around B.C. That's exactly what we're doing.

Mr. Speaker: The member for Saanich North and the Islands on a supplemental.

A. Olsen: Thank you to the minister for his response. It's exactly where I'm going with this supplemental question, because having a steady hand managing the status quo is not good enough anymore.

We can see clearer than ever that ours is a province and an economy that is in transition. While we boast about a strong

economy, we can see the underlying signs of trouble. The province is experiencing a deep affordability crisis in urban British Columbia and a dramatic need for restoration in our resource communities.

People are looking to the provincial government for a sophisticated response to complex challenges that we face. An affordability crisis in housing; labour unrest; rural and remote resource economies in collapse; health care and public education budgets bursting; and climate change are largely problems that have been inherited or, in some cases, covered up by the previous government. But that doesn't change the fact that more of the same will only get us more of the same.

My question is to the hon. Premier. Does the Premier agree that we must take steps now to become less reliant on exploiting non-renewable resources and receiving resource rents and instead focus our energies on innovation and building new economic sectors for the province and the people?

Hon. J. Horgan: I appreciate the question from the member from the Third Party, although I don't have as gloomy an outlook as he does and I don't think British Columbians do. There are over 100,000 people working in the innovative sector today and more to come.

You mentioned labour strife. I don't know if you read the paper this morning, but free, collective bargaining has allowed the transit situation to be resolved. If we had listened to the people on the other side, well, that might not have happened. The best deal, as we all know, is a deal that's reached collectively, cooperatively between the two parties. When I see union leaders coming out and saying, "We got a good deal for our members," and I see the employer coming out and saying: "I got a good deal for the bottom line," that's a benefit to everyone.

Now, I appreciate that the member for Saanich North and the Islands wants to have a more gloomy view as we leave this place, but I'd like to think that we've done extraordinary things here. Working in cooperation with the Green Party...

Interjections.

Mr. Speaker: Members.

Hon. J. Horgan: ...and all members of this House, we passed the UN declaration on the rights of Indigenous peoples in this Legislature.

I appreciate that the member from Saanich North and the Gulf Islands would prefer that we eradicate the challenges of climate change in less than 12 months, but five million souls in British Columbia doing the best they can and leading North America is what we've been doing. I know you agree with that statement, hon. Member.

[2:20 p.m.]

We have an innovative economy. We have a dynamic com-

munity, and we have hope and optimism for a very, very bright future for British Columbians.

RURAL DIVIDEND FUND AND SUPPORT FOR COMMUNITIES

S. Bond: When the Forests Minister made the decision to raid the rural dividend fund, he didn't have the courage to look communities in the eye and be honest with them. It came as a complete surprise and shock. In fact, Lumby mayor Kevin Acton said: "This has been a devastating blow to our community." The minister claims that the program is only temporarily suspended, but frankly, no one believes him.

Will the Minister of Forests stand up today and explain to devastated communities exactly why he cancelled this critically important program?

Hon. D. Donaldson: Of course, our thoughts and sympathies and most of our attention is towards the workers impacted by the downturn in the forest sector and the forest economy throughout the entire province, the Interior and the coast.

When we looked at the seriousness of the situation, we considered the feedback from our community transition teams, who enter communities where curtailments and mill closures have happened. We then decided a \$69 million Interior forest worker support program was needed. We reprioritized funding from...

Interjections.

Mr. Speaker: Members.

Hon. D. Donaldson: ...within various ministries, including the rural dividend fund, which we temporarily suspended.

We understand the work that communities have taken to put these applications in. We're holding onto those applications for future funding cycles. This is supported by members of communities across the province because people in the Interior, people in rural communities, lend a helping hand to each other when times are tough.

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

S. Bond: The minister knows full well that it is not widely supported. He knows that is actually less than accurate, his last comment. Not only that. That's not the only feedback that this minister received. Maybe I can give him a bit of help with a little more accurate description of why he abruptly cancelled the rural dividend fund.

I have a copy of an email written by the minister's senior ministerial assistant, Tim Renneberg. This is what was said. Let's talk about feedback, Minister. This is what was said.

"The \$25 million annual rural economic dividend, which was always just a slush fund..." Rural communities across British Columbia were devastated with the government's decision to end the fund. Now we know why. We know the real reason why. It was considered a slush fund. That is absolutely shameful.

Will the minister stand up today, after hearing the words of his senior ministerial assistant — feedback, as he would describe it — look rural communities in the eye and apologize for that outrageous characterization of this incredibly important fund?

Hon. D. Donaldson: Yes. The previous government might have considered this rural dividend a slush fund, but we do not. We repurposed the rural dividend funding for this fiscal year. We've held on to the applications. We repurposed it into support for Interior forest workers.

Interjections.

Mr. Speaker: Members.

Hon. D. Donaldson: I'll quote from Mayor Joan Atkinson, the mayor of Mackenzie, who said: "I recognize that the government recognizes the communities that are really challenged with these forestry curtailments, and I'm so grateful that my community will receive some of this funding." That's the kind of feedback we're getting.

[2:25 p.m.]

Let's look at why we had to repurpose this funding for this fiscal year. Why did we have to create a \$69 million Interior forest worker support program? It's because those members on the other side in the previous government ignored what was coming down the pipe. They had a consultant's report in 2015 that the mountain pine beetle wood was going to result in up to 13 mill curtailments, and they did nothing to help communities prepare.

T. Stone: These words, "just a slush fund," were not uttered by anyone on this side of the House. They were uttered by a senior ministerial assistant in the minister's office.

We're talking about the rural dividend fund here. There are 300 applications that have been revoked. There are 25,000 people that are counting on the investments that flow into their communities with these funds. Not only does the minister not have the decency to stand in this House and apologize for those remarks; he tries to turn them around and politicize them back at us. That's reprehensible.

Now, this is....

Interjections.

Mr. Speaker: Members. Members.

T. Stone: Premier Yuk-Yuks can sit here and smile and

laugh and make fun of this. This is an insult to the thousands of people who are out of work, who are desperately trying to figure out how to put food on their tables for their families. It's an insult to...

Interjections.

Mr. Speaker: Members.

T. Stone: ...everyone who's trying to diversify their local economies and create good-paying jobs, and it's an insult to every single community that's been hit hard with this forestry crisis.

Again to the minister, will the minister stand up and apologize for these disrespectful "just a slush fund" comments, and will he reinstate the \$25 million in rural dividend funds which he has ripped out of the hands of rural communities?

Hon. D. Donaldson: I appreciate how much rural dividend funding means to small communities. I come from a small community myself, and we know what that additional funding means. Also, we know the mess that forestry was left in by the previous government and why those funds need to be reallocated on a temporary basis in order to support forestry workers that were ignored by the previous government.

Talk about reinvesting in communities. The previous government cut services in rural communities. They closed schools in rural communities. We're opening schools. We're building schools in rural communities. We're increasing health services. We're building a hospital in Williams Lake. We're building a hospital...

Interjections.

Mr. Speaker: Members.

Hon. D. Donaldson: ...in Fort St. James. We're building schools in Quesnel and Smithers.

This is a government that knows that reinvesting in rural communities is an important part of the economy of B.C., and we'll continue to do it.

Mr. Speaker: Kamloops-South Thompson on a supplemental.

T. Stone: Well, I can tell you this much. There is no one in the 250 area code that believes a single word out of the Minister of Forests' mouth — not a single word.

Our former government invested over \$1 billion in supporting the economy and the environmental impacts of the pine beetle devastation, supporting communities all through the Interior and the north. This government has taken services away from communities, has ripped the rural dividend fund out of the hands of rural British Columbians.

Once again....

Interjections.

Mr. Speaker: Members.

T. Stone: Once again, "just a slush fund." That's the opinion of this government when it comes to rural economic development in the 250 area code of this province.

The mayor of Canal Flats, Karl Sterzer, has a different opinion than the minister. He said this: "This funding is key and critical, and I can't imagine the communities that are going through what we went through in 2015 and 2016 not having the ability to draw from that kind of resource."

Since the minister won't do it, it's time for the Premier to stand up. It's time for the Premier to make a trip to the Interior and the north and look people in the eyes and tell them that he's got their back. It's time for the Premier to demonstrate that he's actually the Premier...

Interjections.

Mr. Speaker: Members.

T. Stone: ...for all of British Columbia.

Will the Premier stand up in this House? Will he show British Columbians that he's got their back? Will he disavow the comments that were made, the "just a slush fund" comments?

Interjections.

Mr. Speaker: Members.

T. Stone: And will he reinstate these rural dividend funds now?

[2:30 p.m.]

Hon. J. Horgan: It's the selective memory on the other side that's most galling, when we hear them standing up and pontificating about rural B.C., where they ripped the core out of communities by closing school after school after school over a 15-year period.

They had a pile of press releases that high saying they would maybe, one day in the future.... "If we had the money. Just wait for us. Keep voting Liberal. We'll build some hospitals." What are we doing in rural British Columbia? We're building a hospital in your community.

Interjections.

Mr. Speaker: Members.

Hon. J. Horgan: We're building a hospital in your community. We're building a hospital in your community. We're building a hospital in your community.

Now, I appreciate that they've got nothing left to say.

Interjections.

Mr. Speaker: Members.

Hon. J. Horgan: They've got nothing left to say. The strike in the Lower Mainland has been averted. There's a mediator in place in Prince George.

Interjections.

Mr. Speaker: Members. Members.

Hon. J. Horgan: We're building rural British Columbia. Most importantly, while they were fiddling and rural British Columbia was burning, that individual on that side of the House took \$1 billion out of ICBC that we've been trying to stopgap since we got here. If they had done a better job on their watch, there would be a rural development fund. But instead, we're repurposing those dollars for people in every part of B.C. that's been devastated by the absence of coherent forest policy over the past ten years.

P. Milobar: I almost thought we were in the middle of an *Oprah* episode there for a moment, with the Premier's answer. If we want to talk about the track record of this, let's talk about the track record. Let's talk about the Premier, whose comments in the election were that no mills will close under his watch. Does the Premier remember that pearl of a chestnut of a quote that he gave out?

How about the support for the communities that's gone missing? Why is there no other jurisdiction feeling the same forestry crunch that the Interior and the coastal areas are feeling under this NDP government? It's not happening in Alberta. It's not happening in Washington state. But it's sure happening here.

Maybe the attitude of "just a slush fund" is why, because this government's cancellation of the rural dividend fund has been deceitful, and it's been done completely out of spite — a rural dividend fund that's worth \$25 million. It has \$35 million worth of applications in, and the Minister of Forests seems to think you can just magically roll those applications over to the next year and there wouldn't be other applications in the queue in that following year as well.

This is Mayor David Wilks of Sparwood. "It's certainly disturbing that the provincial government can cancel a program in which applications were in the queue, and now it's just gone" — \$35 million worth of applications, for a \$25 million fund, in the queue.

Patrick Lucas, founder of the Aboriginal youth mountain bike program, said: "My emails lit up over the last couple of days hearing from folks that are pretty shocked and upset and surprised by the announcement and how it's going to impact their community in the coming year."

But to this government, it's just a slush fund, and today it seems quite humorous to the members on the other side. Again, will the Premier apologize to the founders of the

Aboriginal youth mountain bike program, Mayor Wilks, all the other community groups and everyone else out there that's been impacted by their spiteful removal of the \$25 million rural dividend fund under the guise of trying to help communities — out of a fund, I would note, that not one dollar has flowed from after four months of it being announced?

Interjections.

Mr. Speaker: Members.

Hon. J. Horgan: The reason Oprah is so popular is she doesn't hand out press releases to people. She does something substantial for their lives, and we've been working to make life better for British Columbians. That's why.

Forgive me. I didn't realize that people didn't know who I was pointing to, but we're building a hospital in Terrace, promised and not delivered by the other guys; building a hospital in Williams Lake, promised, not delivered, by the other guys; building a hospital in Dawson Creek; building a hospital in Fort St. James, promised but not even remotely delivered on; Quesnel, an ICU; Cowichan, a brand-new hospital. Building schools all across British Columbia. That's rural development.

[2:35 p.m.]

You were pulling services out of communities. We're putting them back in. I ask any one of the members on the other side to go into forest-dependent communities and say: "We're not going to give you bridging funds for your pension. We're not going to help you with retraining." They sat on their duffs for 15 years as the industry went into the can. We're trying to do something about it.

A coherent forestry plan was desperately needed. The other side didn't know how to do it. We do.

[End of question period.]

Tabling Documents

Hon. C. James: I rise to table the government's second quarterly report, '19-20, as required by section 10 of the Budget Transparency and Accountability Act. Second, pursuant to the Financial Administration Act, I'm pleased to present reports for the fiscal year ending March 31, 2019, on all amounts borrowed by government and all amounts loaned to government bodies. These reports provide an overview of the province's borrowing activity in fiscal year '18-19.

Reports from Committees

MERIT COMMISSIONER APPOINTMENT COMMITTEE

D. Routley: I have the honour to present the report of the Special Committee to Appoint a Merit Commissioner.

I move that the report be taken as read and received.

Motion approved.

D. Routley: I ask leave of the House to move a motion to adopt the report.

Leave granted.

D. Routley: I move that the report be adopted. In doing so, I would like to make a few brief comments.

Beginning last July, the committee carried out a comprehensive recruitment process and received a number of qualified applications. This report describes that process and constitutes the committee's unanimous recommendation for the appointment of Maureen Baird, QC, as British Columbia's third Merit Commissioner.

The committee was impressed by Ms. Baird's 25 years of experience in administrative law, which includes extensive work in the area of labour relations. In addition to her knowledge of the Office of the Merit Commissioner, the committee particularly appreciates her conceptual understanding of systems and processes and her perspective on diversity and inclusion in the workplace. The committee is confident she has the knowledge required to take on the role of Merit Commissioner. Ms. Baird is in the gallery today, so please join me in welcoming her and congratulating her.

On behalf of the committee, I would also like to express our appreciation to Fiona Spencer for her public service to this province as Merit Commissioner over the last nine years and wish her well in her future endeavours. I would also like to thank all of the staff of the Office of the Merit Commissioner, who have worked to support the continuity of the office over the past several months. Their work during this time of transition is much appreciated. I also extend my sincere gratitude to the Deputy Chair, the member for Peace River North, and all committee members for their diligent work on this appointment process.

D. Davies: I'd also like to echo the comments from the Chair from Nanaimo-North Cowichan and to congratulate Maureen Baird's appointment as B.C.'s new Merit Commissioner. I'd also like to thank Fiona for her nine years of service to the province of British Columbia, as well, and to thank all of the interested parties that applied and showed interest in this position.

The committee.... Looking at the report, it seemed like it was just a few months since we first met, but it's been quite a few months that we've been meeting. I'd like to thank all of the committee members that worked in an incredibly collaborative process, as we do from time to time in this building.

I certainly want to thank the member for Surrey South for stepping in halfway through the committee to fill a much-needed vacancy. Thank you.

Of course, I must thank Kate and Jennifer and all of her staff for the incredible work that they do to really make this a fairly smooth and easy job for all of us.

Again, on behalf of all of us here, I'd like to congratulate

Ms. Baird, and I look forward to working with her in the future.

[2:40 p.m.]

Mr. Speaker: The question is the adoption of the report.

Motion approved.

Motions Without Notice

APPOINTMENT OF MERIT COMMISSIONER

D. Routley: I ask leave of the House to move a motion requesting the Lieutenant-Governor-in-Council appoint Maureen Baird, QC, as Merit Commissioner for the province of British Columbia.

Leave granted.

D. Routley: I move:

[That the Legislative Assembly of British Columbia recommend to the Lieutenant Governor in Council that Maureen Baird, Q.C. be appointed as an Officer of the Legislature, to exercise the powers and duties assigned to the Merit Commissioner for the province of British Columbia pursuant to section 5.01 of the *Public Service Act* (RSBC 1996, Chapter 385) for a term of three years commencing on January 13, 2020.]

Motion approved.

Petitions

Hon. J. Horgan: I rise in the House today to present a petition from the Highlands District Community Association signed by 1,198 British Columbians expressing opposition to strip-mining in the South Highlands area.

E. Ross: I rise on behalf of my constituents to present a petition that calls on the Legislative Assembly to act on the changes submitted to the B.C. government to modernize denture-related services for the betterment of the B.C. public.

S. Cadieux: I have a petition signed by 111 people regarding the regulation of denturists.

D. Ashton: I rise today to present a petition on behalf of the patients experiencing preventable medical harm. The petitioners are asking for mandatory reporting of medical errors and providing an administrative compensation system for those patients that experience avoidable medical injury.

L. Throness: I have a similar petition to the member for Penticton, given to me by my constituent Shelley Bunnah, who gathered 27 names of petitioners. They're requesting the mandatory reporting of medical errors and providing an

administrative compensation system for patients who experience an avoidable medical injury.

Orders of the Day

Hon. M. Farnworth: To think we only have one more day of this fun. In this chamber, I call committee stage, Bill 45, Taxation Amendment Act.

[2:45 p.m.]

Committee of the Whole House

BILL 45 — TAXATION STATUTES AMENDMENT ACT, 2019 (continued)

The House in Committee of the Whole (Section B) on Bill 45; R. Chouhan in the chair.

The committee met at 2:46 p.m.

On section 2 (continued).

T. Stone: We're going to start off our deliberations in committee stage today, in section 2 here, with another proposed amendment that we have.

To refresh everyone's memory quickly, we moved an amendment on this when we were in this section last. The amendment was ruled out of order. The issue that we're trying to address here is to ensure that there is as much certainty as possible with respect to the funds that are generated from vaping products' PST — that those funds find their way towards supporting awareness, prevention and support. So we understand the rationale for the previous amendment being out of order.

This one that I'm proposing provides for an amendment that essentially would require the revenues to be put into a fund that already exists. Unlike the last amendment, where we were suggesting the creation of a new fund, this amendment deals with the funds being allocated into an existing fund. The existing fund is called the health special account.

While it doesn't provide for as much certainty and transparency on how much funds are raised and the clear dedication of those funds to vaping education, this amendment is the next best thing, we think, because it would still require those funds to be put into an existing health special account, and the accountability on this account is dealt with as part of the estimates process in the annual budgets.

I will pass that amendment forward now.

Hon. C. James: To the member, thank you for the amendment just received. I will speak against the amendment. I will suggest that the amendment is, in fact, out of order. As with the previous amendment, it is directing government, directing tax revenue, to the health special

account, which has very clear parameters around what money is and isn't used in that account.

[2:50 p.m.]

The Chair: Member, thank you for proposing this amendment. It seems like this proposed amendment should be debated under section 5, rather than under section 2. Why don't we wait until we get to section 5, and then we will deal with it. Would that be okay?

Interjection.

Sections 2 to 4 inclusive approved.

On section 5.

T. Stone: I would like to move an amendment to this section.

[SECTION 5 be amended by adding the following section: Payments to Health Special Account

5.1 (1) Notwithstanding section 2 of the *Health Special Account Act*, revenues paid into the consolidated revenue fund under sections 34 (11), 35 (8), 36 (11), and 55 (3.6) of the *Provincial Sales Tax Act* shall be paid into the Health Special Account.]

On the amendment.

T. Stone: We would urge the government to seriously consider this as a thoughtful, practical amendment that addresses the concern that I think we all have, and that's ensuring that the revenues that are generated from the vaping PST go into this fund, where there will be a transparency on those revenues as part of the annual estimates process.

Again, and in closing my comments on this amendment, we just want to make sure that every penny available from the vaping products PST finds its way into funding those very necessary awareness, prevention and addiction support programs in every middle and high school across British Columbia.

We think that this is a reasonable compromise, versus our last proposal, that would ensure that these funds go into this special health account, from which at least there is some transparency around the total revenues collected and how they're disbursed on an annual basis as part of the annual budget and estimates process.

Hon. C. James: I will be speaking against the amendment. As I said earlier, but I'll say again, under this section I believe the amendment is out of order. It directs tax revenue.

I want to speak to the member's point around accountability, because we canvassed this in the last discussion we had. In our full afternoon previously, we talked about accountability, and we also talked about the fact that the ten-point plan is just being developed.

The Health Minister has announced it. We have talked and agreed that the most important part of that plan is devel-

oping it with youth — that youth have to be engaged, that they have to be directing the plan, that if we are going to be effective in education on ending vaping for youth that we need to do that by engaging the youth.

[2:55 p.m.]

None of that program has been developed yet, because it needs to engage youth, because we want to make sure their voices are there. And as always, the costs of a program, the amount of money being spent on a program, are part of a minister's responsibility.

I would expect the opposition.... I would expect members to be asking those kinds of questions. That's exactly the kind of accountability that occurs in this Legislature, so I couldn't agree more. As I said two days ago in our debate on this same issue, I couldn't agree more about the importance of addressing the issue of accountability — being accountable for the program, ensuring that this is implemented well.

I think that was the strength of our second reading — the fact that we all agreed in this House on exactly that, and I believe that accountability will be there.

S. Bond: While I appreciate the minister's comments, I'm not sure why there is such an incredible reluctance here. This is a new tax. There is widespread, unanimous agreement in this Legislature that we need to do something about vaping. And the way — one on the ten-point plan or however many points were in the plan — is a fiscal taxation piece.

This is about transparency. This is the fiscal amendment. It's not about the effectiveness of the program. We care about all of that, and we're going to hold the government accountable, especially my colleague from Kamloops–South Thompson. This is about fiscal transparency. I have no idea why this minister is reluctant to put the revenue from a tax that's created specifically related to vaping and vaping products and components.... Why is it so incomprehensible that those funds could not be put in a designated line item which requires transparency?

Our concern is this. There will be programs created. There is no doubt about that. We will be holding the government to account for the effectiveness of those programs — the thoroughness, how they're implemented. What we want is for British Columbians to know exactly where that money is going. When it gets rolled into the general revenue, the consolidated revenue fund, we will not know specifically where that money is being utilized. These are extraordinary circumstances. There is unanimous agreement in this Legislature about moving forward on a tax. I can assure you that rarely do we find that to be the case.

We're very concerned about the tax burden on British Columbians, but in this case, we're prepared to support that tax. All we're asking the minister to do is to create a designated place for that revenue to go so that British Columbians, members of this Legislature, health professionals, families can see exactly what the government is doing with the revenue that is designed to deal with the issue of vaping and, in particular, youth health and youth dependency.

From my perspective, it's practical. There is an existing fund. We didn't win, obviously, on the one where we thought it should have had its own dedicated fund. But there is another option here, and it is time for us to look at exactly what this money is going to do.

So, obviously, I think the motion is reasonable. It doesn't demand anything of government in terms of how it's spent. This is a transparency motion, for heaven's sake. It is about laying out where the spending occurred and making sure that every single penny collected will be dedicated to dealing with this issue, which is so critical and such an issue in many jurisdictions around the world.

The Chair: Members, the Chair heard the debate on this proposed amendment. We allowed the debate, but it's the Chair's ruling that it cannot be allowed to go to vote for the following reasons. The amendment directs tax revenue to a purpose not recommended by message of the Lieutenant-Governor, as required under Standing Order 67 and equivalent provisions in B.C.'s Constitution Act.

The amendment, in my opinion, is out of order in the hands of a private member.

Amendment ruled out of order.

[3:00 p.m.]

S. Bond: Then we're going to try another way, because this matters. And while we might want to debate the logistics of where this should happen, we believe that there needs to be transparency. We believe that there should be a requirement for the Minister of Finance to report out. We're not talking about the programs today. We want them to happen. We're not talking about how effective they will be or who's going to design them or what the youth panel looks like. We're talking about taxpayer money.

I am going to move an amendment. I will table it. I have copies of it for the minister and for the Clerk's table. Let me just read it first. The heading reads: "Revenue and Spending Report Required." It would be an amendment. It would be section 5.1. I will read what the amendment says. And to be clear, we're not directing the government to do anything other than report.

**[SECTION 5 be amended by adding the following section:
Revenue and Spending Report Required**

5.1 The minister must, in respect of amounts that are paid into the consolidated revenue fund under sections 34 (11), 35 (8), 36 (11), and 55 (3.6) of the *Provincial Sales Tax Act*, lay a report before the Legislative Assembly detailing

- (a) The total revenues collected, and
- (b) Spending on the administration, operation and delivery of education and prevention services intended to reduce the purchase and use of e-substances and e-vaping devices, represented
 - (i) as a percentage of the revenues reported under subsection (a), and
 - (ii) in dollars.]

On the amendment.

Hon. C. James: While I appreciate that we're having a conversation about accountability — and I come back to the accountability piece again — I will be speaking against the amendment.

[3:05 p.m.]

I believe that for the PST Act to include programs and services that are still being developed.... We don't know the timing of those programs to be developed. They're being developed through education, through health care.

When we have accountability measures, there hasn't been an estimate where I haven't been asked by members around tax revenue and particular things. There has not been an estimate where I have not been asked about program spending by members. Certainly I think that accountability is there, as it was for the previous member when the previous member was a minister, as it was for the previous government when they were in government.

Accountability is there. Accountability is critical. I do not believe this amendment fits, nor do I believe that it's necessary when you have the existing mechanisms in place for accountability.

S. Bond: Well, I appreciate the minister's explanation. But let's be clear. This is not about putting programs under the Provincial Sales Tax Act, and the minister well knows it.

This is about an expectation that money raised from a vaping tax — that that information about how much is collected and how it is being spent is made public. What's ironic in this discussion.... This is about the health of our children. We have unanimous agreement in this House about increasing a tax, creating a tax, increasing it.

I can harken back my thinking to a tax we disagree on. We disagree aggressively and significantly on a tax called the speculation tax. Yet when we came to the minister and asked the minister to lay a report before the Legislature on the speculation tax, which does virtually the same thing.... In fact, the amendment would be in line with the amendment that the government accepted regarding the speculation tax.

Section 141(3) requires the minister to "lay a report before the Legislative Assembly." We worked through this with the spec tax. We disagree with the speculation tax. We fought the speculation tax. We're still fighting it. We're still hearing from residents in those areas.

Today we're in a different circumstance. We're here to say: "We will support this element of a plan." But make no mistake about it, it is the fiscal element. It's not about who's going to write the programs or who's going to be on the youth committee. It's about saying to British Columbians: "How much money did you get, and how did you spend it?" And the minister would lay that report annually in front of the Legislature. That is exactly what this minister agreed to with the speculation tax. How is this different?

In fact, this should be even more compelling for the minister, unless she's going to be reluctant to explain where that tax money went by rolling it into the consolidated revenue fund.

All we're asking for, which is not unreasonable, is a transparency mechanism around the dollars — not the programs, not the people, not the working group. What we would like to see this government agree to is a transparency measure where the minister provides a report. "Here's what we took in, and here's how we spent it."

As I said, we managed to work our way through this with the speculation tax — a tax we're opposed to. The minister agreed to that amendment, yet with this one, somehow there's no willingness to actually to lay a report. This is about a report. It's about saying: "Here's how much we took in. Here's what we did to help kids. Here's what we spent it on." What are the administrative costs? How is this money going to be spent?

I can understand the minister is facing some challenges. There is a tight budget situation. We continue to see the situation around the budget deteriorate. But there is no reason this minister cannot say yes to a transparency measure that outlines where this money is going, instead of simply rolling it into the consolidated revenue fund and relying on reporting out program by program.

This is a fiscal amendment. It is a taxation amendment. The minister agreed to this type of approach when it came to the speculation tax, and we would urge the minister to rethink her decision to speak against this motion, particularly when this one involves the health of the young people of British Columbia.

Hon. C. James: I'll just make a couple comments before I again speak against the amendment.

[3:10 p.m.]

There are opportunities, through estimates, as the member knows very well, to ask those kinds of questions. There are many opportunities to be able to talk exactly about those questions.

This is a program that is being developed, that we are going to develop with youth. It has not been developed. There are programs and services that support stopping smoking or stopping vaping that will be outside the ten-point plan that will be part of Health's budget or part of Education's budget.

This is a wide range of approaches, as wide as we need it to be to discourage youth from vaping. There will be every opportunity for the members to ask those kinds of questions.

With that, I speak against the amendment.

J. Thornthwaite: I would like to rise and support my colleagues on this side on the amendment to Bill 45, Taxation Statutes Amendment Act, to ensure that "the total revenues collected" and "spending on the administration, operation and delivery of education and prevention services intended to reduce the purchase and use of e-substances and e-vaping devices, represented...." And they must be "a percentage of the revenues reported under subsection (a)," in dollars.

I agree with my colleagues that this is a transparency measure. It will ensure that the dollars will go to education,

prevention. And why it is so important that this dedication is identified — the reason why it is, is because we have an addiction crisis in this province.

The B.C. Liberal caucus today just got a presentation from the B.C. Centre on Substance Use. In amongst the presentation, they talked about the challenges facing our recovery system and our addiction system. At a systems level, there are a lack of standards, oversight and regulation. There's a lack of coordination between providers. There is timely, equitable access to approved care that is not appropriate.

With regards to service delivery, they requested the implementation of evidence-based practices and transparency and quality assurance evaluations and outcomes monitoring. These are all the things that we are asking for.

Addiction is rampant in this province, in this country, on the continent, and we are very, very worried about youth and their addiction to vaping. Where that's coming from is from the nicotine. We had a presentation in North Vancouver that was put on by school district 44 as well as Foundry on the North Shore. They had a presentation by Dr. Milan Khara. He's the physician lead on the smoking cessation clinic at Vancouver General Hospital.

The reason why North Vancouver brought him over to speak to parents — and it was a packed room, and this was back in March — was because Seycove School — you probably heard it in the news; it was national news — was infamous because they had closed some of their bathrooms to prevent kids from vaping.

What he said is that education is needed for kids in elementary school. The B.C. Centre on Substance Use also reiterated that today and said that we need to develop prevention and early intervention resources for youth in K to 12 — kindergarten to 12 education — plus supports for students and families.

For children and youth, their brains are still developing. So the use of these addictive substances like nicotine is even more grave than in adults. Kids are self-medicating for anxiety and depression.

The Chair: Member, we are debating the amendment, the proposed amendment.

[3:15 p.m.]

J. Thornthwaite: What I'm trying to do is emphasize the importance of us concentrating on the addiction of the nicotine in vaping products and that the dedicated funds that my colleagues have alluded to in this amendment are going to prevention and education funds. We want to make sure that this is transparent. In other words, so we know where the money is going because right now we don't know where the money is going. Is it going to general revenue? What exactly is it going to?

Dr. Milan went on to talk about his clinic. This is the other thing I wanted to mention. They do have nicotine replacement therapy, for instance, for adults at Vancouver General Hospital, but currently they do not have the resources to

help children. Right now — this was way back in March — they are very, very worried that they are going to run out of the resources to be able to do anything for children. Not only that, but there are no standards for dealing with nicotine addiction in children.

The Chair: Member, the Chair doesn't want to interrupt you in your debate. You have the right to do it, but those points were established under second reading already, so we know the impacts of that. If you could kindly speak to the amendment, that would be appreciated.

J. Thornthwaite: Okay. Thank you, Mr. Chair. Then I'll summarize and just say that I really do want to emphasize how important this amendment is with regards to transparency and us, all of us, and British Columbians knowing where the dollars are going to. Because the education and the prevention and the help with the youth addictions is of utmost important here in British Columbia.

D. Davies: I just kind of want to follow up a little bit also with my colleague for North Vancouver–Seymour, speaking to Bill 45 and the amendment that my colleagues have presented, to paint a picture on why we value this amendment on making sure that there's accountability to all of the parents across this province, accountability to our educators, our health care people, that have recognized that this is, indeed, the health crisis that it is.

I'm just going to read one little quote here. It's from the B.C. chief medical officer, talking about how vaping is quickly emerging as a significant health issue in British Columbia. "Vaping is turning back the clock on decades of effective anti-smoking efforts and creating a new generation of young people that are now going to be addicted to nicotine." That's from the B.C. chief medical health officer.

When we start looking at.... I'm speaking to this from a couple different angles. First of all, I'm a parent, a father of a teenaged daughter who attends middle school. She is around this vaping already far too much than I'd like to admit. I'm also speaking to this as the Education critic for the official opposition. I've got so many people that have reached out and contacted me — teachers, parents, members from the BCSTA — which, of course, have all come out in full support of, first of all, where the government is going on vaping.

Again, going back to this amendment, we need to make sure that these funds are accountable and that we can go to parents, we can go to our teachers and say that there will be resources available. There will be resources that government can say we have provided to educators, resources they can use in the classroom.

My colleague from Kamloops–South Thompson said, I believe, the day before yesterday when we were in here talking about this, that this is more than just buttons, brochures and posters. This needs to have a real, impactful effect on our young people and teachers can be trained and given the tools that they need to deliver this in the classroom. Medi-

cal health officers, locally, within each of our regions, need to have the tools and resources that they need as well.

[3:20 p.m.]

If this is just going to come out of a general revenue fund, I don't think that is doing a service at all to the province of British Columbia or doing a service at all to the citizens of B.C. that really want to see the government taking leadership on this to show that here is where we have put the dollars to curb this epidemic that is coming right now.

That is the full intent of this amendment that has been moved by my colleague: to have government show the residents of this province that they are doing their level best to curb this epidemic, which is still in its infancy. We still have time to stop this before my son, Noel, who is eight, hits middle school. I really believe that we can stop this. But it is going to take leadership by the government.

I think part of that leadership is demonstrating — showing, proving — to the citizens of B.C. that we have invested, I understand, upwards of.... I believe it was \$2½ million in PST to be collected and that we can show that those funds have gone to dissuading our young people from starting this horrible epidemic of vaping.

I'm not going to talk too much more. I just wanted to make sure that from, first of all, a father's perspective and, secondly, from an education perspective.... Again, sitting as a former teacher, there have been lots of programs that governments over the years have rolled out that have just been posters, buttons and such. They don't work. We need to really show that government is grabbing the bull by the horns and providing adequate money to go to our programs that will train our teachers up.

If we look at smoking, it's taken 60 years of anti-smoking campaigns to get people to quit. This is a great opportunity by adopting this amendment to put it out there that government is doing everything it can to make sure that the funds are being designated to stop this.

We're not here.... Well, I won't be here 60 years from now. But whoever is in this place 60 years from now is not talking about, "Oh, we finally got this vaping epidemic over," 60 years later. I think we have the opportunity to do this within the next few years before my son gets into middle school. I think that is absolutely going to be incumbent upon the government adopting this amendment, putting their money where their mouth is and showing the residents and the citizens of B.C. that the money is going to get our kids off of vaping. That is what I want to see.

That's the intent of this motion. That's why I want to see this motion, and I'm sure everybody out there — teachers, parents, health professionals — also agrees as well.

T. Stone: I, too, would like to take a few moments to speak in favour of this amendment, which, again, as with our previous amendments, we think is reasonable and practical.

To refresh everyone's memory or just bring everybody back to what we're actually talking about here through this amendment moved by my colleague from Prince George-

Valemount, what we are simply suggesting as a practical amendment to this legislation would be to add a reporting requirement in relation to the revenues that are generated from this tax.

What we're suggesting here is nothing different than the reporting requirement which was added to the Speculation and Vacancy Tax Act that was adopted by this Legislative Assembly quite recently. That reporting requirement was incorporated into that legislation via an amendment from the official opposition that used language almost identical to what we have suggested in the amendment that we have before the House here today in the context of the Taxation Statutes Amendment Act that we are in committee stage on.

It is a simple requirement that

"The minister must, in respect of amounts that are paid into the consolidated revenue fund under sections 34 (11), 35 (8), 36 (11), and 55 (3.6) of the Provincial Sales Tax Act, lay a report before the Legislative Assembly detailing (a) The total revenues collected, and (b) Spending on the administration, operation and delivery of education and prevention services intended to reduce the purchase and the use of e-substances and e-vaping devices, represented (i) as a percentage of the revenues reported under subsection (a), and (ii) in dollars."

[3:25 p.m.]

It's a reporting requirement. We're not telling the government.... We're not trying to suggest through an amendment here that the government should spend the dollars that are raised through this vaping products tax, that the government has to spend those dollars on specific programs or in specific ways. I mean, that would be the ultimate transparency. We would have liked to have seen a provision like that.

We tried that through an amendment earlier. The government said no to that. We then thought, well, the next sensible ask of government would be to require the funds collected from a vaping product's PST to go into an existing account, the special health account — again, not telling government how to spend the money. We're just saying, for accountability and reporting purposes, have those funds diverted into that special health account. The government said no to that.

We're left with one final fallback here, in the name of accountability and transparency, to suggest through this amendment that the government consider agreeing to there being a reporting requirement on the total revenues collected and what the government chooses, at their sole discretion, to spend those dollars on. No direction being provided here. Discretion remains completely with the government.

I would remind members, and I've said this many times, that while the Finance Minister, through this entire process — second reading and into committee stage.... I completely take her and her colleagues at face value. I say very authentically that I believe that they're trying to do the right thing through this broad action plan. They're trying to respond to the youth vaping crisis that we have in this province.

But words are cheap. Actions are what are really needed here. While we have a ten-point action plan, which sounds great and certainly covers a lot of bases, what we're trying to say and what we've been saying all along is that the education component of this — the prevention, awareness and addic-

tion support component of this, particularly as it relates to students and youth in our middle and high schools — cannot get lost in the mix here.

We will leave this Legislative Assembly in a little less than a day from now. If this bill passes, if it receives the support of this Legislative Assembly, it will become the law of the province. We will then head off back to our constituencies. We won't be back in this chamber again until February of 2020.

My worry, and the worry of members of the official opposition, of many parents, many educators, many health professionals, is that the intentions that the Minister of Finance has eloquently stated in her comments in second reading and in committee stage — her intentions to bring life to the actions in this plan — may start to wane, may get lost. It may start to fade in people's memories.

We all know that there are significant budget pressures that this government has. We want to make sure that in the context of these budget pressures, we not lose sight of how important it is that as many resources we can muster as possible are channelled into education, channelled into those awareness, prevention and addiction support programs for youth.

In summary, we believe that this is an important accountability and transparency measure. We believe that there is no direction being provided to government in terms of how the funds are collected, how they must be spent. We therefore hope and expect that this amendment, unlike the previous two, will not be ruled out of order.

[3:30 p.m.]

We want to ensure that there is transparency and accountability on the revenues that come in and where those dollars are spent, because at the end of the day, this is about our kids. It's about our kids' health. It's about doing everything that we possibly can to invest whatever is necessary in those education programs.

If we can incorporate an almost identical reporting provision into the Speculation and Vacancy Tax Act earlier in the life of this parliament.... That was not contemplated by the government. It wasn't included in the initial act. It was an amendment that was brought forward. If we can do this, provide this kind of reporting requirement, for the Speculation and Vacancy Tax Act, surely to God we can do it here and now with respect to the Taxation Statutes Amendment Act in the context of the anti-vaping action plan that, certainly in concept, is supported by all members of this House.

Hon. C. James: Seeing no further speakers, I suggest we call the question on the amendment.

[3:35 p.m.]

Amendment negated on the following division:

YEAS — 36

Cadieux	de Jong	Bond
Wilkinson	Lee	Stone

Coleman	Wat	Bernier
Thornthwaite	Paton	Ashton
Barnett	Yap	Martin
Davies	Kyllo	Sullivan
Reid	Morris	Ross
Oakes	Johal	Rustad
Milobar	Sturdy	Throness
Tegart	Stewart	Sultan
Gibson	Isaacs	Letnick
Thomson	Larson	Foster

NAYS — 42

Kahlon	Begg	Brar
Heyman	Donaldson	Mungall
Bains	Beare	Chen
Popham	Trevena	Chow
Kang	Simons	D'Eith
Sims	Routley	Ma
Elmore	Dean	Routledge
Singh	Leonard	Darcy
Simpson	Robinson	Farnworth
Horgan	James	Eby
Dix	Ralston	Mark
Fleming	Conroy	Fraser
Chandra Herbert	Malcolmson	Furstenau
Weaver	Olsen	Glumac

[3:40 p.m.]

[J. Isaacs in the chair.]

Section 5 approved.

On section 6.

S. Cadieux: Just a few questions on this section relating to the tobacco tax increase. Can the minister please outline the expected revenue additions for this fiscal year and next fiscal year with relation to this?

Hon. C. James: So \$6 million for this fiscal — as you remember, it's a quarter and starts in January — and \$25 million per year.

S. Cadieux: Given the Q2 update yesterday and the additional \$40 million reduction in tobacco tax revenue, polling to a total of \$50 million already at this point during the year, are the numbers that the minister is quoting for expected revenue from this new tax for quarter 4 and for next year...? Does that take into account that reduction?

Hon. C. James: Yes, it does.

S. Cadieux: Can the minister confirm that this is the third time the tobacco tax has been increased since Budget Update 2017?

Hon. C. James: An increase in '17-18 budget, in '18-19 budget and now in '19-20 budget.

S. Cadieux: Could the minister put into context for us just the overall...? This most recent increase, now, here, that we are contemplating, is that done to bring the tobacco tax in line with the new PST rate overall?

[3:45 p.m.]

Hon. C. James: There are a couple of things that certainly get looked at. One is tax rates in other provinces and what shift is occurring in other provinces as tax rates go up. There's also, of course, the regular increase to ensure that we continue to discourage smoking. Obviously, the price falls with inflation, so continuing to ensure that the tax is increased on a regular basis, as happened with previous governments. The previous government increased it seven times over their time.

So this is, again, part of that regular increase to ensure that we capture those pieces and, as I said, the changes that happen — inflation, but also other provinces and the changes they are making.

S. Cadieux: I have no issues with increasing tax rates on cigarettes. I'm not a smoker, don't agree with it, so that's not my concern. But I am concerned overall as to the purpose of this particular increase. The minister had the opportunity to increase the taxes already with the 2019 budget and is choosing to do so again midway through the year. I am curious now whether or not the purpose of that is to bring the tobacco tax in line with the tax on vaping or whether it is a tax grab, as such, to make up for lost revenue in other areas.

The minister opened the door here on the number of things that are considered. What tax rates have gone up in other provinces that necessitated this particular increase?

Hon. C. James: Just to confirm for the member, this wasn't related to making sure it matched the vaping tax. The taxes are much higher, as we've talked about on the first day of debate, on cigarettes and tobacco than they are on vaping. Again, we had not made the change in the beginning of '19-20 budget. We felt this was an opportunity, when we were bringing forward the changes in vaping, to do our increase in '19-20.

Again, it's not a particular province where the tax goes up and, therefore, we react. We look and use that comparison of taxes across the country — look at the rates that are there, look at our rates and look at what opportunity there may be. Alberta, for example, just announced an increase in their taxes in their budget. But it's not one particular province. It's the comparison of utilizing that as one tool.

S. Cadieux: Great. The minister, hopefully, will indulge me here as this is obviously a new file for me, and I'm getting all up to speed on the various pieces of the Finance portfolio. Can the minister tell me what the current tax rates or the

comparable tax rates are in other provinces on tobacco at this time?

[3:50 p.m.]

Hon. C. James: I'll run through the western provinces, which tend to have a similar kind of approach around tobacco — differences in Ontario and Quebec, where they have more of an illegal market and more of a challenge around the issue. B.C., with the increase, will be at 29.5. Alberta increased to 27.9. Saskatchewan's at 27. Manitoba's at 30. That's the western provinces, where there's the biggest comparison.

Sections 6 to 8 inclusive approved.

Title approved.

Hon. C. James: To finish off debate on committee stage, just a thank-you to all members in the House. A special thank-you, as we started this bill with the member from Kamloops South, for his interest, his passion and his drive in making sure this issue came forward. I think we have shown once again the importance of... Where the values are similar, we can come together and bring forward action that I believe is going to make a real difference in this province.

I think the tax piece, as I mentioned at the beginning, is simply one piece of a ten-point plan, one part of a strategy that I think we'll need to make sure we're implementing well. I think I heard that loud and clear, and I think we all agree on that in this House. We all want to make this successful, and it's going to take everybody's efforts to be able to do that.

With that, I move the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 3:52 p.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

BILL 45 — TAXATION STATUTES AMENDMENT ACT, 2019

Bill 45, Taxation Statutes Amendment Act, 2019, reported complete without amendment, read a third time and passed.

Hon. C. James: I call Bill 42, Fuel Price Transparency Act, 2019, in this House. If I could just ask for a couple of minutes of recess, we'll ensure that the minister is here.

Mr. Speaker: Yes. We will take a five-minute recess.

The House recessed from 3:55 p.m. to 4:03 p.m.

[J. Isaacs in the chair.]

Hon. K. Conroy: I call committee stage on Bill 42, Fuel Price Transparency Act.

Committee of the Whole House

BILL 42 — FUEL PRICE TRANSPARENCY ACT

The House in Committee of the Whole (Section B) on Bill 42; J. Isaacs in the chair.

The committee met at 4:05 p.m.

On section 1.

Hon. B. Ralston: I'd like to begin, because I think this may be helpful in the discussion, to move the amendments to section 1 that are in the possession of the Clerk.

[Section 1, in the definition of "administrator", by deleting the text shown as struck out and adding the underlined text as shown:

"administrator" means the ~~person~~ administrator designated under section 3 to administer this Act or, if none is designated, the minister;.]

[Section 1, by adding the following definition:

"utilities commission" means the British Columbia Utilities Commission continued under the *Utilities Commission Act*.]

On the first amendment.

J. Sturdy: Madam Chair, we haven't seen any amendments.

The Chair: Members, the amendment is on the order paper.

Members, would you like a five-minute recess to review the amendment? The House will recess for about three minutes.

The committee recessed from 4:06 p.m. to 4:09 p.m.

[J. Isaacs in the chair.]

J. Sturdy: For clarity here, are we doing the amendment first, or are we just working through the proposed bill?

The Chair: We will do the amendment first, and section 1 of the amendment, so the definition of "administrator."

J. Sturdy: Could you perhaps just give us a sense of what the objective was here of changing the definitions, please?

[4:10 p.m.]

Hon. B. Ralston: The preamendment text referred to

"person," which is a legally defined term which is slightly narrower, potentially, than "administrator." That's why the term "person" is being proposed to be deleted, substituting "administrator."

P. Milobar: To be clear, though.... So that clears up the administrator piece. The other addition is to better define so that people understand that when "utilities commission" is referenced, it means the B.C. Utilities Commission. That's independent of the changes to "administrator," correct?

Hon. B. Ralston: Well, they're both amendments to section 1. The reason for being very specific about it is just so that it's clear what is being referred to. But B.C. Utilities Commission is not a legal person, arguably. So as a matter of legal prudence, the decision has been made to, in the proposed amendment, delete the word "person" and add "administrator," which would be broad enough to include the B.C. Utilities Commission.

P. Milobar: I understand that part of it. I guess my clarification question is.... By changing "person" to "administrator" and, at the same time, adding in a definition of the "utilities commission" as a separate piece of the amendment, it is not guaranteeing or enshrining that the administrator is actually the B.C. Utilities Commission. It's simply adding further definition — the B.C. Utilities Commission as one definition — and it's clarifying the definition of "administrator" from a "person" to "administrator." Is that correct?

The Chair: Members, just for clarity, we are on section 1, the amendment just related to "administrator," at this point. The "utilities commission" will be the next amendment.

Hon. B. Ralston: Just for clarity for the Chair then, these are both proposed amendments to section 1. So your ruling is that we are treating them as separate, individual amendments?

The Chair: Correct.

Hon. B. Ralston: To return to the member's question, that would arise out of consideration of the next amendment, which would be adding the definition of "utilities commission." So I'll reserve my answer till then if that's not too obtuse.

First amendment approved.

The Chair: Now we're moving on to the second part of the amendment, referring to "utilities commission."

On the second amendment.

P. Milobar: Sorry for any confusion on my part around the sections and the amendments. Just to clarify, then, again,

that this amendment around utilities commission is strictly adding a definition of “utilities commission” into the definitions. It does not actually link or guarantee that the administrator is, in fact, the B.C. Utilities Commission?

Hon. B. Ralston: Yes, that’s correct. This amendment, if it passes, would be linked with the proposed amendment to section 3, which gives the option to designate the Utilities Commission as the administrator, which I believe is the concern of the member. I think he certainly signalled that in debate at second reading.

The Chair: Minister, would you make the motion to move section 1, referring to “utilities commission.”

Hon. B. Ralston: Okay, thank you. I would move, then, that section 1 be amended.

Second amendment approved.

On section 1 as amended.

[4:15 p.m.]

J. Sturdy: I really did want to begin our assessment or committee stage of this bill by talking about some of the more general concepts and the general objectives of this bill. Given the rhetoric that’s been going around over the course of the last year or more — quotes around fuel prices, looking at options for fuel prices, opportunities for the province to step in, monitoring prices and taking steps if necessary, etc....

I wonder if the minister could help me understand the goal of this act. What would be the minister’s definition of success of implementation and, ultimately, success of this act, if it is to pass?

Hon. B. Ralston: The question doesn’t relate to any of the specific definitions contained in section 1, but I will recapitulate some of the comments that I made at second reading. The goal of the legislation is to create a level of transparency to British Columbians that hasn’t existed before.

The intention is to allow the Utilities Commission, which will be, I expect, the designated administrator, to collect information that will shed light on how gas companies set their pump prices and make it available to the public and consumer watchdog. So it’s an effort to make the price points, the data points that go into the ultimate price of gasoline at the pump, more transparent and make that available to the public.

J. Sturdy: Is it fair to say that there is an additional objective aside from transparency, and that is to reduce fuel prices? That certainly seemed to have been part of the conversation and part of the comment that had been ongoing for some period of time, certainly from the Premier’s office.

Hon. B. Ralston: Certainly, I think British Columbians are fed up with high gas prices and unexplained volatility in gas prices. Certainly, the Utilities Commission spoke of an unexplained 13-cent-per-litre cost that people in British Columbia are paying at the pumps.

[4:20 p.m.]

It is our hope that prices will come down, but it’s certainly not guaranteed by this legislation. It remains to be seen what the impact of this bill will be, if and when it becomes legislation, upon gas company price-setting. We will see. We are optimistic that increased transparency may lead to a moderation in price increases, but it may not. That remains to be seen as to how companies react to the legislation.

J. Sturdy: In April of this year, the Premier said: “If the price increases persist through the summer, we’ll look at other options.” Then he said in April: “We’ll see how it goes through the summer, and then if there’s an opportunity to have the province step in and help, we’ll do that.” There are a number of other quotes. Is this legislation one of those steps?

Hon. B. Ralston: It is a step in that direction. But whether it will have the effect that the member refers to remains to be seen. We’re optimistic that a more transparent price-setting array of data that becomes public will have an impact on price-setting, but we don’t know that. Certainly, it is a first step, and no subsequent steps have been predetermined at this point.

J. Sturdy: Is there a timeline that the minister could share with us around the regulation and the assessment? What could the public expect to see as a result of passage of this legislation?

Hon. B. Ralston: I think it would be little imprudent to set a firm timeline, because what we expect to do is designate the B.C. Utilities Commission as the administrator. They will have their own administrative internal timeline as to how this process will be set up, assuming the legislation passes. So it would be premature to say just when the legislation and the receipt of data would begin and when it would be sufficient to draw any conclusions that the Utilities Commission or others might wish to draw from it, although the role of the Utilities Commission will not be to analyze the data. It will be merely to collect the data.

J. Sturdy: I think I heard the minister say that.... Aside from being premature to speculate on the timeline, are there other steps that the government may be considering taking? Or will there be no real further action until there is data to act on?

Hon. B. Ralston: I’m not in a position to reveal other government plans. But certainly, as far as this legislation is concerned, assuming that the bill is passed and the Utilities Commission begins to collect the data.... Then we will

have a look at and be able to analyze the data, along with members of the public, and draw conclusions. If further action is required, then there'll be a discussion and, perhaps, a decision at that point.

But as I've said, there are no predetermined subsequent steps. Although the member may wish me to state that, I can't state that, because that would not be factual at this point.

J. Sturdy: In terms of the definition, the minister has referred to the B.C. Utilities Commission on a number of occasions. Can the minister confirm that it would be the BCUC that would be appointed as administrator? If not, what other options would be out there for the minister to appoint as an administrator?

[4:25 p.m.]

Hon. B. Ralston: The legislation, as it's drafted and assuming it's passed, will require an order-in-council to designate an administrator. That would be a decision of the cabinet. Certainly, it's my intention — my firm and strong intention — to recommend that it be the B.C. Utilities Commission that becomes the administrator.

J. Sturdy: Has the minister consulted with the B.C. Utilities Commission about the potential for their appointment as the administrator? Could the minister share with us what the commission's thoughts are on that and maybe what kind of consultation did take place?

Hon. B. Ralston: I have not had personal discussions with any members of the B.C. Utilities Commission, but there has been discussion at the staff level. I understand that the Utilities Commission, I'm advised, is aware of the legislation and making preliminary plans as to how the legislation would be implemented and what steps they would have to take in order that this legislation have life breathed into it and some of the recommendations that they would make about what data might be collected. They are considering the possibility that the legislation will be passed and are prepared to take it on.

J. Sturdy: The act suggests or states that the responsibility for information collection falls to the minister in the absence of the designated administrator. I don't know what the circumstances would be for that to happen, but the question does beg: which minister or which ministry would be the responsible ministry in the case of an absence of a designated administrator?

Hon. B. Ralston: The act would not come into force until it was proclaimed by order-in-council. It doesn't come into effect on royal assent. Technically speaking, the minister, but it would be the one designated in the Constitution Act as responsible for the legislation.

[4:30 p.m.]

My recommendation would be that it would be either the Minister of Energy, Mines and Petroleum Resources or myself as the Minister of Jobs, Trade and Technology. That's not a decision that that has been made yet.

J. Sturdy: Yeah, we were curious about that. It struck us that the Minister of Energy, Mines and Petroleum Resources is a natural fit here. Although, when we've looked at some briefing materials from the ministry... I have here one from April of this year that summarizes the end of the...

[R. Chouhan in the chair.]

This is a Ministry of Energy, Mines and Petroleum Resources briefing note for information prepared for the deputy minister with the issue of gasoline prices. It summarizes the situation in the province and has a discussion, and it concludes that there appears to be no gouging between wholesale and retail gasoline prices in the Vancouver market. You can see a consistent correlation between the two prices, going back to April 2017, using public information. I guess it doesn't surprise us, particularly, that that ministry is not necessarily leading this particular initiative.

In terms of the data that is going to be collected, can the minister describe to us the range of that data to be collected?

Hon. B. Ralston: The detailed section, which will deal with the proposed data and submissions, is in section 5, but I can give some examples of types of information that could be collected. It would be refined fuel imports and exports, including volume, source, destination and mode of transportation; the capacity of primary fuel terminals, upgraders and refineries; the sale prices of fuel throughout the supply chain, wholesale and resale. Those are only examples. We can deal with this, perhaps, in more detail in section 5.

J. Sturdy: Can the minister confirm the list of activities defined in this section as reportable? Is that a complete list under "reportable activity"?

Hon. B. Ralston: Subsection (b) of that definition, which reads as follows, "...a prescribed activity in relation to reportable fuel," gives the discretion to add additional activities to that list by order-in-council.

J. Sturdy: Does the minister have a sense of what type of additional activities may be considered?

[4:35 p.m.]

Hon. B. Ralston: Subsection (b) would enable other activities to be added, providing that they're consistent with subsection (a). It's really as a matter of caution, simply in case there's something that has been omitted or occurs to the Utilities Commission as being desirable in order to have a thorough reporting or what they may deem to be an appropriate reporting. It simply gives the opportunity to add, if

there's a necessity after examining and making some analysis of what would be the most appropriate activities to report.

J. Sturdy: Given that, as we look through the reportable activities, some — in fact, a significant portion — may be outside of the jurisdiction of British Columbia, is there a mechanism to require information from outside of British Columbia, or is this just internal to this province?

Hon. B. Ralston: If a business has a substantial presence in British Columbia, that would give jurisdiction to require reporting. But if, for example — and I think, probably, this is what the member may be thinking of — there were a foreign refinery, the purchase would be reportable in the hands of the wholesaler who bought the product, assuming that that wholesaler was in British Columbia. That would be the way in which the price for that particular delivery would be able to be reported.

J. Sturdy: Will the minister comment on whether information related to government policies and taxes are included in the definitions under fuel data?

[4:40 p.m.]

Hon. B. Ralston: The issue of taxes on fuel is a matter of public information. In fact, the Ministry of Finance has a tax bulletin that's published — I'm not allowed to use props, but I do have one here before me — which refers to tax rates on fuels. Anyone can quickly find out how much those costs are in their region, and they can easily determine where that money is going to. The lack of clarity is at the oil and gas company level, where their price-setting is not transparent. All the taxes on fuel are well known, well established and available publicly.

J. Sturdy: Are not, though, certain taxes variable in terms of a taxation on the price of fuel at the pump, be it GST or PST on fuels? So they would change. The rate would be consistent, but the actual number that a consumer was to pay would be variable.

Hon. B. Ralston: Just looking at the fixed taxes as some examples. For example, the dedicated motor fuel tax for TransLink in the Vancouver area, or what they call the south coast British Columbia transportation service region, is 18.5 cents per litre. That's a fixed cost per litre, not a variable cost.

[4:45 p.m.]

In that region, there's a dedicated motor fuel tax, 6.75 cents a litre, and a provincial motor fuel tax, 1.75 cents. Then that's totalled. The carbon tax is added at this point, 8.89 cents. So there's a total provincial tax — I believe members may have referred to this in their second reading speeches — of 36.89 cents.

It is then, at that point, that the goods and services tax is added, and that is a percentage tax. It would be added onto the retail price, calculated on the retail price at the pump. In

that sense — I think what the member is referring to — that is variable.

J. Sturdy: How will the low-carbon fuel standard be considered here? Is it the inputs to the standard? Is it the complete blended product? How does that factor into this?

Hon. B. Ralston: The focus of the legislation is to focus on areas that the BCUC, in its report in August and its supplementary report in November, wasn't able to achieve clarity on, notwithstanding the examination that they did. That would be, largely, the wholesale price and the retail prices at different levels of the price chain.

In terms of low-carbon fuel standard, the reporting requirements would be set by order-in-council, and that's not a decision that I'm able to predetermine at this point. I have the member's point that he would wish that that would be examined, but that would be something that would be considered in due course.

Section 1 as amended approved.

Section 2 approved.

On section 3.

Hon. B. Ralston: I have an amendment standing in my name on the order paper to section 3. I would move the amendment to section 3 that is in possession of the Clerk. Perhaps I can read it. The amendment to subsection (1) — I'm proposing this to be a single amendment, but subject to the ruling of the Chair.

[Section 3, by adding the underlined text as shown:

Administrator

3 (1) The Lieutenant Governor in Council may, by regulation,

(a) designate the utilities commission or a person to administer this Act, and

(b) restrict or impose conditions on the exercise of powers, or the performance of duties, under this Act by the administrator.

(2) If the administrator is a corporation, the administration of this Act is a purpose of the corporation.

(3) If the administrator is constituted or continued under another Act, subsection (1) (b) of this section applies in relation to any powers and duties under that other Act as they relate to the administration of this Act.]

Those are the proposed amendments to section 3.

On the amendment.

[4:50 p.m.]

P. Milobar: On 3(1), the change where it highlights the Utilities Commission.... We've heard the minister say that it would be the minister's intention to have the Utilities Commission take care of this. We've also heard the minister say that cabinet will decide whether this is the minister in charge of this act or not or which minister will be in charge of this act or not.

Just to get absolute certainty, and I know the minister has

already answered this, this by no way guarantees that the Utilities Commission is, in fact, the administrator of this act. In fact, it could just be a person appointed as an administrator instead.

Hon. B. Ralston: My intention is to recommend that the Utilities Commission be the administrator. They're the logical body with the expertise, the skill. They've already been consulted. But the member is technically correct that this does not legally guarantee, in the sense of complete certainty, that it would be the Utilities Commission.

P. Milobar: Could the minister clarify for me, then...? I'm confident that the Utilities Commission would qualify, if the Merit Commissioner were to take a look at their appointment, as the administrator. But if it is indeed a person, would that person need to go through the process around the Merit Commissioner to make sure that it was an appropriate person, in the eyes of the Merit Commissioner, to become the administrator?

Hon. B. Ralston: This is a designation by order-in-council, not a hiring by the public service commission.

P. Milobar: Okay, thank you. I'll take that to mean it could be a pure patronage appointment, if cabinet so desired.

On the addition of the administrator, in section (3), it says: "If the administrator is constituted or continued under another Act, subsection (1) (b) of this section applies in relation to any powers and duties under that other Act as they relate to the administration of this Act." I want to jump to the phrase "if the administrator is constituted...under another Act."

Could the minister point to what other act this administrator could be constituted under?

Hon. B. Ralston: At the outset of constituting an agency — in this case, the B.C. Utilities Commission.... That would be at the legal initiation of creating the Utilities Commission. The term would be it was being "constituted." The word "continued" — if it were merged or became part of another body, then it would be continued under another act. That's a requirement, I think, of prudence and caution in case there are legislative changes that are unanticipated at this point.

Certainly, the intention is clearly to have the Utilities Commission as the administrator to administer this particular statute, assuming it passes.

[4:55 p.m.]

P. Milobar: Okay, thank you. That makes sense on the "constituted" part as it relates to the BCUC. I'm still a little unclear, then, on the part of "or continued under another Act," as it relates to if it's an individual person.

What would be the other act that a person appointed as administrator would have already been working under and, therefore, that this act is continuing on with as a person?

Hon. B. Ralston: The staff has been advising me of the legal complexity of the term "continued." I think I may be able to better explain it by an example that they have offered. Take, as an example, the Oil and Gas Commission. It was constituted in 1999. In 2008, new legislation, the Oil and Gas Activities Act, was passed. That act continued the Oil and Gas Commission under the new act.

This is simply to make sure that the administrator — in this case, the Utilities Commission.... We want to make sure that it continues under another act, if that's what takes place, if there's any legislative amendment.

Amendment approved.

Section 3 as amended approved.

On section 4.

[5:00 p.m.]

Hon. B. Ralston: I move the amendment to section 4 standing in my name that is in the possession of the Clerk.

[Section 4 (2), by deleting the text shown as struck out:

(2) The administrator must administer ~~provisions of this Act~~

(a) in accordance with any general or special directions of the minister, and

(b) subject to paragraph (a), so as to promote

(i) the competitiveness of the market for reportable fuels, and

(ii) public confidence in the competitiveness of that market.]

On the amendment.

Hon. B. Ralston: I would describe it as more of a house-keeping amendment. I think it's more for grammatical clarity and would ensure that any direction the minister gives will apply to the powers the administrator has under any other enactments to the extent that those powers relate to the administration of the act. That's the purpose of the proposed amendment.

P. Milobar: I can appreciate it may seem to clear up some of the language. But when read in conjunction with (a).... "The administrator must administer provisions of this Act (a) in accordance with any general or special directions of the minister" was the original. That would make the reader tend to feel like, okay, there's only the odd section that the minister may be able to give special direction to the administrator; i.e., the administrator shall do as I say for that provision if I'm the minister.

This amendment seems to make it very clear that although we have an administrator, the administrator must administer this act with any direction that the minister tells them. Is that essentially saying to the minister that all the other sections of this bill at a certain point are somewhat irrelevant if the minister decides to direct the administrator that they shall do or interpret any and all provisions of this act, with this change of wording?

[5:05 p.m.]

Hon. B. Ralston: The striking of the words “provisions of” is on advice from legislative counsel that if that language were to be included, it may.... Not certainly, but it might in some way be interpreted to limit the discretion of the minister to act in accordance with particularly (a) and (b), but in subsection (a), “any general or special directions of the minister.” Really, it’s to eliminate any ambiguity from the powers of the administrator.

P. Milobar: If I’m reading this correctly, then, what we have is a piece of legislation that, frankly, appears to be somewhat rushed, introduced near the end of the session, with section 4 that gives overriding ability for the minister, whoever that minister may be.... We don’t know yet, because this bill doesn’t actually spell out the minister in charge of this bill and this act. We know who’s shepherding it, but we don’t know who is.... Everything will be done by order-in-council.

According to this section, regardless of what the administrator may or may not want to do, they must follow any general or special directions of whoever the minister in the future is deemed by cabinet to be in charge of this, in an effort to promote confidence and transparency to the public. Oh, and the administrator can be a patronage appointment. And this is somehow supposed to be a section that’s supposed to instil confidence throughout this bill and that reports out that there is not political interference in the background.

I’m hoping the minister can maybe shed some light as to (a) why this has been so rushed after 18 months of nothing, anyways, happening and (b) why there was so little actual clarity as to who the minister will be, why this has all been left to order-in-council and why we need clauses that give ministers overriding authority to direct an administrator to do what they are told to do by the minister. If they don’t, the minister has absolute discretion with an order-in-council to remove them and make another patronage appointment.

[5:10 p.m.]

Hon. B. Ralston: Any direction from the minister would have to be consistent with the act and, in particular in this case, subsection 4(2)(b), so we couldn’t issue a direction that was contrary to the legislative intention and the clear wording of the act.

Perhaps I could give an example, because the fuel market, I think, is very fast-moving. The member for West Vancouver–Sea to Sky gave an example in his riding of demonstrations at gas stations by citizens who were concerned about the price of fuel.

If it were a decision of the minister, it would allow the minister to obtain reports. If, for example, government heard specific concerns from residents about prices in a particular municipality, the government could direct the administrator to look further into the issue.

In the case of.... I know there are very specific concerns about the price there, where the requirement is not to pay the 18.5 cents tax to TransLink. But nonetheless, the price is

the same as those municipalities immediately to the south of Squamish, where they are required to pay it. So that, I hope, is an example that might illustrate the use to which, if it was the wish to provide that direction....

P. Milobar: Just to that point with 2(b)(ii), “public confidence and the competitiveness of that market,” as the minister just referred to, there’s no real clear definition of what threshold public confidence is anywhere through this bill. We’ve had the federal Competition Bureau look at B.C. and say there has been no price fixing. We’ve had reports. We’ve had internal ministry reports or the Ministry of Energy and Mines saying there’s no price gouging.

But you can always go to any coffee shop in this province and find people that are not happy with the gas prices. I’m personally not usually thrilled with the gas prices myself. So it’s a pretty open-ended trigger for any minister to be able to use, to say: “Well, public confidence is such that we require the administrator to do X, even though the administrator has reported Y. We are demanding, administrator, that you do this, or you shall be replaced.” That is the case of this section. I’m not misreading that.

The minister has the ability, do they not, under this act — whoever that minister turns out to be, once we find out from the order-in-council and the cabinet meeting who got tapped on the head to be the one in charge of this and in charge of the administrator....

[5:15 p.m.]

That minister would have the ability, with this section, to direct the administrator to, essentially, give special directions to the administration on any of the sections of this bill to make sure that certain directions are followed and certain directions of reporting are done.

When I say “direction,” I don’t mean in terms of the act. I mean guidance to potentially make sure reports reflect a certain narrative that the minister or the cabinet may deem desirable at the time, regardless of which government. Let’s keep in mind that this is a bill that will live through governments and ideology. This opens the door for any minister of any government to do that. Is that correct?

Hon. B. Ralston: I want to thank the member for his question. Any general or specific direction would be public, and the minister would be accountable here in the Legislature and in the public. Certainly, if, for example, there was a general or special direction that was objected to, that would be the subject of public comment or debate in the usual way that political opinions are debated here in the province. Ultimately, that’s our system. The minister is accountable to the Legislature and to the Crown.

P. Milobar: I recognize it’s not part of this section, so based on the minister’s answer there, I can wait for the minister to point out which section would require the minister to make public any direction to the administrator. I don’t see that anywhere in this act, that it’s a requirement that if the

minister directs the administrator... I would have thought it would have been in the section we're debating with the amendments right now.

[5:20 p.m.]

So if it's somewhere in section 4 that I don't see, either in the amendment or the main piece, or if it's in a future section, I look forward to that being pointed out. I may have just missed it. It's entirely possible, based on the previous answer.

Hon. B. Ralston: The member is correct that there is no further provision in the act that would legislatively mandate that any special or general direction be public.

But in the example that I've chosen, or in anything of any consequence, it seems to me inconceivable that it would not have public implications and, therefore, be revealed publicly. Were that not the case, ultimately, it would be subject to the provisions of the Freedom of Information and Protection of Privacy Act, although one, I would acknowledge, I cannot predict the outcome of any particular application. But nonetheless, as the member knows, the ambit of that act is quite broad.

J. Sturdy: Does the minister anticipate that this is a permanent role of the administrator? Once the administrator is appointed, whoever it happens to be, is there any sunset on this, or is this expected to be a role that will last in perpetuity or until otherwise terminated?

Hon. B. Ralston: Assuming that the act passes, yes, it would come into force and be in existence. But I think, as the member knows, the Legislature can't fetter future decision-makers who may just have a contrary view and decide that they don't wish to continue with this legislation. It could be repealed or modified in any way that the Legislature saw fit.

J. Sturdy: But what would anticipate that this would be an ongoing role for the administrator — that they would be regularly collecting data for any length of time? Or will that be determined through the directions of the minister and the regulation, when it's eventually published?

Hon. B. Ralston: I think that the frequency of reporting will be better addressed by questions on section 5, "Periodic submissions."

Amendment approved.

Section 4 as amended approved.

On section 5.

[5:25 p.m.]

J. Sturdy: I'll just repeat the question, then. What's the anticipation of the frequency and the length of time for a requirement? Would there be a fixed time period? Or would this be something that B.C. Utilities Commission,

or whoever the administrator is, would be required to continually collect and then publish for an undetermined period of time?

Hon. B. Ralston: This section would allow the government, by order-in-council, to make regulations requiring the submission of a range of information about the fuel market on a regular basis and in a timely manner. It could be, for example, monthly, but that would be a matter that would be determined, and I would expect that it would be advice from the administrator, who will be the Utilities Commission. Certainly, that's my expectation.

On their advice, there could be different frequencies of reporting, depending on the subject matter. For example, refinery capacity is a relatively fixed and known number, which would not vary unless there were renovations or upgrades to a refinery, say, or a closure of a refinery. But the wholesale and retail price — obviously, that's the very subject of the act. To focus it would perhaps require more frequent reporting, and that would be a matter that would be determined upon advice.

Section 5 approved.

On section 6.

J. Sturdy: Is there a process or a criteria for a specific submission outside of the declaration cycle? Can the minister provide some specifics to that? And why would such a request be made?

Hon. B. Ralston: This is an authority, in addition to the previous section, "Periodic submissions." But it's envisaged that this use of this power might arise, or could arise, where the administrator could request additional information. If there is something unusual in one of the regular periodic submissions or an unusual spike of gasoline prices in a particular region, the administrator may specify how the submissions might be made and the format for such submissions. I think that's what is envisaged by requested submissions.

Sections 6 and 7 approved.

On section 8.

J. Sturdy: Can the minister describe to us the process for making records available in a public format? Will they be processed? Will they be changed? Will they be analyzed? Or will they be made public in a raw format?

[5:30 p.m.]

Hon. B. Ralston: This section is not about publication. This is about the obligation of someone who is reporting to retain records that would support the submission that has been made. It also relates to subsequent sections of the act

— that should a need arise to audit those records, they are available.

Section 8 approved.

On section 9.

P. Milobar: Just a couple of questions. As I said, I'm sure this won't take the minister by surprise. I've said it in interviews, and I've said it in second reading.

The concerns that I've had and that I've heard from people around this section really relate to 2(b). So 2 says:

"The administrator may publish fuel data, or other information or records, acquired under this Act if the administrator is satisfied that (a) protected information will not be disclosed, or" — and that's always the problematic piece in these bills — "(b) the public interest in the protected information that will be disclosed outweighs any potential harm to responsible persons, having regard, without limitation, to the importance of (i) the competitiveness of the market...and (ii) public confidence in the competitiveness of that market."

Again, "public interest" is a broad term. "Public confidence" is a broad term. Really, this clause is worrisome, not just in regards to worrying about big oil and oil retailers and even the smaller oil retailers out there but in regards to broader public context, once it's set into one act or other acts moving forward.

The question I have is: was this section around publication and, specifically, 2(b) run by the Privacy Commissioner for input, and was there any feedback from the Privacy Commissioner?

[5:35 p.m.]

[J. Isaacs in the chair.]

Hon. B. Ralston: The focus of the legislation is to make transparent the pricing mechanisms of oil and gas companies. What this particular section does is create a test for the administrator, a weighing mechanism where the administrator would be required to weigh the public interest against any potential harm to responsible persons. So it creates a test for the Utilities Commission to consider in order to decide whether or not to release any protected information.

P. Milobar: I understand that that's what this section is for. It's for protecting information. It defines trade secrets. It defines protected information. It defines how an administrator may publish or not and all of that stuff.

But the minister did not answer the question. The question was pretty straightforward: did this go through for a referral, for comment, from the Privacy Commissioner for input?

[5:40 p.m.]

Hon. B. Ralston: I want to thank the member for his question. The legislation, as is the case in the ordinary process of considering and drafting legislation, was reviewed by the office of the chief information officer. The report that I've

received was that it was determined that consultation with the Privacy Commissioner was not required in this case. That conclusion is based on consideration of privacy, information access and impacts upon FOIPPA. That's the Freedom of Information and Protection of Privacy Act.

P. Milobar: Well, I ask that question because in section 4, which is "Accountability of the administrator," we've established that the administrator will need to do anything that the minister — whoever the minister to be named later is — decides that they should do. And in (2)(b)(i) and (ii), that wording on the accountability and the provisions that the minister can direct the administrator on is the exact same wording of (2)(b)(i) and (ii), as well, as it relates to release of confidential trade competitive information.

That is why there are worries around the Privacy Commissioner — but more than just worries around the Privacy Commissioner side of things and FOIPPA, because this seems to try to override the provisions of what can or can't be released based on some interpretation of public confidence and competitiveness.

However, I guess we know it didn't go through the Privacy Commissioner for review. We know that the bill can be at the political whim of the minister directing a patronage-appointed administrator, if the minister so chooses.

[5:45 p.m.]

Has there been any discussion or worry that the companies...? The best data collected is data that's freely given and a free flow back and forth between industry and the administrator and a trust that's built up over time and people feeling like the information is not going to put their business at risk because it's suddenly a political whim to release information that otherwise is not getting released.

Almost all legislation like this, inevitably... If one party does not want to start being forthcoming with data because of concerns, they get challenged when they refuse, and they get fined under administrative penalties. It gets challenged and goes through the courts to make sure that, although the intention of the government was to pass legislation, it is yet to be seen whether it always holds up or not. We've seen provisions within legislation on a wide range of topics undergo that scrutiny on all governments.

I guess the question is: how much concern is there within government, within the AG's office — or whoever would vet this from the legal side of the world — that provisions that essentially say to industry, "Although we tell you in one paragraph your information will be held confidential, we tell you in the very next paragraph 'Unless we decide otherwise,'" will actually stand up to any rigour with a court challenge as to why a company may start to refuse to divulge information from fear that that information will actually be released to the detriment of their business and the advantage of their competitors?

[5:50 p.m.]

Hon. B. Ralston: The BCUC, the B.C. Utilities Commis-

sion, is a sophisticated public body that has vast experience in administrative law. Frankly, I would expect, and their record would demonstrate, that they will consider carefully any aspects of public interest or commercial confidentiality that are raised by those who want to make representations. The tribunal follows all of the standard rules of administrative law, including the duty to be heard and a duty of fairness.

One of the great things about our system is that we are governed by the rule of law. Should anyone be dissatisfied with those decisions, there are provisions under the broad administrative law decisions to take that to the courts if that's the wish of the party concerned. So I'm fairly confident that there will be a rigorous and fair assessment of the concerns that the member has.

J. Sturdy: Is the BCUC going to be the sole arbiter of who makes the decision as to what to publish or not? Can the minister override that decision?

[5:55 p.m.]

Hon. B. Ralston: Just referring back to subsection 9(2), it's the administrator, and the administrator only, who may publish fuel data or other information or records. That's within the discretion of the administrator solely. Of course, the administrator would have to administer the act in accordance with the purposes that are set out and within the definitions.

J. Sturdy: Is there a provision for the decision of the administrator to be challenged?

Hon. B. Ralston: Yes. As I said earlier, if someone were dissatisfied with the decision, it's open to them, in our system — the rule of law and the general principles of administrative law — to take the issue to the courts and have it litigated there.

J. Sturdy: And if it was found there was a harm done, where would the liability lie?

Hon. B. Ralston: It would be imprudent on my part to speculate about what remedies — in the event of a matter heading to court in an administrative law context — the court might offer. I'm not able to really give an opinion on that. I think that would really be up to the court. I'm not going to offer a legal opinion here about the range of alternatives that a court might consider.

I think the important thing is that the BCUC would hear those people who are affected by the legislation. It would have a duty to do so. They would consider the interest in the submissions made in accordance with the act. They're very experienced at doing that, and the public has good reason to have confidence in this expert quasi-judicial body.

If it were required or thought necessary by an applicant or interested party, they would be able to resort to the courts, as

is the case with any person in a system governed by the rule of law, as we are.

J. Sturdy: Would there be a situation where the minister might override the administrator in terms of the publication or release of information?

[6:00 p.m.]

Hon. B. Ralston: There is no power in the act to override a decision made by the administrator — in this case, the expected administrator is the BCUC; so to override a decision made under this section, under the powers that are granted to the administrator under subsection 9(2).

J. Sturdy: Will the minister or the government have access to the information prior to its publication?

Hon. B. Ralston: Under section 9(2), the ability of the administrator to publish fuel data or other information as is set out in those powers cannot be fettered — that is the legal term — by the minister. The only qualification on that would be — and I feel that I am obliged to point this out to the member — under subsection 4(1). “The administrator must report to the minister as the minister requires.” But it's not intended as a feature of the scheme or the legislative process or the decision-making process. The substantive powers and the discretion rest with the administrator — in this case, the BCUC — to administer the act in conformance with the objectives that are set out.

J. Sturdy: So I take that to mean that the minister or government could have access to the data prior to publication if they so choose.

[6:05 p.m.]

Hon. B. Ralston: Let me turn back to section 9. This really gives to the administrator — in this case, the BCUC — the power and discretion in subsection 9(2) to publish field data as they deem fit and in accordance with the balancing that is required in subsection (2).

The other power is really a supervisory jurisdiction of the minister to make sure that the act is administered in accordance with the principles that are set out in the act. So if the minister, whoever she or he might be, deemed that there was a requirement to make sure that the act was being followed and the purposes were being met, that would leave an option open to the minister under that provision.

Section 9 approved.

On section 10.

J. Sturdy: In terms of audits, who would be responsible for those audits and at whose expense?

Hon. B. Ralston: That would be up to the administrator.

But under subsection 10(b), there is an opportunity to promulgate or pass regulations that might assist that process if required. That's what it says — if applicable.

J. Sturdy: So that would be up to the administrator to determine what type of audit, who would be responsible for that audit and who would pay for that audit?

[6:10 p.m.]

Hon. B. Ralston: Yes. The general answer is yes, unless that was contrary to regulations that were passed pursuant to subsection 10(b).

J. Sturdy: I'm not sure if this is an appropriate place, but it reminded me that there wasn't really a place to talk about the overall cost of providing this or funding this bill. Is there a sense, for budget purposes, what would be expected going forward, in terms of...? I take it that there would be a fund associated with this to administer the objectives of the bill.

Hon. B. Ralston: There is discussion at the officials level with BCUC about what the costs might be. Then, once those are clarified, assuming the legislation passes and BCUC takes on this role, whatever ministry the administration of this act falls into, then that would be included in the ordinary budget process that the member is familiar with.

Section 10 approved.

On section 11.

J. Sturdy: Just one question on this. That was: why did the minister feel that it was necessary to include, in this act, specificity around the ability to enter into a private dwelling? It seems a bit out of context. I would have thought that it would have been able to be dealt with in terms of seeking the records and the information that the administrator is looking for. I'm just surprised that it shows up here as a specific allowance to enter into a private dwelling.

Hon. B. Ralston: There is a very high privacy value attached to a private dwelling. I think there is an expression in English law, "An Englishman's home is his castle," which extends back centuries in the common law. So this is really to limit the power of inspectors to enter a private dwelling. As you read through it, you'll notice that a warrant would be required to enter a private dwelling, and that's for the reasons of the protection of those value of privacy that attach to a private dwelling of an individual.

Sections 11 to 15 inclusive approved.

On section 16.

[6:15 p.m.]

J. Sturdy: With regard to the fine or the penalty associated

with contravention of any one of these sections — \$1 million a day or a term of not more than six months, or both — is that a standard or is that a...? How does that fit in the scheme of penalties?

Sorry. I recognize that I might have skipped in here, because offences are covered through till 18, and the issue of more than once a day and separate fines, etc., is covered under section 18. I apologize if I'm mixing things up here.

Sections 16 and 17 approved.

On section 18.

J. Sturdy: As per my earlier question with regard to the size of the fine, is that in the context of a standard penalty around an offence like this?

[6:20 p.m.]

Hon. B. Ralston: I would note that the fine is expressed as not more than \$1 million, so that would be in the discretion of the court, were there to be a conviction. Similarly, there would be no obligation to imprison someone. It would be an option for the judge. So there are provisions.

The member has asked whether there are similar provisions in other acts. The example that's been provided to me is the Greenhouse Gas Industrial Reporting Act, a similar act in the sense of requiring reporting, where there is a potential for a fine of up to \$1.5 million and a similar provision about continuing offences as well. That's a fairly recently passed statute, and this would be very similar in the range of penalties that are set out in the legislation.

Sections 18 to 22 inclusive approved.

On section 23.

J. Sturdy: It certainly is clear in this section that this is an enabling piece of legislation, that very much just about everything is set by regulation. Obviously, there's tremendous discretion here for the Lieutenant-Governor-in-Council. I think we're looking at this with anticipation. Could the minister give us some sense of when we would expect to see the issuance of these regulations?

Hon. B. Ralston: This bill and this topic, the concern of British Columbians about high gas prices, is a matter of urgency for the government in the sense that people are following this issue, concerned about it and looking to get some of their questions answered through this bill, through greater transparency. But we're working at the official level with the BCUC, so I'm not able to give a timetable as to when the regulations would be passed, certainly.

But I expect that the government will act with due dispatch in order to bring this bill into existence and breathe life into it, given its priority in the goals of the government on the affordability file. British Columbians are certainly con-

cerned about affordability, and the cost of gasoline is a major component in household budgets. So the degree to which — and I've obviously qualified that in some of my earlier answers — this will have an impact on those prices.... We want to move quickly on it.

Sections 23 and 24 approved.

Title approved.

Hon. B. Ralston: I move that the committee rise and report the bill complete with amendments.

Motion approved.

The committee rose at 6:25 p.m.

The House resumed; Mr. Speaker in the chair.

Reporting of Bills

BILL 42 — FUEL PRICE TRANSPARENCY ACT

Bill 42, Fuel Price Transparency Act, reported complete with amendments.

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

Hon. M. Farnworth: By leave, now.

Leave granted.

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

Hon. M. Farnworth: By leave, now.

Leave granted.

Third Reading of Bills

BILL 42 — FUEL PRICE TRANSPARENCY ACT

Bill 42, Fuel Price Transparency Act, read a third time and passed.

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 6:28 p.m.

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