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Second Session, 42nd Parliament

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LIEUTENANT-GOVERNOR

Her Honour the Honourable Janet Austin, OBC

Second Session, 42nd Parliament

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Party Standings: BC NDP 57; BC Liberal Party 28; BC Green Party 2

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WEDNESDAY, NOVEMBER 3, 2021

The House met at 1:34 p.m.

[Mr. Speaker in the chair.]

Routine Business

Prayers and reflections: N. Letnick.

[1:35 p.m.]

Introductions by Members

Hon. B. Ralston: Today it's my honour to welcome back to the Legislature one of our own, Bob Skelly, a former Leader of the Official Opposition and a leader of the B.C. New Democratic Party.

Bob was first elected in 1972 as the MLA for Alberni and served continuously here in this place until 1988. The B.C. NDP elected Bob as party leader in 1984. He led the party into the 1986 provincial general election. After leaving provincial politics, he was elected to the Parliament of Canada in 1988 for the riding of Comox-Alberni and served until the general election of 1993, when he was defeated in a bid for re-election.

He is joined here in the gallery today by his wife, Alex Skelly; his son, Rob Skelly; his daughter, Susan Ramsay; and her husband, Michael Ramsay. Their children, therefore Bob's grandchildren, Sarah-Grace Ramsay and Heather Ramsay are also here. His eldest granddaughter, Rebecca Ramsay, is not able to be here today.

This quotation from Thomas Paine — "The world is my country, all mankind are my brethren, and to do good is my religion" — has guided Bob, he tells me, throughout his life.

Please join me in welcoming Bob Skelly and his family here to the Legislature and thank him for his public service to the people of British Columbia and of Canada.

Hon. H. Bains: It's not too often I stand in this House and introduce my family. After the elections, they tell me: "You're elected. Go do your work, and we're off to our own."

Today is my lucky day. My oldest granddaughter, Rhianna, is here with her cousin Rayna. They are part of the program called Take Our Kids to Work. They think papa still is the hardest-working member of the family, so they have decided to follow me.

Let me tell you a bit about these two young women. In 2018, Rhianna and Rayna, along with eight cousins of theirs, started what is called Cousins Who Care, an initiative where they sought out help for families in need. Surrey Women's Centre, which has increased the safety and support for women and girls who are survivors of violence, as we all know, is reaching out to family, friends and community for donations.

They have been able to provide Christmas gifts for moms and their children since 2018, to approximately 40 families per year, purchase and donate backpacks, lunch kits and school supplies for children in need in their own communities. I couldn't be a prouder papa of the type of work they're doing.

I'm trying to convince her — both of them, actually — to occupy one of these seats after their school is finished and their entire education is finished. I haven't been successful so far, but after question period, after they see what we do here, they may change their minds. I'm hopeful.

Please help me give them a warm welcome and make their trip very, very enjoyable.

My son is here with them, Kul. He's here. He brought them here. This is the guy who was a key member of my campaign team. How could I forget? Please welcome him as well.

D. Davies: This is why I only bring one guest at a time, so I don't forget to introduce them.

[1:40 p.m.]

Also following the Minister of Labour's points, I don't often get the opportunity to welcome family into this place, but today joining me is my daughter, Hana, all the way down from Fort St. John, selling jewelry to anybody who is interested. She has her own little jewelry business. Please reach out. Sunshine Jewelry. That's her name.

Anyway, would the House please make Hana feel welcome.

Hon. K. Conroy: It gives me a great deal of pleasure to make an introduction. I don't get to do that often. But I'd like to introduce His Worship, Mayor Bob Simpson of Quesnel, who is joining us here in the gallery. Not only is Bob a former colleague of many of us in the chamber here today. He's a friend, and I really appreciate his insight into forestry.

I want to give him some kudos, because he and his council have done amazing work at collaborating with Indigenous nations and forestry companies up in Quesnel. They continue to do really good work in that area. I'm really glad that he's here today to talk about forestry with us.

Hon. L. Popham: Well, it is a big day for agriculture today: 4-H is in the House. We've got guests from 4-H. We are also turning our fountain green to acknowledge the over 1,800 members of 4-H in B.C., the 517 leaders and the 130 clubs around the province.

I have three guests from 4-H joining me here today: Laurie Maloney, who has been a 4-H B.C. club leader for 28 years; Annalise Steadman, who is starting her 10th year in 4-H; and then I'd like to give a special introduction to Sava Bell, who has been a 4-H member for two years and placed first in the 4-H senior caterer for the 2021 Field to

Fork Challenge for his recipe entry of oven-glazed duck, kohlrabi fries and garden salad.

Welcome to the chamber.

Hon. M. Farnworth: I think it's clearly family day here today. The number of members of my family who I've introduced over the years, I can probably count on three fingers.

But today is a real special day for two reasons. It's my first opportunity to introduce my brother Peter's daughter, my niece Cameron. It's special, too, for another reason, because a short while ago Cameron's boyfriend took her to meet his parents.

They're sitting at the dinner table, and he's introduced my niece to them. His father says: "Cameron Farnworth? Are you related, by any chance, to the Solicitor General?" She goes: "Yes, he's my uncle." He's like: "No way," because it turns out her boyfriend's father was none other than the MLA for Maple Ridge–Mission.

Would the House please give my niece Cameron a very warm welcome.

I. Paton: Not to be outdone by the Minister of Agriculture, I'm wearing my green 4-H tie today. Welcome to the 4-H members that are here today. November 3 is honouring the colour green for 4-H in Canada. And 4-H has a mission statement to "empower youth to be responsible, caring and contributing leaders that effect positive change in the world around them."

As a former 4-H member of the Richmond-Delta Holstein Club and a leader of the Holstein Club at one time, I'm proud to be a former 4-H member. Thank you to the minister for bringing it up, and thank you to the young people that are here today representing 4-H.

Hon. R. Kahlon: I have two sets of introductions. First, we have the Cowichan Valley NDP executive members, who are actually visiting the Legislature today, who are in the chambers today. Jacob Teufel, Joyce Scott, Cailin Tyrrell, Nancy Ross and Caiden Tousaw. They look forward to hearing question period. I want the House to please make them welcome.

[1:45 p.m.]

Also in the chambers today, we have some members of the Sikh Nation blood campaign that are here today. We have Jastej Kaur, Sukhdeep Singh, Hardeep Kaur, Gurpreet Singh and Bunvir Kaur. All of them were here to recognize the proclamation of the Sikh Nation blood donation campaign, to be proclaimed as the month of November.

I just want to say that I think, with all my colleagues, Jastej's comments today, her speech today was one of the more powerful speeches I've heard in the chambers, in the Legislature.

So please make them welcome and thank them for their tireless work to save lives through their blood donation campaign.

Hon. S. Malcolmson: Today on the legislative precinct we are joined by my friend and Member of Parliament representing Esquimalt-Saanich-Sooke, Randall Garrison, a longtime representative of his community and someone representing social justice and protection of the marine environment. I'm honoured to be his friend and glad that he is with us today.

Will the House please make him welcome.

Hon. R. Fleming: I would like to introduce two guests who hopefully are still within the chamber at this late moment, two very special guests from Emergency Management B.C. who are here to watch question period today, I think, for their first time.

One of them is Jordan Turner, communications director with EMBC, who was integral to the operations of the provincial emergency coordination centre during the response to COVID and, of course, the wildfire season that we've just survived.

The other is Aimee Harper, who is a senior public affairs officer, who is relatively new to EMBC but immediately was thrown into the mix to manage the wildfire season and provide information to citizens during that very challenging season.

I'm very proud that both Jordan and Aimee reside in the constituency of Victoria–Swan Lake. I'd like to ask all members of the House to join me, please, in welcoming them here today and thanking them for their excellent work, whether it's managing pandemics, fighting wildfires, floods, you name it — whatever seems to be coming at increasing regularity to the good staff at EMBC and these two individuals in particular.

Hon. K. Chen: I just lost a bet to my colleague beside me from Transportation and Infrastructure. I thought, with the Burnabian family privilege, I would get an introduction a bit earlier.

Interjection.

Hon. K. Chen: He's impartial, of course. The Speaker is always impartial.

Today I am really happy to welcome some guests from Simon Fraser University. As a proud alumni myself and also the local MLA for their main campus in Burnaby, on Burnaby Mountain, I am happy to welcome the VP for external relations, Joanne Curry, also Justin Carmichael from government relations. Joanne and Justin have been a huge help in terms of helping our local stakeholders and local elected officials and communities to build a lot of connections with the SFU community and also the university community on Burnaby Mountain.

I'm also really happy to welcome two student leaders, activists, who I've had the honour to work with during the past year and a half: the president for the Simon Fraser Student Society, Gabe Liosis, and also the VP for external

and community affairs, Matthew Provost — to welcome in the gallery today. I am constantly impressed with their ability to engage with students, community and their activism, passion, advocacy on so many important issues on education, social justice, environment.

I'm just so glad to see them here today and, please, ask the House to welcome them into this building.

R. Merrifield: It was great. You got to stand up so many times this morning that it actually felt like exercise, so it's phenomenal. Thank you so much.

I am so pleased. In fact, I was vibrating with excitement yesterday, as two of my kids got to participate yesterday and then three of them last night. As well, my spouse Carlos and two of the kids got to come today.

Would the House please join me in welcoming Carlos, my spouse, and my two kids, Damek and Connor.

Mr. Speaker: Minister of Energy and Mines, again. [Laughter.]

[1:50 p.m.]

Hon. B. Ralston: Thank you, Mr. Speaker. I, too, would like to welcome Randall Garrison to the Legislature. He's the Member of Parliament for Esquimalt-Saanich-Sooke. First elected in 2011, he was re-elected in 2015, 2019 and once again recently, just this year. He was Bob Skelly's chief of staff in 1984, and he's here to join in the recognition of Bob today.

I also want to introduce, while I'm up so I don't have to stand up again, two more people who are friends of Bob Skelly. Hugh Legg worked closely with Bob in the Legislature and is a close friend. Gerry Scott was the provincial secretary and executive director and campaign manager in the 1986 provincial election campaign.

Would you please welcome those three guests to the Legislature here today.

S. Furstenau: I have some royalty to introduce today. The Lady of the Lake program in Lake Cowichan is a community ambassador and community service program. To win and become one of the princesses, the young women have to give speeches, get sponsors, answer questions and write essays.

Today we have the second princess, and her name is Macey Anderson. She has lived in Lake Cowichan her whole life. She's a grade 12 student, loves writing and is looking at journalism as a career path.

The first princess is Megan Rowbottom. Her dad grew up in Lake Cowichan and her mom up-Island. She always dreamed of being a Lady of the Lake. Her grandmother was a longtime president of the legion. She looks to her future in fine arts and visual arts and illustration.

Mariah Segee is the Lady of the Lake this year. She has lived in Lake Cowichan her whole life. She's very athletic — figure skating and hockey — and looks forward to studying science and then becoming a brain surgeon.

Accompanying the three princesses is former Lady of the Lake Crystal Bell. She was the Lady of the Lake in 2015 and 2016, also grew up in Lake Cowichan and is now studying at VIU in Nanaimo in the interior design program.

It's been a real pleasure. Thank you, Mr. Speaker, for hosting them at lunch today.

Would the House please make the Lake Cowichan royalty feel very welcome today.

Hon. M. Mark: Eleven years ago today I was on my way to the Victoria General Hospital to receive the most exciting news — that I was going to meet Makayla, my daughter. If you haven't met her, I don't know how you could have missed her. She occupies the room. All of the members that have children can appreciate how challenging it is to say goodbye and how amazing it is to get home, and that reunion.

Please, will the House join me in wishing my daughter Makayla a happy birthday.

Mr. Speaker: Any further introductions? [Laughter.]

We enjoyed it.

Statements
(Standing Order 25B)

4-H CLUB

M. Dykeman: As the minister mentioned, the B.C. Legislature fountain will be lit up green today in celebration of Show Your 4-H Colours Day. It truly is an honour to rise today to speak about this important program. As a 4-H leader for over ten years and a 4-H parent of two children who started as Cloverbuds when they were just six, it truly is a privilege to stand in the Legislature today to speak about this very important and wonderful association.

Show Your 4-H Colours Day is an annual celebration of 4-H which takes place across Canada. Every November, 4-H members, leaders, alumni and supporters don their 4-H green to spread awareness of this fantastic youth program, as well as the important contribution 4-H'ers make to Canada and the globe.

But 4-H is not just about agriculture. With proud and deep agricultural roots, 4-H projects range from gardening, dogs and crafts to cattle, swine and poultry. Having started in Canada over 100 years ago, 4-H remains one of the most highly respected youth organizations in Canada, with over 23,000 youth members ages six to 25, 8,700 volunteers in 1,800 clubs across Canada, with B.C. alone having over 2,000 members, more than 550 leaders and 139 clubs.

[1:55 p.m.]

Each day members learn valuable skills like communication, planning, public speaking, recordkeeping and responsibility, just to name a few.

As youth around the world pledge their head to clearer thinking, their heart to greater loyalty, their hands to larger service and their health to better living for their club, their community, their country and their world — a pledge which represents pride in their heritage and the importance of their legacy — I can say that the 4-H youth are sure a service to the world and contribute positively in all that they undertake.

I encourage all to check out 4-H in their community and to learn about how much fun you can have while acquiring new and important skills, while bettering your community through service.

KYLE BEACH AND ACTION AGAINST SEXUAL ABUSE AND STIGMA

R. Merrifield: Last month I, along with many other hockey fans across North America, was both shocked and moved when Kyle Beach revealed that he was the John Doe named in the report investigating the Chicago Blackhawks sexual assault scandal.

Having grown up in Kelowna, Kyle was drafted to the NHL in 2008, but his future changed in 2010 when he was sexually assaulted by a coach. Not only was Kyle assaulted and threatened physically, but the coach also threatened his career to keep him silent. In an interview with TSN, Kyle remarked on the days following the abuse saying: "To be honest, I was scared mostly. I was fearful. I had my career threatened. I felt alone and dark."

Kyle reported the incident, but nothing happened. All the while, his abuser remained free, given the option to resign without having to face real accountability. But when Kyle stood up, when he told his story, he created space for all those who have ever been in a similar situation to also tell theirs. Kyle demonstrated his immense courage, opening himself up to public scrutiny about such a traumatic experience, all with the goal of bringing true accountability after so many years.

His story is powerful, and simply by sharing it, he has helped to break down the stigma and shame for others who have been subjected to abuse. His bravery has caught the attention of those in Kelowna, this province, this country and the world. I want him to know that we stand with him.

We are proud of you, Kyle, for speaking out about this injustice.

I hope today that Kyle's story will inspire us all to stand up against harassment, assault and abuse in all of its forms. Silence makes us complicit, but standing together becomes our collected strength.

BLOOD DONATION CAMPAIGN BY SIKH NATION

H. Sandhu: I would first like to open up with the traditional Sikh greeting: *Waheguru Ji Ka Khalsa, Waheguru Ji Ki Fateh*.

I rise in the House today to announce the declaration of November as blood donation by Sikh Nation month. The blood donation by Sikh Nation blood drive campaign was started by a group of B.C. Sikhs in remembrance of the 1984 Sikh genocide that took place in India. This blood drive has gone on to become the largest blood drive campaign in Canada and the largest member of Canadian Blood Services Partners for Life program, having saved over 160,000 lives in the process.

This incredible force for good was born from absolute horror. The first week of November marks the moment in history that haunts the Sikh community across the world. I am very proud of the efforts, which started in 1999, by members of B.C.'s Sikh community to respond to such injustice. They channelled the pain of this utter calamity into positive force for good and — true to the Sikh value of *sarbat da bhala*, our wellness for the world — and have grown this campaign from clinics in the Lower Mainland to the rest of Canada and many more countries across the world.

What began as community-based blood drives in Surrey, B.C., has blossomed into an annual campaign that draws thousands of donors to dozens of events across Canada.

As the largest contributor of Canadian Blood Services' pledge-based Partners for Life program, Sikh Nation has helped to save more than 160,000 lives to date through it's annual donation and support. Last year the group's efforts, spanning more than two decades, were recognized by the national Honouring Canada's Lifeline partnership award.

[2:00 p.m.]

By introducing new donors and volunteers to Canada's lifelines, Sikh Nation is helping to build a more inclusive blood system to meet the needs of patients now and in the future.

Please join me to extend our gratitude to volunteers of the Sikh Nation blood drive.

SENIORS HOUSING PROJECT IN CLINTON

J. Tegart: As I speak today, seniors in the village of Clinton — I know the minister across the way will be thrilled — are moving into their brand-new apartments in a just-completed supportive housing project. Starting with Rich Coleman, there are a number of people in this chamber who could rightly stand up and take a bow on both sides of the House and say they contributed to this exciting day. And I can tell you the people of Clinton are extremely grateful.

But we all know that projects like this start with a small

group of determined people. They are led by a warrior, and that warrior is Judy Hampton. From identifying the need, to securing the location, to planning and design, to working with the contractors, this small but mighty group worked tirelessly over many years to get to today. No hurdle was too big, no problem that could not be solved, no detail too small.

Judy Hampton visited my office every Friday to give us an update on how things were going. You see, it wasn't just about the building. It was about the people. It was about seniors having the ability to age in place, having the option to sell their home and stay in their own community, having the comfort and support that comes with close neighbours. Word on the street is that housing sales have soared in Clinton, a wonderful side benefit as family homes become available.

Sometimes, when you sit in this chamber day after day, you wonder if you ever make a difference. Well, I can tell you that today we have all made a difference, and I say thank you to everyone who made this project possible.

We miss seeing Judy every Friday, but she and her team have done an incredible job.

First stop for me next week is Clinton for a cup of tea with the seniors at this project.

ROYAL CANADIAN LEGIONS

R. Leonard: The poppy campaign has been the responsibility of the Royal Canadian Legion for 100 years. It's a long time since those early days in the aftermath of World War I, the war to end all wars. But the fallout of conflict continues to this day, and the multi-pronged mission of the legion continues to be relevant.

There are legions in 1,400 communities across Canada. Branch 17 in Courtenay, branch 160 in Comox, and Cumberland's branch 28 continue to be gathering places. Their trained command service officers, like Bill Webb in Courtenay, provide assistance to veterans young and old alike, from programs like Operation Leave the Streets Behind, helping vets find homes, to filling out forms and helping with appeals.

The legions fundraise for community organizations, and of course, they conduct Remembrance Day ceremonies, finding ways to remember even through the constraints of COVID. During Legion Week last month, I had the privilege to meet Courtenay legion president Gary Flath and Comox legion president Lynn Edey and past president Gerry Maillet. Their efforts are legion to serve their community and invite everyone to join.

The poppy fund itself has resulted in generous contributions to the Comox Valley hospital foundation, provided service dogs, furniture for Glacier View Lodge, bursaries. Our legions also distribute gaming funds to local charities and sports teams.

The times they are a-changing. Anyone can become a member, military or not. The public is welcome to Comox legion's newly refreshed lounge, with a professional chef in their new commercial kitchen.

Our legions are a place to come home to, to have fun while helping others, a place to get help and, especially on Remembrance Day, a place to reflect on the sacrifice of others and the striving for everlasting peace.

ÁTL'K̲A7TSEM/HOWE SOUND BIOSPHERE REGION

J. Sturdy: Today I would like to acknowledge the work of all those who have contributed to the Átl'k̲a7tsem/Howe Sound biosphere region initiative over the past five years — most notably, Ruth Simons, who has coordinated the project from its genesis.

[2:05 p.m.]

Earlier this fall those efforts were rewarded as the United Nations Educational, Scientific and Cultural Organization announced that Howe Sound will become British Columbia's third biosphere region. This means that UNESCO has deemed the region a zone of global ecological significance. Howe Sound will join more than 700 UNESCO biosphere regions around the world that all make an ongoing commitment to strive for sustainability.

Howe Sound, or Átl'k̲a7tsem in the Skwxwú7mesh language, covers an area of 2,187 square kilometres from Cypress Provincial Park along the Howe Sound crest, touching on Pinecone Burke Mountain, the western edge of Garibaldi Park over to the height of the land of the Tantalus Provincial Park, down the west side of Howe Sound to Tetrahedron Provincial Park and on to Gibsons, and encompasses all of Howe Sound.

The area is renowned for its rich Indigenous culture, biodiversity and very distinctive fjord geography. Jurisdictions around the globe are faced with profound impacts of habitat loss and climate change. It's hoped that Átl'k̲a7tsem biosphere region will be a showcase for how regional coordination can manage for sustainable, ecological and human values.

The new designation does not impose any new rules on the region or its residents, but it incentivizes to collaborate and ensure conservation, sustainable development, reconciliation, climate action and associated research, monitoring, education and information exchanges. It will encourage stakeholders to work together to support the quality of life through implementation of the United Nations sustainable development goals, which are designed to inspire a positive future for both people and nature.

I'm sure the House will join me in congratulating the Howe Sound biosphere region initiative team on achieving this important milestone and support them now that the real work is about to begin.

Oral Questions

SERVICE MODEL CHANGE FOR CHILDREN WITH SUPPORT NEEDS AND FUNDING FOR AUTISM SERVICES

S. Bond: Yesterday the Minister of Children and Family Development said she wouldn't be listening to the opposition, and that's her prerogative. But what she does have a responsibility to do is to hear the concerns of thousands of anxious and upset parents from across British Columbia.

Parents like Jennifer. Families like Jennifer's. Jennifer is from Surrey. She says:

> "My 14-year-old sister Jenibelle is diagnosed with autism spectrum disorder. I have spent years finding the right people to support my sister, and to know that all this is being taken away is insulting. No loving big sister can let her little sister say goodbye to all the wonderful people on her service team, knowing that the amount of regression that our family will see in Jenibelle will be heartbreaking and downright unethical."

That is Jennifer's story. That is Jenibelle's story. It's not the words of the opposition. Those are not my words.

Will the minister stand up today, speak to Jennifer, to Jenibelle and their family, and explain why she has made the decision to claw back essential funding that Jenibelle needs and deserves?

Hon. M. Dean: This is not a clawback. I can assure families like the family that has been mentioned this morning that services will be available to all children and youth who need them across the province in their communities, and services will be available based on need. They won't be locked behind a diagnosis. We have three years to support families in transitioning. We will do everything we can to make sure that that is a success.

Mr. Speaker: Leader of the Official Opposition, supplemental.

S. Bond: The minister may have convinced herself that this is not a clawback, but let's look at what's happening here. Parents, thousands of them, across British Columbia receive support. They get to decide how best to support their families and their children. This minister has decided that that is going to change. That, to the minister's answer, is defined as a clawback. What they have now they will not receive.

They will not have the ability to make decisions for their own children, to retain the connections that they have put in place. Megan Kane from Coquitlam wanted the minister to know about the impacts of her decision on her 4-year-old son. She writes:

[2:10 p.m.]

> "My son is just about the happiest, sweetest, most loving little person you could ever possibly imagine. At the time of his diagnosis, we were terrified, blindsided and completely unsure of what the future might hold. With the October 27 announcement, we have once again been plunged into fear and uncertainty.
>
> "It is abundantly clear from the minister's canned, repetitive answers that the decision to abolish autism funding was made rashly and without regard for the children it will impact and the consequences for thousands of families. This announcement has retraumatized families, and the way it was done was unimaginably cruel."

Again, those aren't my words. The minister can ignore mine. She can dismiss the comments of the opposition, but she can't dismiss the comments of Megan about her four-year-old son.

Will the minister once again stand up, and would she give those parents some hope that she will reverse the decision that she made, because it had zero consultation with the very families that it will impact?

Hon. M. Dean: Thank you to the member for the question. It's very important to listen to families. I want to reassure this House that there are no clawbacks in the new system that will be delivered, whereas in 2001, when the opposition became government, they gutted my ministry. They cut $15 million from services for children and youth with support needs.

Interjections.

Mr. Speaker: Members.

Hon. M. Dean: They cut child protection by $185 million and $34 million from youth mental health.

Our government makes different choices. We invest in children and youth. We have increased the budget for children and youth with support needs every single year since 2017.

Interjections.

Mr. Speaker: Listen to the answer, please, Members.

Hon. M. Dean: We're continuing to invest, and as we deliver the new system, we'll be able to serve not just children and youth with autism but children and youth with other diagnoses and other developmental delays as well — with Down syndrome, with brain injuries. Not just children with autism, but they will still receive services according to their needs.

Mr. Speaker: Leader of the Opposition, second supplemental.

S. Bond: I'm not sure the minister has any idea of how the words that she says in this House every day, the impact they have on those families. To be perfectly clear, the model that thousands of parents are standing up to defend, I would remind the minister, was a model created by the

former government in significant consultation over a period of years in order to deliver it.

Interjections.

Mr. Speaker: Members, let's listen to the question, please.

S. Bond: The minister talks about listening to families. Perhaps she should have thought about that before she made the announcement, because AutismBC has clearly said this minister did not talk to them about decisions that are going to change the way service is provided to their children.

The uncertainty isn't just for a short period of time. Let's drag out that process for three years while these families try to sort out what's going to happen to them.

Here's what else Megan had to say.

Interjections.

S. Bond: The members can heckle across the aisle. These are the words of thousands of families across British Columbia who woke up one morning to a surprise announcement from this minister that turned their lives upside down.

Here's what Megan had to say: "The choice that you have made to target the province's most vulnerable children also extends to the thousands of female service providers who run their own businesses. The blatant lack of community consultation and critical thought that went into this decision would be laughable if it wasn't so utterly devastating. Going after disabled kids, mothers and female business owners is appalling."

Interjections.

S. Bond: The members opposite can groan all they want. Those are Megan's words and the words of thousands of British Columbians. They may want to dismiss them, but members of the opposition will not do that.

Interjections.

[2:15 p.m.]

Mr. Speaker: Members, order.

S. Bond: So a simple request to the minister. She has a chance today to do the right thing. She could stand up and give those families the respect they deserve by reversing the decision and making a commitment to talk to families in British Columbia before she alters the services that they have been providing to their children for years.

Will she simply do the right thing today?

Hon. M. Dean: I will reassure families today that we are listening to them. We have been listening to them. We will continue to listen to them. We will deliver services for their children throughout the province.

I hear from lots of families who say they don't know where to find help. They can't navigate help, and they don't have the capacity to set up a suite of services for their child and youth….

Interjections.

Mr. Speaker: Members. Let's hear the answer, please.

Hon. M. Dean: We will create a system that is a safety net for families so that they will be supported in creating and co-designing those services for their children. On a day-to-day basis, I know that families have scrambled to put together those services, so we will continue to support those families as we implement the new service framework.

We're putting children and youth at the centre. We make different choices. We're investing in children and youth. And I will inform all members of this House: please inform everybody in your communities that we are opening up consultations in November and December, and we invite everybody to join us.

Interjections.

Mr. Speaker: Members.

Hon. M. Dean: And more, we will be continuing discussions, and I invite everybody to join us.

K. Kirkpatrick: I'm sure every member of this House and every member on the other side of this House has heard these same stories from these same parents. So saying that we're saying something that you're not already hearing is surprising.

Stella is one of many autism service providers who have contacted me and are worried about how therapies will be handled. She writes: "I was blindsided by this announcement and am very concerned with the proposed changes. Under the hub system, parents no longer get to choose their own therapist, and there's no guarantee that each child will receive an adequate amount of funding on therapy. I'm horrified these changes have been made without consulting families or service providers first."

Will the minister please reverse her decision to remove the ability of parents to decide on care?

Hon. M. Dean: Thank you to the member for the question. In the new system, what families will be able to do is, as soon as they identify that there's a developmental delay or they have a concern about their child, they'll be able to walk into a centre, get connected straightaway with a key worker and then work with that multidisciplinary

team. There'll be a physiotherapist, occupational therapists, speech therapists, mental health clinicians. So they will be co-designing the plan of services for their children and youth that will be continually under review.

Interjections.

Mr. Speaker: Members.

Hon. M. Dean: I can tell you, as someone who has worked in the field for 30 years, that we know that we serve children and youth better with multidisciplinary teams with no barrier to access to services and putting children and youth at the centre so that we make sure that we help them thrive and flourish and that we set them on a successful pathway.

Mr. Speaker: Member for West Vancouver–Capilano, supplemental.

K. Kirkpatrick: I do agree with the minister that children and youth have to be at the centre, but those parents have to be there as well. That is, however, not what the hub system is doing.

Koryn Heisler from North Vancouver says: "What I'm failing to understand is why the government needs to take away a model that is working for families of children with autism in order to support all children and not build upon the existing system. I'm a parent to three children, two of whom have autism diagnoses. We feel like we're swimming with our heads just above water, one wave away from drowning. Taking our supports away would be pushing us under the water."

Why is the minister doing this to Koryn?

[2:20 p.m.]

Hon. M. Dean: We're not taking supports away from children and youth. We're making choices to invest even more in children and youth. We're building a system. We're actually creating a safety net for children and youth, and we're reducing barriers. We're not locking services behind two years of waiting for a diagnosis. We're delivering those services there and then.

Many families with children and youth with autism tell us they can't find services. The pandemic has really highlighted for us how fragile those services are, that families weren't able to receive them during COVID.

I'd like to quote from Tracy Humphreys, founder and chair of BCEdAccess: "We have such a large community of families who have kids with all different kinds of disabilities, and for many of them, they've never had access to any funding through the children and youth with support needs program with MCFD, and they are thrilled."

J. Tegart: Meng Dong is a mother attempting to provide for her son with special needs while living with a life-threatening illness. She may die before the rollout of the new hub system and wants to know that her son is protected when she is gone.

She says: "This new system throws us into an unknown world again. To make things even worse, I might not be able to help him through this transition. This change makes my efforts turn to nothing. I'm so worried."

Why is the minister clawing back the funding that Meng depends on to provide services for her son?

Hon. M. Dean: Thank you to the member for the question.

This is not a clawback. As I said earlier on, it was that side of the House that gutted my ministry 20 years ago. Our side of the House has made choices investing in children and youth. The budget for children and youth with support needs has gone up every single year since 2017. We just announced $10 million in the At Home program for essential equipment like wheelchairs and lifts. That program had not seen an increase in 20 years.

We understand the struggles that families are experiencing, and we understand that the pandemic has made that even worse. We're here to help. We will help all families make the transition successfully.

Mr. Speaker: Member for Fraser-Nicola, supplemental.

J. Tegart: Stacy Swanson has two children, one with a full diagnosis on the spectrum and another on the waitlist. She says: "How the heck are we able to support our children in succeeding if we cannot afford to pay for supports and therapies with our providers that we have built a trusted relationship with? Our government is failing many, many families."

Can the minister tell Stacy why she's clawing back her funding?

Hon. M. Dean: This is not a clawback. We are building a system. It is a safety net for all children and families.

Interjections.

Mr. Speaker: Members.

Hon. M. Dean: It's informed by the voices and experiences of families across British Columbia, plus advocates, plus service providers. Plus, the Representative for Children and Youth has written multiple reports recommending that our province has a needs-based system to deliver services to children and youth with support needs. The reason for that is because it meets their needs better, earlier, and that means that they have a much more successful future and they thrive and they fulfil their potential.

Interjections.

Mr. Speaker: Members, we heard the question already. Please, let's hear the answer.

Hon. M. Dean: Even this Legislature has a Select Standing Committee on Children and Youth and did a report and heard from families around the province with neurodiverse children about how we only have a patchwork of fragmented programming at the moment and there should be a needs-based system in place.

[2:25 p.m.]

C. Oakes: Deirdre has two children diagnosed with autism. She says: "The government cannot take away my children's funding to give support to others. They need to create supports for those without a diagnosis, but they can't take away my children's support."

Will the minister tell Deirdre why she's clawing back her children's funding?

Hon. M. Dean: Well, our government has made different choices. We are investing in children and youth. We have invested in children and youth with support needs since forming government in 2017. In every single budget since 2017, we have increased funding. In 2019, we increased ongoing funding for respite by $6.3 million. Budget 2021 included a $13 million increase, which included $2 million for deaf and hard-of-hearing children's programs, which is the first time in ten years that that program had received any inclusive funding.

We're also investing $10 million in the At Home program for the medical benefits, which is including wheelchairs, special devices that help children get by on a day-to-day basis.

Interjections.

Mr. Speaker: Members, order.

Hon. M. Dean: As we begin our implementation of the framework, we will make sure that we invest in delivering those services and creating a successful system.

POLICE ACTIONS AND OVERSIGHT
AND ROLE OF MINISTER OF
PUBLIC SAFETY AND SOLICITOR GENERAL

A. Olsen: I've received hundreds of emails over the past summer about our provincial police service and accountability. The emails are largely in response to acts of police aggression that we've seen in British Columbia. I think that all the members of this House have seen the visuals of these instances on social media this summer. They are horrifying.

I've heard from many British Columbians a deep concern that in some cases, our provincial police service is acting unlawfully. Many people I've spoken to are demanding accountability from our provincial government.

There's a great deal of confusion about what the Minister of Public Safety and Solicitor General's responsibility is with respect to our provincial police service, in part because the minister himself has said he does not direct the police. But the police have to be accountable to someone in British Columbia.

My question is to the Minister of Public Safety and Solicitor General. What are the minister's responsibilities with respect to the provincial police service in British Columbia?

Hon. M. Farnworth: I appreciate the question from the member. As the member will know, the Solicitor General is responsible for, for example, overseeing the Police Act in this province. What he should also know is that politicians — and in particular, the Solicitor General — do not direct police in terms of how they operationalize the issues that they are dealing with.

There are complaint processes in place. If people want to or are concerned about police actions, they can follow those. Those complaint processes are there in legislation. In fact, in a number of cases, they are being acted on.

I can also tell the member, because he will obviously refer to the court case, that that again is also under review, under appeal at this particular point in time. That will continue. But there are numerous mechanisms, whether it's the Police Complaint Commissioner or the independent investigations officer, that deal with actions of police. If he wants a briefing, I'm more than happy to have my ministry give him a briefing on that.

Mr. Speaker: Member for Saanich North and the Islands, supplemental.

A. Olsen: I didn't talk about the court case or the court action.

We have been seeing increasing RCMP aggression across the province in recent years. We've seen numbers of incidences, increasing incidences, in all parts of the province, frankly, over a number of resource development issues. The reality is that as part of the provincial police services contract, the minister has a responsibility, within the objectives, to set objectives, priorities and goals of the provincial police service.

[2:30 p.m.]

My question is to the minister. Has the minister made clear within those objectives, priorities and goals that are in his direct responsibility under the provincial police service agreement that the provincial police service must respect the freedom of the press and the civil liberties of British Columbians?

Hon. M. Farnworth: We fully expect the police to respect civil liberties, and they have a very difficult job. As

we know, there are processes in place, procedures in place, protocols in place, and if individuals are concerned about actions of the police, they can take those protocols.

We have seen significant demonstrations and protests. Police deal with very difficult situations. We have seen where the police have had to deal with, in the case of one protest area, having to assist in removing more than five tonnes of garbage, much of it including human waste left behind by protesters. That has been part of the challenge that they have had to face.

We have seen situations where police have been confronted by individuals who have brought a urine-soaked bag full of candies to the police — a ten-year-old girl, accompanied by parents, who went up to police at a protest and gave them a urine-soaked bag.

As I said, the police have a very challenging and difficult job to do. They do it to the best of their ability. If there are issues, there are processes and protocols in place that people can follow, and they do.

SERVICE MODEL CHANGE FOR CHILDREN WITH SUPPORT NEEDS AND FUNDING FOR AUTISM SERVICES

S. Cadieux: Well, the minister can try to deflect, but the language she is using — "transitioning" — means moving to a different state. That means not doing the same thing we've done before. That means clawing back choice from parents.

Melissa Crowhurst says: "I have three severely autistic children…."

Interjections.

Mr. Speaker: Let's hear the question, please.

S. Cadieux: Let me start again there. Melissa Crowhurst says: "I have three severely autistic children and an excellent team of therapists and service providers. Moving to a situation where we have no control over who provides services will set us back. Listen to the people who are living this life. We are the experts."

The minister is ignoring the voices of those who have direct experience with autism. Will she listen to Melissa and stop the clawback?

Hon. M. Dean: I want to take this opportunity to reassure families across British Columbia that we're building a system that is much more responsive to the needs of children and youth with support needs. We know that when a child needs help with speech or with language or with their behaviour or with hearing, they can't afford to wait for a delay. If you have a three- or a four-year-old and you're a concerned parent, you can't wait two years for a diagnosis, until they're five or six, and they haven't received any services in that time. It's imperative that we deliver the services to children and youth when they are needed.

We are building a system. We've been listening to families. We've been listening to advocates. We've been listening to service providers. We've been hearing from them that currently we only have a patchwork of fragmented programming that's locked behind a diagnosis. So many families have been talking to me, and I've worked in this sector for over 30 years. I saw the horrendous impacts of the cutbacks here in my community, where I was serving and running services for over 10 years.

I know that the system needs to change, so we have been listening. We've been listening to service providers, and we created the framework also on the basis of recommendations from the Representative for Children and Youth and recommendations from a select standing committee of this Legislature, with members from both sides of the House on it.

A framework that is needs-based is what families have been crying for. In fact, we've been told by advocates that families have been begging for this ministry to do something different in this area to better meet the needs of children and youth with support needs. We are committed to serving these children and youth and to helping them thrive and setting them on a successful pathway.

S. Cadieux: Nobody is arguing that there are families who need services who don't have them today. But you don't serve them better by taking away the supports that currently exist for the families that do. It sounds to me, from that answer, like the minister thinks she knows better than families.

[2:35 p.m.]

Karissa Crawley is a parent with a disability and the mother of a son with autism. She says: "My family has spent years finding the right service providers for my son, and it will be catastrophic to our family to disrupt the people and therapies we have put in place. My son, who is already struggling, will have the rug pulled out from under him."

Why is minister pulling the rug out from families like Karissa's?

Hon. M. Dean: Nothing is more important to this side of the House and to my ministry than the health and safety and well-being of all of the children and youth in our province.

Over the past few years, we have seen, and there has been a spotlight shone on, the problems with individualized funding. I've heard from so many families that they can't even get individualized funding until they wait a couple years for a diagnosis. When they receive the funding, then people who have two jobs, people who have an elderly family member to care for, people who have several children that they need to be…

Interjections.

Mr. Speaker: Members.

Hon. M. Dean: …taking care of, don't have the capacity or the time to be building a team and case managing services.

They don't need to, because we can build a system and build a safety net for those families as well. So even if you receive a diagnosis, even if you're able to get services, families scramble to make sure that that service system is in place. Most parents tell me that they really struggle with doing that.

Then the pandemic hit. What that showed to us was that with the…

Mr. Speaker: Thank you.

Hon. M. Dean: …individualized funding there was no accountability. So the services just went away. Even families who have a good system of supports and services for their children and youth…

Mr. Speaker: Thank you, Minister.

Hon. M. Dean: …had no services because of the pandemic.

So we're going to build a system that will support all children and youth and create a safety net for children and youth that will meet their needs and that won't be locked behind a diagnosis.

Mr. Speaker: Richmond North Centre, I will allow one question.

T. Wat: Thank you so much, Mr. Speaker.

Well, the minister has been hearing so many stories in the last 30 minutes, and I think that up to now, the minister has not responded to the concern and frightened thinking of all of the parents.

Let me quote a couple more stories for the minister. Hopefully she will respond to the parents, not us — not the opposition but the parents.

Tamsyn is a parent of three children with special needs. She says: "We have spent years building relationships with our service providers, and it would be harmful to take those relationships away. I'm also very concerned that while the number of disabilities to be supported will be increasing, there's no talk of increasing the funds to support them."

Well, I don't have time to tell many stories, but there's another one that I have to tell the minister.

Mr. Speaker: Ask the question, Member.

T. Wat: Jessica Taylor is the mother of an autistic child.

Mr. Speaker: Just ask the question.

T. Wat: She says: "My son is making so much progress, and now it's going to be stripped away. The hubs won't work for him. This change will take away all support for my son. Please don't take away support from families who desperately need it."

Will the minister listen to parents like Tamsyn and Jessica, or will she claw back support from the children?

Hon. M. Dean: Thank you to the member for the question. Thank you to everybody for giving voice to families from across British Columbia.

As I said, I've been in service for over 30 years. I have worked with many, many vulnerable families. I do believe that it's very important to hear their voices.

We need to be moving forward with this implementation. We're listening to families, and we will continue to listen to families. We have been listening to families about the services for their children and youth with support needs since 2019. We will continue to do that.

[2:40 p.m.]

We listened to them during COVID when they asked us for emergency measures because of a global pandemic that impacted them being able to support their children and youth. We're continuing, for example, with flexibility around respite, because that was something that was asked for as an emergency measure. We're now making that permanent.

As we move forward with the next stages, we will continue to listen to families. In fact, I will have many opportunities in November and in December, when it will be my pleasure and honour to listen to families from British Columbia, to hear their expertise and their experience, and to be able to take that into account…

Interjections.

Mr. Speaker: Members.

Hon. M. Dean: …as we move forward so that we can be as successful as possible for all children who need our services in British Columbia.

[End of question period.]

Orders of the Day

Hon. M. Farnworth: I call continued committee stage debate on Bill 26, Municipal Affairs Statutes Amendment Act.

Committee of the Whole House

BILL 26 — MUNICIPAL AFFAIRS
STATUTES AMENDMENT ACT (No. 2), 2021
(continued)

The House in Committee of the Whole on Bill 26;
R. Leonard in the chair.

The committee met at 2:42 p.m.

The Chair: The committee will go into recess for five minutes.

The committee recessed from 2:43 p.m. to 2:48 p.m.

[R. Leonard in the chair.]

On clause 26 *(continued)*.

D. Ashton: Yesterday we finished up with the first question of public hearings. My second question is: what is the intended effect of this change that is taking place?

[2:50 p.m.]

Hon. J. Osborne: The ultimate outcome that we are intending here is to speed up the development approvals process for local governments, especially to get British Columbians into more homes more quickly. By repealing a local government's authority to waive the requirement to hold a public hearing on a proposed zoning bylaw when it is consistent with the official community plan, it effectively removes a process step. In other words, a local government would need to opt in to a public hearing rather than to have to opt out of having a public hearing.

D. Ashton: Are there any public consultations that are public hearings while official community plans are being updated, specifically in this circumstance?

Hon. J. Osborne: Yes, that is indeed the case. There is public consultation in the official community plan approval process. That is true for all local governments, with the exception of the city of Vancouver, to which these amendments do not apply, in which case public consultation takes place in the zoning or rezoning stage.

D. Ashton: Would this section enable approval of individual projects if they were consistent with the OCP?

Hon. J. Osborne: Yes. The approval process would remain just the same for any individual project, with the exception that if the rezoning application is consistent with the official community plan, a public hearing would not need to be held.

D. Ashton: I need to talk locally for a minute. Zoning allows multifamily homes and multifamily residency. A process has taken place where this was developed in the OCP. The government, through B.C. Housing….

It's not a loaded question. It's just a question that I would like an answer for, and I know that the citizens of Penticton are going to be asking this when this new portion of the law comes in.

So multifamily residential is approved. And supportive housing, which we all need in our communities…. We all know that. Would that qualify for not having to have a public hearing? You have multifamily homes, multifamily residential, multifamily supportive housing. Would that qualify under the auspices of the current government, and specifically the ministry, for not having a public hearing?

[2:55 p.m.]

Hon. J. Osborne: Thank you for the clarity in the question there. In the particular case being described, if multifamily housing is consistent with the OCP, then yes, the local government could go through its approvals process without a public hearing. However, should they choose to do that — to not have a public hearing — they are required to provide public notice to the community, prior to first reading, so that the community is aware of what is proposed to take place. Even if it is consistent with the OCP, they will need to do that.

I would note that there are several — in fact, many — local governments that do undertake pre-approval consultation processes. So again, prior to a rezoning application coming to the council table or the regional district board table, they may work with the applicant or the developer to have those consultation processes. I would also note that local governments can still opt in to having a public hearing.

What is key to these amendments is that the decision lies with the local government. They know their communities best. They will know what particular applications they may like to still hold a public hearing on because it is, perhaps, contentious or it is large in nature, and they feel that it's most appropriate to have the public hearing.

Then finally, I do want to note that in the development and approval of an OCP, of course, community consultation must take place, and a public hearing is held on the official community plan itself. The community can remain engaged and aware and still have the input into decision-making processes that are held by their local councils or boards.

D. Ashton: Who is responsible for determining if a bylaw is consistent within the OCP, as described in paragraph (2)(a)?

Hon. J. Osborne: Publicly elected bodies are best placed to consider the many objectives and the policies that are set out in their official community plan and to

decide whether a particular zoning bylaw is consistent with the OCP. I would note that the amendment is similar to the existing authority to waive public hearings, which means that local governments already have experience in determining whether an amendment is consistent with their OCP.

Over the years, there are decisions that are made by local governments that have already been exposed to judicial review. There have been a number of cases that consider or challenge bylaws on the basis that they're not consistent with the OCP. So case law indicates that municipal councils and regional boards can determine consistency based on a reasonableness standard. That means, in other words, that local governments have a fair amount of discretion in determining whether or not a zoning bylaw is consistent with their OCP.

A judicial review remedy would still be available after these amendments as proposed, if passed — even if a bylaw is passed without a hearing — on the basis that a hearing was actually required.

D. Ashton: Thank you to the minister. What would happen if there were a disagreement about the validity of this section while it was being applied? Recourse is a better tack.

Hon. J. Osborne: A bylaw stands until it is challenged. In this case, a judicial review remedy will still be available, even if these amendments are passed.

D. Ashton: Does the minister know how many local governments are expected to avail themselves of this section by bypassing public hearings? I'm just curious. In the discussions, in the consultation that took place…. Positive, negative, leaning to which direction? If a number was available, it would be greatly appreciated.

[3:00 p.m.]

Hon. J. Osborne: First, just a reminder that these proposed amendments are a direct response to calls from UBCM and the other stakeholders, including local governments, that participated in the development approvals process review.

Second, these amendments apply to all local governments across British Columbia with the exception of Vancouver. So that is local governments that cover 88 percent of the province's population.

The initial feedback, the early feedback, that we've had from local governments is that this is being favourably received — the proposed changes. It's positive, and they've indicated a willingness to try them out. That being said, we know that the impact of these amendments is going to vary from community to community. There will be some early adopters who will try it first, and there will be many others, I think, who will wait to see how it goes.

It's possible, also, that a local government could choose to apply this to a certain category of bylaw amendments — for example, carriage houses or secondary suites — as a way of trying it out.

In the end, again, we hope that this is picked up and used by local governments as a way of building homes more quickly and more homes for British Columbians.

D. Ashton: Thank you to the minister for that answer and bringing up housing. It fits right in. Does the minister, through her ministry and/or local government that she's talked to, have any projections on how this will impact housing supply?

[3:05 p.m.]

Hon. J. Osborne: Thank you, again, for the question on how this will impact housing supply in British Columbia and what kind of increase in housing supply we might be able to see.

While I can't give you a precise answer or predict the future, I do know that we will be closely monitoring the use of this tool and receiving feedback from local governments and from the development sector as to how it is going.

We know there are hundreds of public hearings that are taking place across British Columbia and, again, that local governments have asked for a tool to help speed up their approvals processes. Even a small savings in time of not needing to advertise a public hearing, hold a public hearing — which in some instances can take a matter of not only hours but, in fact, even days — equates to a savings in money, which will reduce the price or cost of housing and, again, speed up the delivery of housing.

I do want to note a comment that was provided to us by Jill Atkey, the CEO of the B.C. Non-Profit Housing Association. In speaking about the amendments that are proposed in this bill, not only on the public hearings but also on the development variance permit delegation of authority, she noted that the B.C. Non-Profit Housing Association encourages all municipalities to use their new powers and to consider seriously whether public hearings are necessary for affordable housing projects that are consistent with community plans. These actions alone have the potential to save as much as one year in the development process.

Again, with the intention here of speeding up and streamlining the development approvals processes, we hope to see a significant increase in housing and get British Columbians into those homes faster.

D. Ashton: The Vancouver Charter — does it have a parallel process, or are they looking at a process that would expedite the process of developing homes in the specific area that the charter encompasses in the Lower Mainland?

Hon. J. Osborne: The city of Vancouver is not included

in these amendments, as the member notes. So what changes are intended in the city of Vancouver?

First of all, I want to be clear that the province is partnering with all local governments, including the city of Vancouver, to get homes built faster for people in their communities. This bill is an important step to give local governments more tools to streamline their development approvals processes. But the Vancouver Charter is different and distinct from the Community Charter, of course. It sets out a planning and land use framework that's different than that used under the Local Government Act.

For example, Vancouver already has broader abilities to delegate to staff than other local governments do. The Vancouver Charter doesn't require public hearings for official development plans, which is their equivalency of an official community plan in another local government. As a result, this means that public hearings take place — they're required — at the rezoning stage. So this might be the only opportunity, in that case, for the public to provide input into a proposed land use change.

The city and the province are working closely together to support their plans to speed up their development approvals processes. I would note they have received a $500,000 grant through UBCM, but from the province, to support and streamline their development approvals processes. They are developing an interactive digital development application tool.

That's a project that is aimed to accelerate efforts to modernize their permitting and licensing services and increase the efficiency of the development approvals process, which would enable their staff to have more timely and accurate, predictable and consistent experiences for everybody who participates in the planning approvals processes in Vancouver.

[3:10 p.m.]

Beyond just that, though, the provincial staff, my staff at the Ministry of Municipal Affairs, will continue to work in partnership with the city of Vancouver to examine other ways that we will be able to support them, and there will be more to come.

D. Ashton: Thank you. I really appreciate it.

I'm finished with section 26, and no further questions until section 30.

Clauses 26 to 29 inclusive approved.

On clause 30.

D. Ashton: If a public hearing is not held, are there any other means that a local government may use to inform the public or to get input — i.e., feedback from the public?

Hon. J. Osborne: Yes, there are a number of ways that the public will still have the opportunity to comment on a proposed zoning amendment or a zoning bylaw. If a public hearing does not take place, local government will be required to give public notice before first reading takes place. This effectively backs up the ability for the public to be aware of a rezoning application and to make comment.

The regular avenues for public comment will still be open, of course, as they are on any proposed local government decision. That might include writing letters to council, emailing members of council, talking to them. But as I mentioned before, local governments are more and more undertaking pre-approval consultation processes — working with a developer or a proposed homebuilder or property developer to consult the community.

We will be providing guidance and best practices to local governments — provided that these amendments pass, this bill passes — so that they can continue to do their good work in consulting and listening to members of their communities.

D. Ashton: Thanks to the minister, and I have no further questions until section 36.

Clauses 30 to 35 inclusive approved.

On clause 36.

D. Ashton: What impact will this legislation have on variances?

Hon. J. Osborne: Thank you for the question. On development variance permits and the new tool that would enable local governments to delegate minor development variance permits to their staff for decisions….

[3:15 p.m.]

Again, this is in response to recommendations that came from the development approvals process review and the request of local governments and those in the development community and other stakeholders involved in the provision of housing and advocacy for housing to enable local governments to streamline and speed up their approvals processes.

Specifically, what this will do is enable local governments to delegate, by bylaw, the power to issue development variance permits for minor variances in certain circumstances. These are specified in the legislation. They include zoning bylaws that respect siting and size and dimensions of building structures and permitted uses; off-street parking and loading-space requirements; the regulation of signs; screening and landscaping to mask or separate uses or preserve, protect, restore and enhance the natural environment; and a provision of the Local Government Act prescribed by regulation of the Lieutenant-Governor-in-Council. So this specifies what must be included in a bylaw.

Again, the local government must pass a bylaw that will describe the minor development variance permits that would be delegated to staff. It would give staff the power to

issue those DVPs, I'll say for short, primarily. What would be included in that bylaw are the criteria that would be used to determine whether the proposed variance is minor and guidelines that the delegates, staff, must consider in deciding whether to issue the development variance permit.

Again, this is a tool that local governments can use to speed up their approvals processes, handing over minor decisions — which do get into the system and create delays — that, as deemed by those who have been engaged in this process, would help speed up that process.

D. Ashton: Does the minister have a view of what is appropriate and minimum, maximum when it comes to the scope of this? Also included in that question: is the minister contemplating any regulations or issuing guide policies to help municipalities come to terms of the upper and lower limits of possibilities?

Hon. J. Osborne: The question around effectively defining what minor variances are…. The proposed legislative amendments already provide limitations on what can be considered minor. I'd note that this does not include things like density or use or subdivisions, but is the list that I read off before around siting, size and dimensions of buildings, off-street parking, regulation of signs — that list.

It is up to the local government to determine, through a bylaw, what they define as a minor variance. That'll be based on the unique needs of their community. Based on the consultations that we've undertaken, examples of potential minor variances might include a reduction in sideyard setback or changing the dimensions to a sign or the height of a fence.

The proposed amendments will require the local government to develop guidelines that will help their staff to issue these minor DVPs. These requirements really provide local governments with flexibility in determining what constitutes a minor variance and then guiding, again, the staff to exercise that power to issue the DVP.

I would note, too, that the council and board oversight always remains that of delegated decisions. Again, this would be done by bylaw, so this would be faced with the public scrutiny and the opportunity for public to have a comment there too.

The member also asked around regulatory-making powers. The amendments do provide a provision to prescribe by regulation. As we monitor how this is implemented and used, should we choose to add a new tool or area of minor development variance permits, then that would be able to be done through regulation.

[3:20 p.m.]

D. Ashton: Madam Chair, I'm fine with clause 36. My next question is on clause 37.

Clause 36 approved.

On clause 37.

D. Ashton: Why is notice not required if a delegate issues a development variance permit — i.e., somebody that has been delegated at a municipal hall? Why is notice not required for that variance permit?

Hon. J. Osborne: The question is around why no obligation to give notice. That is because the local government will already have gone through the exercise of adopting a delegation bylaw that includes the criteria for what is to be considered minor.

Now the powers will be delegated. The authority will be delegated to staff. So if a proponent comes forward to the local government office and makes an application, it's covered under that bylaw. The public will have an opportunity, of course, to comment on the bylaw if the local government chooses to adopt one, and that's the best opportunity for them to have their perspectives shared and known then.

D. Ashton: I have no more questions on clauses up to and including 42, but my peer has questions on clause 43.

Clauses 37 to 42 inclusive approved.

On clause 43.

P. Milobar: Hopefully the minister will cut me a little latitude here. I have a few overarching questions around the overall sections of Jumbo. It just probably is easiest to deal with them all in the front end, and then we'll be done with all of those sections.

I'm just wondering if the minister could provide an overview of which Indigenous nations were consulted about the dissolution of Jumbo and what those consultations looked like with each nation.

Hon. J. Osborne: Five First Nations were identified to be consulted with and as having potential interest in the municipality's dissolution. Referral letters were sent to the Neskonlith Indian Band, the Adams Lake Indian Band, the Little Shuswap Lake Indian Band, the Shuswap Indian Band and the Ktunaxa Nation Council society.

No concerns regarding the dissolution were received. Moreover, as I think the member knows, the Ktunaxa Nation does support the disincorporation of the municipality.

[3:25 p.m.]

In fact, the province, through the Ministry of Indigenous Relations and Reconciliation and FLNRORD — Forests, Lands, Natural Resource Operations and Rural Development — and the Ktunaxa Nation and the Shuswap Indian Band are working together to create an Indigenous-protected and conserved area in the place of question here.

P. Milobar: That's around the dissolution, and then my next question was going to be, actually, if all of those same bands were consulted around the Indigenous-protected and conserved area.

Can I just confirm with the minister again. I believe she just said that the Shuswap Indian Band was consulted by government on the creation of that protected and conserved area.

Hon. J. Osborne: Yes. The member is correct.

P. Milobar: In the interest of time, I'll just jump right into it, I guess, because that seems to create a bit of a problem with the correspondence that I have from the Shuswap Indian Band and their Chief.

I'll just read from it: "Shuswap Band was not consulted in any way on the Jumbo Glacier Resort and was left out completely on the creation of the Qat'muk Indigenous-protected and conserved area. We only heard the news of the funding given to the Ktunaxa from the radio report. We were very disappointed, hurt and felt disrespected that no one from government took the time to bring us into the conversation before any funding was given out. We heard that even Oberti, the developer, was paid out. Shuswap Band has lost a lot due to exclusion of recognition of our rights and title."

Can the minister please explain how the minister and government feels that there was actual consultation, and a Chief, very clearly, as of October 29, says the exact opposite?

Hon. J. Osborne: Thank you for making me aware of the letter, which I was not aware of before.

Because this legislation, these amendments, pertain to the dissolution of the municipality, the work that's being done on the establishment of an Indigenous-protected and conserved area is being done by our colleagues in FLNRO. I'll make the commitment to follow up, and follow up with the member afterwards.

P. Milobar: Well, the problem is that the way the letter is framed. It also says they were not consulted on the Jumbo Glacier Resort. I think we all should have an understanding, at this point….

[N. Letnick in the chair.]

Certainly, I know the minister, as a former mayor, would have had to send off referral letters. How referral letters, at a municipal government level….

[3:30 p.m.]

It's takes a lot of follow-up to have it qualify as meaningful and attempted consultation, let alone it actually being qualified as consultation. I don't think anyone is arguing about the need to take care of and dissolve the incorporation.

This has been a long-standing project that's been supported by all parties in this House, actually, back from its inception, back in '91, of an idea. It has had favourable commentary from then Premier Mike Harcourt, in '91; then Minister of Economic Development Glen Clark; Minister Moe Sihota, Environment, Lands and Parks Minister, back in '91, speaking favourably of Jumbo. It has had support for the economic development potential, and obviously that potential was not realized.

I think the underlying sentiment and feeling from the Shuswap Indian Band is that they were left out of the governmental side of the government-to-government discussions because they were actually quite supportive of the project. They saw the potential around economic development and economic good that could come for their band if the project was successful and was able to proceed.

I don't think there is an argument about the dissolution. The concern that we've heard from the Shuswap Indian Band is that the reference back was actually from another nation after the park had already been in the stages of development, with funding attached to it not from government — not from this minister or from FLNRORD or from Indigenous Relations and Reconciliation.

So I guess the question really is…. The dissolution is happening. It's supported. Is there any work plan…? Are there any steps being taken by government to ensure that the Shuswap Indian Band is properly consulted on a government-to-government level, from the provincial government to the Shuswap Indian Band — not leaving it up to First Nations to consult with each other, but actually making sure that they have been meaningfully engaged through this process, as this legislation is already sitting in front of the House?

[3:35 p.m.]

Hon. J. Osborne: On the subject, again, of consultation with the Shuswap Indian Band on the dissolution of the municipality, the amendments that are part of the proposed legislation before us today, I can confirm that on July 15 a referral letter was sent to the Shuswap Indian Band, that two weeks later ministry staff followed up to confirm receipt of the referral letter and that no concerns were received back, no concerns were identified and received by the ministry.

With respect to consultation on the establishment of the IPCA, once again, I'd need to refer to my colleagues in the Ministry of Forests, Lands, Natural Resource Operations and Rural Development and get back to the member after today.

P. Milobar: I thought I was done with questions, but this begs, I think, a bit of a follow-up then. So July 15 of 2021 with a follow-up touch-base on July 29, and here we are in October. That's — what? — two or three months later. Was it of this year that the letters went out, or was it in 2020?

Hon. J. Osborne: For clarity, that is July 2020.

D. Ashton: My next question would be on clause 48. I'm fine until then.

Clauses 43 to 47 inclusive approved.

On clause 48.

D. Ashton: The University Endowment Land Act. The minister has new powers. When would the minister use their new abilities in regards to the University Endowment Land Act?

[3:40 p.m.]

Hon. J. Osborne: As the member knows, I think, the UEL, the University Endowment Lands, are not a local government. It is different and separate from local governments across British Columbia. Effectively, the province is the local government in the case of the University Endowment Lands.

The purpose of this particular clause is to provide a flexible option for public notice in the UEL in a way that is similar to the Community Charter, the new public notice framework that would be provided through the amendments proposed elsewhere in this legislation. Essentially, this ensures that the minister can provide effective public notice of the minister's intention to adopt a bylaw.

Further, just to note that the approach to provide at least two means of publication parallels, again, the changes that are being provided to other local governments. But because of that unique nature of the UEL and the fact that the province administrates the UEL, the requirements or the principles for what the minister must consider when developing a new public notice bylaw are more explicitly stated at the outset, as compared to the local governments, who would have the ability to develop their own public notice bylaw and go through that process.

D. Ashton: I'm fine until clause 49.

Clause 48 approved.

On clause 49.

D. Ashton: Are the changes in this section identical to the changes in the Community Charter regarding notice period?

Hon. J. Osborne: The outcome is identical. However, because the Vancouver Charter is a little bit older, the wording is a bit different.

D. Ashton: I'm fine until 53.

Clauses 49 to 52 inclusive approved.

On clause 53.

D. Ashton: Are the changes in this section identical to the changes in the Community Charter? This is regarding the code of conduct.

Hon. J. Osborne: Yes, once again the intended outcome is the same, but because the Vancouver Charter is an older piece of legislation, it is drafted a little bit differently.

Clause 53 approved.

On clause 54.

D. Ashton: I have no more questions on any of this.

Before we close this, I would just like to thank the minister very much for the opportunity. I would also like to thank staff in the room. The briefings are greatly appreciated and make a huge difference. To those that aren't in the room — I think there are some in the back in the Maple Room — please pass along my regards to them.

It's always been a pleasure to be able to work with you. Coming from local government, like the minister and myself have done in our past, the ministry has been a godsend on more than one occasion. I would like to say wonderful staff and very enjoyable to work with. Thank you very much.

Clauses 54 to 57 inclusive approved.

Schedules 1 and 2 approved.

Title approved.

[3:45 p.m.]

Hon. J. Osborne: I, too, would like to thank the member opposite, the member for Penticton, for the incredibly collaborative relationship we have and the respectful dialogue we've had throughout the committee stage of this bill, and to also thank the other member for the questions and, of course, my very capable staff for all the support that they provide, not only to me but to local governments and, indeed, all British Columbians.

With that, I move that the committee rise and report the bill complete without amendment, Bill 26.

Motion approved.

The committee rose at 3:46 p.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

BILL 26 — MUNICIPAL AFFAIRS STATUTES AMENDMENT ACT (No. 2), 2021

Bill 26, Municipal Affairs Statutes Amendment Act (No. 2), 2021, reported complete without amendment, read a third time and passed.

Hon. S. Malcolmson: I call for debate on Bill 27, Election Amendment Act, committee stage.

Committee of the Whole House

BILL 27 — ELECTION AMENDMENT ACT, 2021

The House in Committee of the Whole on Bill 27; N. Letnick in the chair.

The committee met at 3:49 p.m.

On clause 1.

Hon. D. Eby: Joining me in the chamber this afternoon are Alayna van Leeuwen, senior policy analyst, Ministry of Attorney General, and Tarynn McKenzie, policy analyst, Ministry of Attorney General.

[3:50 p.m.]

M. de Jong: Before we get into the brief discussion on the bill, I thought I would take advantage of the moment to thank the Attorney General's colleague, the Minister of Energy and Mines, who had sent an invitation to members of the committee and members of the House to attend a reception for a former leader of the Attorney General's party, the New Democratic Party, Mr. Skelly.

It was good to see Mr. Skelly. He led the opposition and the Attorney General's party during a fascinating time in the political history of the province. He looks well and spry and, I think, maintains a healthy interest in public affairs in this province. I know the Attorney will extend our thanks and my thanks to his colleague for the kind invitation to share in the celebration of Mr. Skelly's return to these buildings after so many years.

With respect to clause 1, there has been a bit of a long-standing discussion that transcends this bill — in fact, any particular piece of legislation — about the circumstances in which something will be enunciated specifically in the primary legislation in the bill, in the clause, versus what will be left to regulation and subsequently provide the flexibility that governments frequently like to have. In this case, the choice has been made — to be fair, as it was, I think, in the original legislation — to incorporate a specific amount and then a mechanism by which that amount may change over time.

Can the Attorney provide any guidance to the committee, to the House and to whichever members of the public might be watching or interested around any general rules that might guide both government and drafters — there may be different interests at play sometimes — about when an amount will be specified in the legislation and when it wouldn't be?

In asking the questions, I'll offer the observation that I recall, from my days in another post in this assembly, being alerted to the fact that the canons of construction, the conventions around construction — for example, on taxation matters — generally required an amount to be specified, or a percentage or a specific amount. I don't know if that's the case in circumstances like this, but I hope the Attorney understands the nature of my question. Is there a set of rules of construction or guidance that assists in determining when an amount is going to be specified and when it might simply be left to a regulation?

Hon. D. Eby: I'm grateful to the staff for some insight on this, which I can share with the member. Under the Election Act in British Columbia…. It's a unique statute. The regulation-making authority does not reside with the Lieutenant-Governor-in-Council or, in other words, cabinet. It resides with the Chief Electoral Officer. Under the act as it's currently structured, only the CEO can make regulations.

[3:55 p.m.]

The member is right that, typically, where you have a fine or a fee or a subsidy or an amount of money that might change over time, you would expect to see that in the regulation. But the unique structure of this act is such that if the Legislature wants to be clear about a policy direction in terms of an amount, that needs to be in the statute, because the regulatory authority resides with the Chief Electoral Officer.

For a matter like this or around a limit on donations, the political debate is rightly held here and determined here and under this act, rather than being left to the Chief Electoral Officer.

M. de Jong: That is a helpful reminder. To be clear, then, by virtue of the construct of the Election Act, the authority vests with the Chief Electoral Officer, but that authority is limited insofar as the provisions of section 215.02, as amended by this legislation, limit that authority.

The Chief Electoral Officer does not possess the authority or the jurisdiction to arbitrarily alter either the amount referred to in subsection 2(a) — I think the Attorney would confirm — nor does he or she possess the authority to alter the formula by which future adjustments are made. If the Attorney could confirm that.

Hon. D. Eby: That is correct.

M. de Jong: Sub (3) of clause 1 in the bill, as I under-

stand it, purports to change the dates around…. I guess payout transfers is the appropriate term. Is that a function of just encountering some practical difficulties around the first of the month? There seems to be a two-week period. I'm just curious as what gave rise to the rationale for changing the dates?

Hon. D. Eby: There are two reasons the payment dates, as structured, were set up to be made on January 1 and July 1. The member will immediately recognize that those are typically statutory holidays, which brings one set of challenges that this amendment addresses.

The second is that, in the technical consultations with Elections B.C., staff were advised that calculating the inflation rate for the previous year, as well as the payments that were required on a statutory holiday for payment, was a lot to ask. Simply changing the date to the 15th would enable the time necessary and ease the administrative burden of Elections B.C. in determining the amounts of the payments — which for the first of the year would be based on the CPI — as well as the appropriate amount to each party, depending on the number of votes.

Those are the two reasons for the shift. I guess I don't have anything else to say. I thought I'd have another great insight there, but I'll wrap it up there.

[4:00 p.m.]

M. de Jong: With respect to sub (3), I don't need to pursue that further.

I did neglect, however, my questions that related to sub (2). I suppose the follow-up I should ask…. We've established, and the Attorney has helped establish for the committee, that the Chief Electoral Officer is precluded from making alterations to either the amount in sub (a) or the formula for calculating future adjustments. That requires a purposeful amendment by this assembly.

Can the Attorney simply confirm that it is also true, for reasons he's already alluded to, that the Lieutenant-Governor-in-Council is precluded from altering either the amount referred to in sub (2)(a) or the formula for calculating adjustments in the future?

Hon. D. Eby: Stated in the positive, the only way to change the amounts or the formula is through legislative amendment — through a vote passed by the majority of the legislators in the assembly. Stated in the negative, neither Lieutenant-Governor-in-Council or cabinet or the Chief Electoral Officer on their own or in combination can change the amounts of the formula without a statutory amendment.

Clause 1 approved.

On clause 2.

M. de Jong: I think the Attorney may have heard me refer to this in the brief second reading exchange. The question that I alluded to was this.

The decision has been made and discussed at a different committee, other than this, around continuing the payment of these amounts into the future or eliminating the time-limited nature of them. But there was also a review mechanism contained in the original provisions, and the decision has also been made, from my reading and my understanding, to eliminate a requirement on the part of the special committee to review, in general terms, the process by which these payments are made to political parties, political participants.

Can the Attorney indicate to the committee what the rationale was for completely eliminating that review function, whether it was after two years, three years, five years or, I suppose, ten years? It would be helpful to hear from the Attorney what his and the government's rationale for that step was.

Hon. D. Eby: The recommendation of the committee was that annual allowances be made permanent. The recommendations also included adjusting them by CPI, which would eliminate the need for future reviews on amounts.

The member will recall that the previous mandate for the review was whether there should be an annual allowance continued to be paid. The answer of the committee was in the affirmative and, in fact, that it should be made permanent.

The second question asked of the special committee was: if an annual allowance to political parties is to be continued, what should the amount be, and what should the number of years of the annual allowance be paid? The answer of the committee was the amounts that are in the statute amendments in front of us and that it be made permanent.

There was no recommendation from the committee around further review. In fact, the opposite — that it be made permanent. I note that this is one of several reforms around our political donation and funding system in the province, whether it's an issue of donation limits or reimbursements or otherwise. Those changes are part of the legislation now, and any reforms would be through statutory amendment, not through review by committee.

[4:05 p.m.]

M. de Jong: I don't think I take issue with any of what the Attorney has offered to the committee, except to make this observation that I'd like him to comment upon. The committee received its marching orders, its mandate, to address the two questions that the Attorney has referred to. I don't think they were asked to include a recommendation around any kind of a review mechanism, and I don't believe they offered an opinion on that matter. I'm surmising from that that the decision around eliminating any kind of a review mechanism was that of the government's.

I'm not intending to be argumentative about this. I think the Attorney sort of left the impression that this flows automatically from the recommendation of the committee on the two questions they were asked. I'm not sure it does. I think the legislation could be faithful to the recommendation of the committee but maintain a review function down the road. The decision has been made not to do that, and it seems to me that that was a purposeful decision on the part of government.

Hon. D. Eby: I'll note that there was some understanding, I think, at least among the individuals who provided feedback to the committee, that this was something that the committee could potentially recommend. The mandate to the committee was quite broad. They were to conduct a review of the annual allowance including, without limiting this, a review of the following — and then the two items that I set out for the member.

The reason why I believe that members of the public, at least, were under the impression that further review could be part of this is that two of the 100 submissions received did, in fact, suggest that there be a further review down the road, and 98 did not.

Ultimately, all of this truly is the decision of government, but the decision of government I would express as our wish to implement the will of the committee as it was articulated in their report, which is that the allowance be made permanent, that the amounts be set at the levels that they recommended, that the formula be set as they recommended. And there was no recommendation from the committee, although the matter was in front of them through members of the public.

M. de Jong: I think the Attorney has made his and the government's position clear on this. I'll only offer this observation. The committee, having been silent on the issue and apparently agnostic on the question of whether or not to retain an automatic referral for review, as other pieces of legislation do, particularly those in involving statutory officers….

My submission to the committee and the Attorney is that there would have been some merit in these, dare I say, earlier days of a new regime of maintaining a statutory requirement for at least one further review period, if not more. It would appear the government and the Attorney take a different view of that.

Hon. D. Eby: The matter was in front of the committee. We have the recommendations of the committee. They did not include a review. The commitment of government was to implement the recommendations of the committee.

Clause 2 approved.

The Chair: Shall clause 3 pass? Carried.

On clause 4.

[4:10 p.m.]

M. de Jong: No, no, I'm on clause 3.

The Chair: You're on clause 3.

M. de Jong: Far too enthusiastic guy for the weighty section, clause 3, before us. Not so fast, Minister.

The Chair: Clause 1 and clause 2 are carried.
On clause 3, Abbotsford West. You have the floor.

On clause 3.

M. de Jong: The provisions are technical in nature. Happily, the explanatory note is helpful, in this case, for drawing a reader's attention to interpreting them and making the point that the Chief Electoral Officer, when making the adjustment under the formula provided here, is, in the future, permitted to use the consumer price index prepared under the Statistics Act, or published under the statistics Canada act, to determine which consumer price index is applicable for a particular time.

I'm presuming, by the way, that the Statistics Act referred to there is the provincial statute, and the Statistics Act Canada would be the federal statute. If I have that wrong, the Attorney and his staff can correct me. But why the choice, and what, at a practical level, is the difference?

Hon. D. Eby: I'm advised this is a matter of timing. The two different indices are published at different times. I'm also advised that, typically, Elections B.C. uses the Vancouver CPI published by B.C. Stats under the B.C. Statistics Act. The section gives the Chief Electoral Officer the discretion, based on the differential timing, to determine which index the Chief Electoral Officer wishes to use.

M. de Jong: I don't think this is an issue today, or probably in recent memory, but we are, of course, hearing speculation about inflationary trends.

Has there, historically, been much of a discrepancy between either the provincial or the federal number? That's not my recollection, but we've come through a period of pretty stable inflationary numbers. The staff may be far too young to think back as far as I am, but has there been any time when there has been a significant or marked discrepancy between either of the indices that the Attorney has referred to?

Hon. D. Eby: I'm advised that the section is based solely on the issue of timing. To the best of staff's knowledge, there is not a significant discrepancy between the two indices.

That does not mean that there will never be or there has not been, but we don't have the information in front

of us in terms of historic rates of inflation between the two separate measurements. We can find that for the member, certainly, if he's interested. We just don't have it in the House.

Clauses 3 and 4 approved.

Title approved.

Hon. D. Eby: I move the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 4:14 p.m.

The House resumed; Mr. Speaker in the chair.

[4:15 p.m.]

Report and Third Reading of Bills

BILL 27 — ELECTION AMENDMENT ACT, 2021

Bill 27, Election Amendment Act, 2021, reported complete without amendment, read a third time and passed.

Hon. L. Popham: I call continued debate on Bill 22, committee stage.

Committee of the Whole House

BILL 22 — FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY AMENDMENT ACT, 2021
(continued)

The House in Committee of the Whole on Bill 22; N. Letnick in the chair.

The committee met at 4:19 p.m.

On clause 5 *(continued)*.

M. de Jong: Welcome back to the minister and her team.

[4:20 p.m.]

I've been listening to the discussion around clause 5, and I thought I might begin by asking the minister to confirm something that I think is correct, but it influences how I'm reading the act — that is, of the bill before us, Bill 22, section 5 and section 44 need to be considered together because they both pertain to section 75 of the existing act. Specifically, section 5 relates to and refers us to section 75 of the act, as amended later in this bill by section 44. Have I got the chronology right, in terms of how to read this?

Hon. L. Beare: If I understood the question from the member, it was wondering whether clause 5 and clause 44 were related. Yes, because clause 44 repeals and replaces section 75, which we were referring to, and clause 5 relates to that.

M. de Jong: That's a good start, because that is a precise answer to the precise question that I asked — that we are, in section 5, here considering an amendment that relates directly to section 75, as amended later by section 44 in this bill. Now, I'm hoping that we have similar success in establishing some clarity, which I think has eluded the discussion thus far, as it relates to the issue of fees — as touched upon and relating to section 75 of the act, which is being amended in the way we just described.

In the time I've been here, the purpose of this committee is to try and bring some clarity to some of the issues — well, to as many of the issues as we can — that arise in the course of legislation. There has, and I hope the minister.… Well, maybe the minister won't agree. In one particular area, I am more confused today than I was a week or a week and a half ago.

[4:25 p.m.]

It relates to this issue of fees and the government, via the newly amended section 75 of the act, seeking authority from this committee — and, ultimately, the House — to make some changes. Of course, the committee is interested to know what those changes will be, because it will influence whether or not the committee and the House wish to give the government and the minister that authority. That, of course, lies at the heart of the question around what these fees are going to look like.

I listened to the discussion, and I've cross-referenced some of what I've heard the minister say in the past. I'll relate that. My recollection is that the first time the minister had anything to say about this in the public forum, she was quoted in the following way: "This is a modest application fee for non-personal FOI requests, and it's in line with other jurisdictions. Other jurisdictions' fees range from $5 to $50. I'm recommending a fee right in the middle of that."

I'll start there. Does the minister stand by that statement? Has she made a recommendation?

Hon. L. Beare: The legislation we have before us today enables government to create an application fee. That's very specifically what this legislation does. As I've also said — and the member will know; I'm sure he's done a lot of looking at this — the fee goes through a separate approval process, and that's not part of this committee stage and not something I can discuss here.

[4:30 p.m.]

What I will say is that our government is listening to

the feedback that we're hearing from across the province because I think that it is very important to know how people feel and what people feel is appropriate regarding a fee.

M. de Jong: All somewhat interesting, but all not representing a response to the question I asked.

The specific question I asked was in response to a statement the minister chose to make. I didn't make the statement. The minister chose to make a public statement: "I'm recommending a fee right in the middle of that."

[R. Leonard in the chair.]

"Other jurisdictions' fees range from $5 to $50. I'm recommending a fee right in the middle of that." Has she made that recommendation?

Hon. L. Beare: I stand by my answer I just gave. What this legislation, which we are discussing before us in this House today…. The legislation gives government the ability to create a fee. That is what we have before us.

Any potential fee, as I've said, goes through a separate approval process that is not part of this committee stage discussion. But I do think it's important for everyone to know that we are listening to people, because we think it's important to hear what people think.

M. de Jong: But hasn't the minister just made the point for why these are important questions for her to answer? The fact that she and the government have decided to relegate this to a regulation-making authority means this is the only opportunity this body has to pose questions about this very matter.

I hope the minister will think about what she has just said. She has said to the committee and to the House: "We want you to give us the authority to do something that we will no longer be answerable to this body for, but I refuse to tell you or confirm what our intentions are about how to use that power."

That, with the greatest respect, is ridiculous. Does the minister believe it inappropriate, in tabling legislation and seeking support and approval from this body, to create a new regulatory power? Does she believe it's inappropriate for the committee to ask her how the government intends to exercise that power?

[4:35 p.m.]

Hon. L. Beare: I do stand by my answer. The legislation we have before us today gives the ability to create a fee. That is the discussion for today — the ability to create the fee. As I've said, the fee goes through a separate approval process that isn't part of this committee stage.

I'm very happy to hear the member's feedback. The member provided a bunch of feedback back in clause 1. I'm sure the member is going to provide a bunch more feedback over the next couple of hours. I'm very happy to hear that feedback from the member and from the public. I do think it's important for all of that to be taken into consideration, in the process that is outside of this committee stage, in setting the fee.

M. de Jong: Maybe the minister could inform the committee about what she terms "a separate approval process" for the fee. What does it entail, and is there a role for this committee to play?

[4:40 p.m.]

Hon. L. Beare: The member will be very familiar with this process, with his extensive years on this side of the House and being the Minister of Finance himself at various points. But in cases such as this, once the legislation is passed, the regulations follow. So a regulation cannot officially be set before the legislation is passed and actually gives the power to create that regulation.

M. de Jong: What I was hoping the minister would confirm for the committee and people watching is the mechanism by which that regulation is set.

She's right. I have some fleeting familiarity with this. It goes to cabinet. It is approved by the executive council, of which the minister is a member. Unless something has changed dramatically, there is no role for anyone other than members of the executive council to participate in that discussion and the approval of that regulation.

I suppose I should pose the question. Is there a new avenue whereby members of the legislative branch of government are now invited in to discuss and debate with the cabinet the nature of a regulation, in this case setting the amount of a fee? That would be news to me.

[4:45 p.m.]

Hon. L. Beare: So I think it's really important for the member and for anyone that is watching today during this debate that…. Our government is listening. We heard the concerns that the member shared in clause 1 and in some of the letters. We're hearing them. We're reading them as well. We're hearing the concerns directly from British Columbians and what their feedback is, what their input is.

Our government takes that into account. This is important. This is important as part of the decision-making process. So I think it's important for everyone to know that in making those regulations moving forward, that we are listening and that we will continue to listen to British Columbians.

M. de Jong: Well, again, with the greatest respect, what people watching this exchange regrettably are learning is the following. A minister, on behalf of the government, the executive council, is saying to this committee and to this House: "We want a new power." In this case, a power to charge a new set of fees.

Now, people have views on that. But even before we get to that, the minister is saying: "We want you to grant us this power, but I refuse to engage in a discussion about how we might use that power." That's ridiculous, and that's a kind term. That's anti-democratic.

These *Journals* that are on the wall here, books of *Hansard*, are full of exchanges that have taken place in this chamber where governments of the day have sought regulatory powers. In example after example, if the minister didn't table a draft regulation — and sometimes they did that — they would embark on a conversation with members of the committee about how that regulatory power would be…. The government was considering using that power.

This minister is saying to this committee: "I want the power to charge a new fee, and I refuse to share any information with this committee about how I and the government are considering using that power." That's wrong. Everyone understands that the regulation isn't the regulation until it's been signed by the Lieutenant-Governor. That's not the point.

The point is, in asking for the new power that these sections represent and would bestow upon the executive council, it is entirely legitimate — nay, I would say it is expected — that the minister would provide the committee, and through the committee the public, with some indication of how she and the government intend to make use of that power.

Now the irony is that she had all kinds of things to say a week ago, or a week and a half ago. he refuses even, for the purpose of the committee, to confirm what she meant by those public statements. I talked about what she said on the 18th. On the 19th, she said that we're implementing a fee that is "in line with other jurisdictions." It's a "modest fee" and "other jurisdictions have a fee between $5 and $50. I'm recommending a number right in the middle of that."

[4:50 p.m.]

Look, if that's her recommendation, that's her recommendation. But the committee is entitled to know that here on the record. That's an obligation she has. That's part of the democratic process. If she's not willing to share that information about how her and the executive council intend to make use of this new power, then they don't deserve to have it. But it does speak volumes to the degree to which arrogance seems to set in when a minister of the Crown says: "I want a power, but I have no intention of discussing with you how I intend to make use of that power." That's an abuse.

There is this interesting exchange that was reported where the minister said to a reporter, "B.C.'s fee is going to be decided through regulation," and: "I've never said $25. I've never said that number. I said that the fee ranges from $5 to $50, and we'll be looking somewhere in the middle of that." To which the reporter replied: "But that's $25." To which the minister replied: "That's not what I'm recommending."

Okay. What is the minister recommending? It's apparently — she has said outside of this chamber — somewhere between $5 and $50. She went further. She said: "The middle of that range, but it's not $25." Well, what is it? What is her recommendation?

In asking the committee and the House to grant her the authority to charge these fees, does she not feel any obligation whatsoever to disclose to the committee, to the House and to the public how she intends to make use of the new powers that passage of this legislation would grant her? If she doesn't, that is a sad day in the history of our parliamentary democracy.

[4:55 p.m.]

Hon. L. Beare: I've provided the committee, with this legislation before us here, how government is considering applying fees. I've said, both publicly and as part of these proceedings, that individuals seeking their own information would not be charged. I have said to the member in my previous answers, and I stand by that answer, that the determination of a fee is set through a separate process. I do stand by those statements.

M. de Jong: A separate process that excludes the legislative branch, the public and is conducted behind closed doors. But perhaps more troublesome, a revelation here today from the minister that she and the government, apparently, in asking for authority, legal authority, to embark on the creation of a new set of charges on members of the public…. She feels absolutely no obligation to reveal in any way how she and the executive council, the government, intend to make use of those powers. That is remarkable and remarkably sad.

Before the minister came in, we were dealing with another piece of legislation, Bill 27. It deals with an unrelated matter involving election finance. It's a short bill. But I was sitting here, thinking: isn't that interesting. A piece of legislation that involves providing an allowance, money to politicians, sets out in detail how much that will be, to the cent, and includes a mechanism for how that amount will change and go up in the future.

But when it comes to discussing how much money this government is going to take out of the pockets of citizens, the minister, in asking for the power to do that, doesn't want to even discuss — never mind an amount — even confirm a range. Does she realize how ridiculous, how anti-democratic, how troublesome that must appear to members of the public? It's astounding.

Now, the minister and the government are somewhat the architects of their own problem here, because had they availed themselves of the services of the special committee, the minister could have stood here and said: "Well, you know, we've received input from the committee on this point, and we'll be guided." She could have fallen back on

that as an explanation and engaged in a conversation about that. But of course, they have chosen, as is now all too well known, to sideline the committee that is charged with considering these matters.

I'm going to ask one more time, I suspect in vain, for the minister to make it clear. She will, I expect, do this by virtue of another non-answer. But to simply confirm that today, with respect to section 5 — and eventually, when we get to, I think, section 44 — she, on behalf of the government, is seeking support from this committee to create a legal power to charge members of the public a fee, but she steadfastly refuses to provide this committee, and through this committee the public, with any indication of how she and the government intend to make use of that newly acquired power.

[5:00 p.m.]

Hon. L. Beare: The member and I have had a couple of questions on this up until now, and I thank the member for that question. I know the member knows that in cases such as this and in legislation like this, once the legislation is passed, the regulations follow, and we cannot officially set the fee in regulation before the power is given within the legislation to actually set it.

I know the member wants to share his views and the concerns of British Columbians around a potential fee, and I welcome that. Our government is listening. I am listening. I think it's very important to hear that feedback on what a potential fee should be.

I thank the member for his interventions in clause 1 and in sharing that information. I thank everyone who has written to my office to share their thoughts, because our government is listening. That will be taken into account, and I thank you.

M. de Jong: No one is asking the minister to officially set anything. We're asking her to confirm and explain remarks she has made in the public that relate directly to the exercise of a power, a new power, that she and the government are seeking by virtue of passage of this legislation. She has, the record will show, steadfastly refused to do so, and that is a very sad day for democracy.

A. Olsen: Does the minister agree that if the government chose to, they could set that fee in legislation?

[5:05 p.m.]

Hon. L. Beare: FOIPPA's current fee structure is set out in regulations, and a new fee would be aligned with that approach. The proposed new fee is also aligned with every other jurisdiction across Canada that has an application fee, which are all set through regulation.

A. Olsen: I understand how the other fees are established. What I think is important to acknowledge here is that the context of how the minister has been answering these questions makes it sound like the fee cannot be set in legislation. I just want to be clear that the minister is making a choice to continue this process of setting this fee through regulation.

What's important to point out here is that a fee that is set in legislation requires this House to reconvene to change that. A fee that is set in regulation only requires the minister to make that change through an order. I'm just wanting to be clear — the minister is making a choice to set this fee, this application fee, through regulation?

Hon. L. Beare: The bill before us is consistent with the current act. FOIPPA's current fee structure is set out in regulations, and a proposed new fee is aligned with that approach. The proposed new fee would also be aligned with every other jurisdiction that has the application fee set through regulation.

The Chair: Seeing no further questions, shall clause 5 pass?

Division has been called.

[5:10 p.m. - 5:20 p.m.]

Clause 5 approved on the following division:

YEAS — 46

Alexis	Anderson	Babchuk
Bailey	Bains	Beare
Brar	Chant	Chen
Chow	Conroy	Coulter
Cullen	Dean	D'Eith
Dix	Donnelly	Dykeman
Eby	Elmore	Farnworth
Fleming	Glumac	Greene
Kahlon	Kang	Lore
Ma	Malcolmson	Mercier
Osborne	Popham	Ralston
Rankin	Robinson	Routledge
Routley	Russell	Sandhu
Sharma	Simons	Sims
R. Singh	Starchuk	Walker
	Whiteside	

NAYS — 26

Banman	Bernier	Bond
Cadieux	Clovechok	de Jong
Doerkson	Furstenau	Halford
Kirkpatrick	Kyllo	Letnick
Merrifield	Milobar	Morris
Oakes	Olsen	Paton
Ross	Rustad	Stewart
Stone	Sturdy	Tegart
Wat		Wilkinson

The Chair: The committee will go into recess for five minutes.

The committee recessed from 5:24 p.m. to 5:29 p.m.

[R. Leonard in the chair.]

Clauses 6 and 7 approved on division.

On clause 8.

[5:30 p.m.]

B. Banman: I appreciate the opportunity to ask a few questions on clause 8.

With whom did the government consult with on this act? How many First Nations were consulted and how?

[N. Letnick in the chair.]

Hon. L. Beare: The Ministry of Citizens' Services has had meaningful dialogue with the Union of B.C. Indian Chiefs, with the First Nations Summit, with the First Nations Leadership Council, with the B.C. Assembly of First Nations. We also engaged with treaty First Nations, including meetings with representatives from the five Maa-nulth Nations, the Tsawwassen First Nation and the Nisg̱a'a Lisims Government.

In order to gain the perspective of Indigenous peoples on access to information and privacy, we've twice invited the leaders of over 200 B.C. First Nations to provide input earlier this year — most recently, in an online questionnaire. In response to the invitation, representatives from the Tk'emlúps te Secwépemc Nation requested a meeting with my ministry staff, which was held in September 2021.

We continue to work with the Ministry of Indigenous Relations and Reconciliation, as well as Indigenous legal relations, whose feedback helped inform this proposal.

[5:35 p.m.]

B. Banman: What were the recommendations that resulted from these consultations?

Hon. L. Beare: What we heard in general from First Nations was there were not sufficient protections within the act regarding First Nations information, cultural and sharing of government information with them.

In clause 8, this extends protections to First Nations information. Specifically, what we heard from First Nations was that the 15-year protection outlined in the previous act was not enough. So that has been removed in clause 8.

E. Ross: In reviewing Bill 22, the freedom-of-information act, I listened to the answer given to my colleague from Abbotsford South.

I'd like to take it back a bit, to the definitions. In subsection 8(a), the term "aboriginal government" has been stricken and replaced with "Indigenous governing entity." Can I ask the minister: what is the definition of Indigenous governing entity?

[5:40 p.m.]

Hon. L. Beare: The definition reads that "'Indigenous governing entity' means an Indigenous entity that exercises governmental functions and includes but is not limited to an Indigenous governing body as defined in the Declaration on the Rights of Indigenous Peoples Act." So the intent is to be as broad and as inclusive as possible in this act.

E. Ross: Is there a reason why the wording is different from the definition in Bill 41, the Declaration of the Rights of Indigenous People, where the definition actually has a different term? It doesn't say "entity;" it actually says "Indigenous governing body." But the definition there means "…an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982."

[5:45 p.m.]

Hon. L. Beare: The Indigenous governing entity does include Indigenous governing bodies in it, as I just read, but we wanted to make sure that we were being as inclusive as possible. The goal of it is to ensure that no one that currently has rights under FOIPPA has them taken away. We wanted to make sure we were being as broad and inclusive as possible.

E. Ross: Thank you for that. Section 35 of the Constitution Act is actually a pretty significant section of our constitution in Canada. I was trying to figure out whether or not the government's bill — Bill 41, United Nations declaration of the rights of Indigenous people — actually held this definition, this section 35, as a foundation of Bill 22.

Can I ask the minister what the minister's opinion is, in terms of what an Indigenous governing entity is, in terms of the definition given in the UNDRIP bill, Bill 41?

Hon. L. Beare: In order to provide as much protection as possible under the act, we see an Indigenous governing entity including the Indigenous governing body but one that is also exercising governmental functions as well. We want to make sure we're being as inclusive as possible. Anyone who currently has rights under FOIPPA…. We want to ensure that is not being taken away in this act.

E. Ross: But this is the thing. Under section 35, it actually discloses that Aboriginal rights and title are recognized by the constitution in Canada, and that's the definition that's been actually used in Bill 41. So when you dig deeper into that, you're actually talking about rights and title that are held on behalf of the community. So it only stands to reason that government's got to determine who

actually represents the community's interest in terms of rights and title.

I understand the government actually uses a broad definition to include the Assembly of First Nations, which does not have rights and title, the Union of B.C. Indian Chiefs, which does not have rights and title, or maybe even the leadership council, which does not represent rights and title. It's the community that actually holds rights and title.

To drill right down to it, what is the minister's opinion in terms of who represents the community — who, in turn, represents the rights and title?

[5:50 p.m.]

Hon. L. Beare: I agree with the member. Organizations such as the UBCIC are not exercising governmental functions, so this section would not apply to them.

E. Ross: To the minister, thank you for that. That affirmation actually speaks volumes, but the question was: how does the government actually define the leadership entity of a community, who represents rights and title? How does a government determine that, now that we've determined that it's not the Assembly of First Nations, it's not the leadership council, and it's not the Union of B.C. Indian Chiefs.

How does the government determine who is actually the Indigenous governing entity, when they're talking about the consultation, that's actually determined as per Bill 41, the UNDRIP bill?

Hon. L. Beare: I just want to make sure I'm getting information as accurate as I can for the member. Could the member please repeat the question, because I want to make sure I'm answering correctly.

E. Ross: The question relates to the definition of an Indigenous governing entity. As per the UNDRIP bill, the definition of an "'Indigenous governing body' means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982."

Now, we already determined that that does not include the Union of B.C. Indian Chiefs. That does not include the Assembly of First Nations. That does not include the leadership council or any other entity, for that matter, that is not representing the community when we're talking about Aboriginal title.

[5:55 p.m.]

When we're talking about the community, at the community level — and we were talking about this previously, about the consultation that this government undertook — how does this government determine who is actually an Indigenous governing entity, based on the definition of Bill 41, the UNDRIP act?

Hon. L. Beare: The definitions section is in section 48 of the bill. I want to make sure I'm giving the member the correct information here, so I'm asking if the member would be willing for me to take this question under advisement and seek the correct legal answer. Then, in section 48, I could provide the member the correct answer when we get to the definitions.

E. Ross: Okay. That's fair. Thank you, Minister.

It's a simple question. But it's got huge consequences when you're talking about the Constitution of Canada, especially when we think about the intention of section 35 of the Constitution Act, 1982. Really, what we're talking about is trying to understand how the government determines who to negotiate with in terms of these promises that were made under Bill 41, the UNDRIP bill.

It's important, because we're talking about rights and title, but if the definition of leadership is too broad, you could literally take your pick on who to consult with in a community. When there's, really…. Let's face it. There's a legal entity in just about every single First Nations community that's democratically elected. Now, there may be hybrids out there, but that's an internal government system unto that community themselves.

That's really no business of the government, to get into that level of detail, but there is a legal definition of leadership in every community. There is. Otherwise we wouldn't see the agreements being signed for the last 15 years.

[6:00 p.m.]

Why this is important is because in subsection 1(3), if we don't nail down this definition, the government is actually in danger of contradicting one of its own principles in Bill 41, the UNDRIP bill, which is pretty strong language. It means something when you're talking about the legal aspects of First Nations issues. Subsection 1(3) says: "For certainty, nothing in this Act, nor anything done under this Act, abrogates or derogates from the rights recognized and affirmed by section 35 of the Constitution Act, 1982."

That's basically what we're talking about if we can't even nail down the legal definition of an Indigenous governing body, especially when we're talking about the consultation and accommodation of the legislation that we're talking about today. But thank you for that answer, Minister. I'll take it under advisement, and I look forward to the answer.

Further to the consultation question that was brought up by my colleague from Abbotsford South…. I've been asking every minister these questions, by the way, and I haven't gotten a specific answer in terms of what was promised under Bill 41.

In terms of the consultation process — which I don't quite understand just yet — by the government, in relation to the previous government, there's a section in Bill 41, section 3: "In consultation and cooperation with the Indigenous peoples in British Columbia" — that doesn't speak to an Indigenous entity, which is kind of curious — "the government must take all measures necessary to ensure

the laws of British Columbia are consistent with the Declaration."

Can I ask the minister: is there an assessment or a report or something that clarifies that the government actually lived up to the duty that was enacted as per section 3 of Bill 41 and that was carried out on this Bill 22? That's a long question, isn't it?

[6:05 p.m.]

Hon. L. Beare: I know these are important questions, so I want to try and give the best answer I can to the member. I'm going to go through a bit, again, of the consultation that we've done.

Citizens' Services made sure that we were inviting Indigenous leaders from the over 200 First Nations across B.C. to provide feedback. We did receive responses from some of the nations. We also wanted to make sure that we were having meaningful dialogue with representatives from the Maa-nulth First Nation, the Tsawwassen First Nation, Nisg̱a'a Lisims Government. The Tk'emlúps te Secwépemc Bands requested a one-on-one meeting with the ministry for further information.

[6:10 p.m.]

We worked very closely with Indigenous legal relations in building this bill and have done our best to be attentive and make sure that we are being attentive to the requirements of the declaration on the rights of Indigenous peoples as we developed this legislation. In working with Indigenous legal, we also wanted to make sure that we were aligning with the UN declaration on the rights of Indigenous peoples.

E. Ross: I wasn't necessarily asking about the consultation record — or the accommodation, for that matter. It was my fault. It was quite a convoluted question. The question was, basically: after this government's version of consultation and after compiling the many, many responses, did the government actually put together any type of assessment or report that shows that this freedom-of-information law was consistent with the declaration, Bill 41?

It's quite the ask. I understand that. But this was the government's commitment when they actually enacted Bill 41. "In consultation and cooperation with the Indigenous peoples in British Columbia, the government must take all measures necessary to ensure the laws of British Columbia are consistent…."

What I am asking is: what rationale or what report or what study has been done to ensure that freedom of information, Bill 22, is consistent with the declaration as per section 35 of the constitution?

Hon. L. Beare: I want to back up with the member for a minute, because I do think it is really important for all of us to acknowledge the member's questions, which are very important, because we were the first jurisdiction in Canada to adopt the UN declaration on rights of Indigenous peoples through legislation, affirming the law of human rights of Indigenous peoples. We did that unanimously in the House, with the member as well.

[6:15 p.m.]

We are continuing to learn across government, through our ministries, as we go through our consultation process. We are consulting deeply and earlier than we ever have before on proposed legislation. As part of our commitment to consultation, we are discussing with Indigenous partners the legislation that's before us. I think we need to take a moment and realize that it's in the minister's mandate letter.

I know the member knows, and it's very important to know, that we are working on a plan to establish a secretariat that will help coordinate government's commitment to make sure new legislation and policies are consistent with the Declaration Act, including appropriate consultation with Indigenous peoples. So we've conducted our consultation. We've discussed with Indigenous legal.

I think it's very important to acknowledge the ways that this bill is going to support reconciliation — the rights of Indigenous governing bodies and entities to administer programs and manage lands and resources. We need to make sure that we're more collaborative between provinces and Indigenous governing entities in developing policies and programs and joint enforcement on monitoring activities. These are important things and important work, including responding to direct requests like removing the 15-year protection limit on Indigenous information.

We're going to keep working with Indigenous partners. We're going to keep consulting on things like this bill. It's very important to know that this work will be ongoing for a long time — with the member across the way, with our government, with Indigenous partners — because it's important work.

E. Ross: With all due respect, that's a stump speech. The question is pretty specific. How does the government show that Bill 22 is actually in alignment and consistent with the declaration, Bill 41? There has got to be a written record somewhere. There has got to be an analysis done in terms of how the freedom-of-information bill is consistent with the United Nations declaration, regardless of the consultation.

Now to be clear, I don't see how this fits. I never did see how it fits. I actually thought Bill 41 was a political bill and didn't have any substance of the Aboriginal rights and title case law that had been determined in courts in Canada and B.C. for the last 40 years. The principles are actually never mentioned in Bill 41, but that's beside the fact.

What I'm really asking for is: does the minister have an analysis of how Bill 22 is in alignment, in terms of the laws of British Columbia, and is consistent with the declaration? How is that justified in terms of Bill 22? There has

to be some kind of report that proves that section 3 of the United Nations declaration on the rights of Indigenous peoples is being enacted in an official manner by this government.

[6:20 p.m.]

Hon. L. Beare: We believe this bill aligns with B.C.'s Declaration on the Rights of Indigenous Peoples Act. This bill adds more information-sharing with Indigenous partners here in section 8. It provides more protections on the information that is shared. We're going to see later in the bill how Indigenous partners have more control over their information.

[6:25 p.m.]

It's important for us to continue to work in collaboration and in consultation and in cooperation with our Indigenous partners. We've shown that through our consultation, and we're showing it through our work that we'll continue to do with our partners.

We have worked with the Ministry of Indigenous Relations and Reconciliation as well as Indigenous legal relations, whose feedback did help inform this proposal, as well as all the consultation that I've outlined for the member. I'm looking forward to… As we go through, clause by clause, in this bill, there are a number of areas where protecting Indigenous peoples' sensitive cultural information, in ensuring that things like the 15-year limit are removed, are important to be included. We're going to keep doing that.

B. Banman: In clause 8(3), it states: "Subsection (1) does not apply to information that is in a record that has been in existence for 15 or more years…." Fifteen seems a little arbitrary. How did we get to that number?

[6:30 p.m.]

Hon. L. Beare: So 15 years is what the existing provision is under the act, and that's not being changed for other entities which are listed in the section. The intent of the change in this clause here before us is to remove that 15-year limit for Indigenous partners to allow for greater protection of the Indigenous partners' information, as requested by Indigenous partners.

B. Banman: Can you please give a specific example or an example of subsection 3(b) in practice?

[6:35 p.m.]

Hon. L. Beare: Indigenous partners asked for extended protections for sensitive information provided for the practical examples — land claims or treaty negotiations, for example. So ensuring that we're extending those protections on that sensitive information.

Clause 8 approved on division.

On clause 9.

B. Banman: What are going to be the results for Indigenous peoples by the changes brought in to the new section 18.1?

Hon. L. Beare: While my team is helping me prepare an answer, I just wanted to make a clarification on something I said earlier to the member.

The member previously asked me, on the drafting of the bill, whether I had met with the Premier's office to get direction. There were three questions on that, and I advised the member that, no, there were no meetings to get direction from the Premier's office.

Then there was a fourth question that, in us reviewing *Hansard,* I want to clarify. It switched to: are there any meetings with the Premier's office or Premier's chief of staff regarding the bill? Of course. Our government is collaborative. We know the Premier is part of cabinet, and the Premier's staff are kept up to date on legislation in the fall.

There was just a nuance in the question that switched, so I wanted to make sure I was being very clear with the member. While no directions were provided, of course, as part of a collaborative government, I do meet with the Premier and the chief of staff.

We'll get the answer to the question that the member was asking.

The Chair: Abbotsford South, the minister is working on answering your question.

B. Banman: Thank you, Chair. Actually, based on the response I just got on the response from the previous question that I asked, I do believe, also, in that, I asked if there was any direct or indirect direction from the Premier's office or Premier's staff.

Hon. L. Beare: In the new section 18.1, in FOIPPA, it will provide for a broader spectrum of protections to include Indigenous cultural heritage, traditional knowledge and traditional cultural expressions. We will require that a public body consult with the impacted Indigenous peoples if the public body is contemplating disclosure of such information.

B. Banman: What consultation did government undertake with respect to this section specifically? Because it's a fairly sensitive section. It's an important section.

[6:40 p.m.]

Hon. L. Beare: I did outline the consultation we've done previously. These are exactly the types of protections we were hearing Indigenous partners requesting — making sure that Indigenous partners were able to protect their cultural heritage and protect their traditional knowledge, their cultural expressions and their manifestations of sci-

ence, technologies and cultures. So this is exactly that type of protection we want to ensure.

B. Banman: How many times were Indigenous groups and stakeholders consulted throughout the development of 18.1, and what recommendations did these groups and stakeholders communicate during those consultations?

Hon. L. Beare: Specifically to this clause, we heard this section should be mandatory to ensure that control over the sensitive information discussed rests with Indigenous partners that are impacted. We're going to see that in the upcoming clauses relating to consultation.

B. Banman: I believe the minister only answered half of the question. The preamble of the question was: how many times were Indigenous groups and stakeholders consulted throughout the development of 18.1? I didn't hear an answer to that.

[6:45 p.m.]

Hon. L. Beare: I have outlined for the member the consultation that has happened on this draft legislation before us. I'm happy to share with the member again, because it's on the entire substance of the bill.

In 2018-19, consultation did begin, all through into 2020-21. We did have discussions with First Nations Leadership Council members as well as Indigenous leaders across the province, including an invitation to the over 200 nations. We did make sure that we had conversations with the Maa-nulth and the Tsawwassen First Nations and the Nisg̱a'a Lisims Government. The Tk'emlúps te Secwépemc did ask for personal meetings with my team. We were able to get feedback and work together in consultation and in cooperation with Indigenous peoples on the substance of the bill.

B. Banman: In the development of 18.1, it says: "The head of a public body must refuse to disclose information if the disclosure could reasonably be expected to harm the rights of an Indigenous people…." Could the minister define what is meant by "could reasonably be expected to harm"?

[6:50 p.m.]

Hon. L. Beare: In the areas that we outlined in this section — the cultural heritage, the traditional knowledge, the cultural expression, the manifestations of science, technologies or cultures — as the member can see in subsection (2) there, Indigenous peoples do have to consent in writing to the disclosure. We're going to get more into that in the consultation section, which is upcoming. So for the member's assurance, it's the Indigenous peoples themselves who will make that determination.

With that, the committee would like to rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 6:51 p.m.

The House resumed; Mr. Speaker in the chair.

The Committee of the Whole, having reported progress, was granted leave to sit again.

Hon. L. Beare moved adjournment of the House.

Motion approved.

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

The House adjourned at 6:52 p.m.

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For inquiries contact:
Hansard Services
612 Government Street
Victoria, BC V8V 1X4
Telephone: 250-387-3681
Email: hansardservices@leg.bc.ca

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