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PROVINCE OF BRITISH COLUMBIA

(Entered Confederation July 20, 1871)

LIEUTENANT-GOVERNOR

Her Honour the Honourable Janet Austin, OBC

SECOND SESSION, 42ND PARLIAMENT

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Honourable Raj Chouhan

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THURSDAY, NOVEMBER 4, 2021

The House met at 10:04 a.m.

[Mr. Speaker in the chair.]

Routine Business

Prayers and reflections: L. Doerkson.

[10:05 a.m.]

Introductions by Members

Hon. B. Ralston: Joining us in the members' gallery this morning is His Excellency, Vice Skračić, the Ambassador of the Republic of Croatia to Canada. He's accompanied by Mr. Manjot Hallen, the honorary consul to the Republic of Croatia in Vancouver.

I had the honour of meeting the ambassador in February of last year. Today he is here to meet with the Minister of Jobs, Economic Recovery and Innovation and the Minister of State for Trade, and with you, Mr. Speaker.

Would the House please make them feel very welcome.

Hon. D. Eby: We're joined today by what appears to be a travelling medical clinic, of sorts. We've got a whole bunch of doctors up in the gallery today, and I hope the House will make them feel welcome here.

Dr. Peter Paré is a retired respirologist and scientist. Lisa Baile is a retired scientist as well. Dr. Robert Stowe is a neuropsychiatrist at UBC. Of note, he's the son of Irving Stowe, one of the founders of Greenpeace. Dr. Tom Perry is a former member of this august assembly, and his wife, Beth Chambers, is here as well. Dr. Douglas Courtemanche is a plastic surgeon at B.C. Children's Hospital. Dr. Rashmi Chadha is a specialist in complex pain and addiction medicine, from VGH. Dr. Maura Brown is a radiologist from the B.C. Cancer Agency, and Mr. Michael Variobioff is the husband of Dr. Brown. Dr. Linda Theyer is an SFU student health MD. Dr. Janet Ray is an addiction physician from Saanich.

Would the House join me in making them all welcome. I hope they stop by my office after question period to say hi. Please make the doctors feel welcome.

J. Sturdy: It's my pleasure today to introduce to the House Karen Elliott, mayor of the district of Squamish. She's here in Victoria in her role as a member of the B.C. Transit board and as, certainly, a strong advocate for Squamish and the Sea to Sky.

Karen moved from Australia in 2012 after spending ten years there, I believe, has served on council, and has spent the last term as mayor of a community which is very much in transition, away from a resource-dominated economy towards a clean innovation, technology and recreation economy, with a growing and innovative business sector,

yet still linked to the natural environment and its natural assets. In spite of the many challenges facing the community, I think Squamish is well on its way to success, and it's in no small part because of the energy, creativity and contributions of Mayor Elliott.

I hope the House will join me in making her feel very welcome.

J. Sims: Joining us in the gallery today are Luv Randhawa and his companion, Karm Rai. Luv Randhawa is an international-award-winning singer and artist for over 20 years. He has a love of Punjabi, Hindi and English music and has performed alongside many Bollywood artists and mainstream musicians.

Awarded the 2020 Best International Artist, most recently he reached No. 1 in the world, iTunes chart, with his album *Taqdeer*, or in English, *My Destiny*.

Luv for Humanity is a foundation created by Luv, which aims to give back to the community in support and promotes young, upcoming artists. Luv, through his foundation, gives scholarships to young artists graduating from high schools and planning to pursue a career in the music and arts industry. Luv has donated to Khalsa Aid, as well as to local food banks. This past month, Luv was the winner of the Surrey Arts and Business Awards in the music category.

Please join me in welcoming Luv and Karm Rai, his companion, to the House this morning.

S. Chant: Today I would like to introduce a long-time friend. We met when I was a new grad working in Camp Hill Hospital in Halifax.

Dr. Maureen Ryan is the associate dean of academics at UVic, working in the faculty of human and social development. She is a nursing education scholar with a focus on Indigenous initiatives in the school of nursing and other schools, with another focus on Indigenous health and wellness. She shares history with the Mi'kmaq on her father's side and with the Irish settlers on her mother's.

I would like the House to join me in making this true representative of women in science, Dr. Maureen Ryan, welcome in the House.

[10:10 a.m.]

A. Olsen: I just want to acknowledge the individuals that the Attorney General introduced into the House. I'm not going to go and repeat their names again, but I wanted to say that it was a wonderful opportunity to have breakfast with them this morning and welcome them into this place.

Introduction and First Reading of Bills

BILL M205 — BRITISH COLUMBIA TRANSIT AMENDMENT ACT, 2021

J. Sturdy presented a bill intituled British Columbia Transit Amendment Act, 2021.

J. Sturdy: I move that a bill intituled British Columbia Transit Amendment Act, 2021, of which notice has been given in my name on the order paper, be introduced and read a first time now.

The 2006 to 2009 Sea to Sky Highway improvement project was transformative for communities throughout the whole Sea to Sky region. Travel times, reliability and public safety all improved dramatically, while economic opportunities expanded, and the communities have responded.

While this world-class piece of infrastructure has proved a great investment, the highway is still, in essence, a single lane in either direction, albeit with expanded passing opportunities. With the region growing, the local governments and First Nations have realized that we must steward this valuable transportation corridor capacity and that a regional transit service would be the most cost-effective option to provide the public, visitors and workers transportation alternatives to the single-occupancy vehicle in a way that would connect Lillooet, Pemberton, Whistler, Squamish, Britannia Beach, Furry Creek, Lions Bay and each other with Metro Vancouver.

British Columbia Transit led a comprehensive 25-year transit futures plan in 2016 that identified a path forward for a regional transit service to serve the Sea to Sky. Squamish and Líl'wat First Nations and all local governments subsequently signed an MOU that, among other things, identified the preferred funding model and governance structure.

A transit commission governance model was agreed upon. This bill corrects a shortcoming in the B.C. Transit Act by expanding the composition of a future Sea to Sky transit commission membership to include not just local government elected officials but Squamish and Lillooet First Nations representatives as well, who would currently not be eligible to serve.

In order for the Sea to Sky regional transit service and commission to be implemented, this amendment is necessary and will, hopefully, stimulate this government to move this badly needed transit service into reality in the next fiscal year.

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

Motion approved.

J. Sturdy: I move that this bill be moved forward on the orders of the day for the next sitting after today.

Bill M205, British Columbia Transit Amendment Act, 2021, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

Statements (Standing Order 25B)

DIWALI AND BANDI CHHOR DIVAS

T. Wat: It is my great pleasure to stand in the House today to recognize today as the beginning of Diwali and Bandi Chhor Divas. This festival of lights is celebrated throughout South Asian communities, by Hindus, Jains and some Buddhists. It signifies peace and joy, the victory of good over evil and light over darkness every day. It is a celebration of prosperity, in which people give gifts to their loved ones and follow the message of illuminating our inner selves with clarity and positivity.

This celebration is also significant in the Sikh communities as it commemorates the day the sixth guru of the Sikhs was released from the fort after he was able to secure the release of 52 kings and political prisoners with him.

During this festival, it is customary to decorate homes with lights, lamps, diyas, flowers, rangoli and candles.

This year's Diwali embodies the spirit of this great celebration in more ways than one. It is the first Diwali since the pandemic where friends, families and communities can gather to safely celebrate together. In the many challenges of the COVID-19 pandemic, nothing signifies a triumph of light over darkness more than the incredible action of our South Asian communities, who embody the spirit of charity and hope, not just for the five-day festival of lights but all year round.

[10:15 a.m.]

Our South Asian communities have gone above and beyond to help those in need — charitable food drives, donating food and PPE — and have undertaken endeavours to support our front-line workers and neighbourhoods.

Although people can still come together in a limited capacity, many of the large gatherings and iconic festivals that exemplify Diwali have had to be suspended for another year. But I know the spirit of Diwali will be as strong as ever.

Would the House join me in wishing everyone a happy Diwali and Bandi Chhor Divas.

APPRENTICESHIPS IN SKILLED TRADES AND SCHOLARSHIP PROGRAM IN LANGLEY

A. Mercier: It's an honour to rise in this House on behalf of the Minister of Advanced Education and Skills

Training, as well as myself, to recognize Apprenticeship Recognition Month.

We have 37,000 registered apprentices with the Industry Training Authority in British Columbia, and we graduate 6,100 of them into journeypeople every year. But that is not enough. We have a real skilled-trades crisis in this province. We're going to have 73,000 job openings in less than the next ten years in the skilled trades.

While that is, in many ways, a real crisis, it's also an opportunity for enterprising young people to get into a profession where they can work with their hands, gain some skills and see the productive value of what they do every day. There is so much work in B.C. right now.

Going into the skilled trades can take you across this province and across this country, from Site C and LNG Canada in the north to the Pattullo Bridge, the SkyTrain, the Broadway corridor and many other projects across the province. There is so much opportunity to build a life in the skilled trades, and we need to be encouraging our young people in this province to get involved in the skilled trades.

One of the things that I've done, Mr. Speaker, in my community of Langley, is set aside a scholarship for grade 12 students in school district 35 looking to enter the skilled trades.

I'd just like to give a shout-out to the three apprentices who received that scholarship in 2020: Corbin Alexander from Langley Secondary School, my and the Minister of State for Child Care's alma mater, for piping and plumbing; my favourite here, Maya Pressman from Brookwood Secondary School, who is going to be going into hairstyling, which I hear is in high demand, at least in my household; and Chris McEwen from Vanguard Secondary, who is going to be going into doing electrical work. All three of them were part of Youth Train in Trades, the ITA program at school district 35.

Can we give a big hand for the 37,000 apprentices in this province and the work that they do.

WORLD WAR I SERVICE OF ALEC DAWE AND RETURN OF MEDAL TO FAMILY

K. Kirkpatrick: Mr. Speaker, 2021 marks the 100th anniversary of Remembrance poppies in Canada, and I wanted to share a personal story.

In 1917, Alec Dawe fought in the bloody Battle of Passchendaele during which 15,000 of his fellow Canadians were killed. Alec was the only remaining soldier in his battery and took control of the machine gun that held off the German line until the gun was knocked out. Alec was my grandfather.

According to *The London Gazette*, on March 28, 1918, Alec was awarded the honour of a Distinguished Conduct Medal for his "conspicuous gallantry and devotion and his supreme contempt of danger."

Three years after arriving in Europe and barely out of his

teens, he came home to Canada at the rank of corporal and brought his medal home with him. Our mother doesn't recall her father ever speaking of the war. We can only imagine the horrors that he and all those others witnessed.

After my grandfather died, we were surprised to discover that she had sold that medal at some point. We didn't know to who, we didn't know why, and we did not know where it had gone. A few years ago, my sister was doing some research and was astonished to find my grandfather's DCM for sale on a website in Ontario. The owner told us she'd purchased it in an auction in London, England and was very kind to sell it to us for what she had paid.

This closed a century-long journey. It had travelled from Canada to London, where it was originally awarded to my grandfather; then to Ontario after the war; then to Alberta, where my grandmother took it; and then back to London, England; back to Ontario. Now, finally, it's here in British Columbia, where it's been reunited with a snippet of its original ribbon, a handwritten letter of commendation and his daughter, my mother, 102 years after he first brought it home to Canada.

[10:20 a.m.]

I would like to thank my grandfather and the thousands of other Canadians who have defended our country, served as peacekeepers, served in humanitarian roles and so many other contributions made by our veterans. [Applause.]

CELEBRATION OF DIWALI BY MLA'S FAMILY

N. Sharma: When I was growing up, every year around October and November my parents would turn on the Christmas lights. It was the only house on the block, probably the only house in my small town, that had their Christmas lights on around and during Halloween. I'm sorry to say that as a young girl, I was embarrassed, not wanting to be different or stand out. As I made my way home from school, I avoided my classmates so I wouldn't have to answer questions about why the Christmas lights were on during Halloween.

In my house, there was always a celebration. Although on the other side of the world, Diwali was alive in the four walls of my home. The house was filled with the smell of food we only made on special occasions. We took out our Indian clothes that usually only came out for weddings. We lit sparklers and celebrated as the snow fell outside our window, and our Christmas lights shone down the street.

As an adult, I now cherish those memories, and I think about how I am passing this on to my children. When I look back, I understand the meaning behind my parents turning on the Christmas lights. It was a beacon my parents lit, away from their home country, to say, "We are here, and we are proud" — a symbol of resilience, perseverance and hope.

Diwali is a festival of lights — light which dispels the

darkness of our ignorance, light which guides us through our darkest days. At this time, millions of people are celebrating across the world. On these days, we face many challenges. We can all take a moment to appreciate that our collective light will always guide us through the darkness.

I wish everyone a very happy Diwali. May you share some good food, light a candle or a sparkler and spend some time with your family.

KOKSILAH WATERSHED AND WATER SUSTAINABILITY PROJECT

S. Furstenau: The Koksilah watershed is central to the identity of the Quw'utsun Mustimuhw. There are many sacred places and cultural stories associated with this watershed. In recent years, summer flows in this critical watershed have been exceptionally low.

In August 2019, when the flow of water in the Koksilah dropped below 180 litres per second, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development issued the first-ever fish population protection order under the Water Sustainability Act to protect the critically threatened fish populations.

In August 2021, another protection order was issued to respond to critically low flows. In times of drought, low water flows prevent fish from reaching their spawning grounds. As climate change intensifies, periods of drought are becoming more common and more severe.

In response to the critical situation in the Koksilah, Cowichan Tribes engaged the provincial government in a government-to-government relationship. One of the central goals in this relationship has been the creation and implementation of the first-ever water sustainability plan. A number of partner groups — including the Cowichan Watershed Board, Polis water sustainability project, the UVic Environmental Law Centre and the B.C. freshwater legacy initiative — provide advice and technical support to the steering committee, which has met every two weeks for almost two years.

The project has been rooted in relationship-building and collaboration, and it is thanks to the commitment and vision of Cowichan Tribes members and staff that history is being made in the Koksilah watershed. Funding for this work has been a critical dimension of its success, and long-term funding is needed to ensure that relationships at the heart of this partnership are not lost.

A permanent watershed security fund is needed to ensure this long-term funding is met and to help realize the values of reconciliation and watershed security across the province.

COVID-19 RESPONSE BY CITY OF COQUITLAM

F. Donnelly: We all know the COVID-19 pandemic has brought unforeseen challenges to residents, businesses and

community organizations throughout our province. Local governments have had to respond to the impact of the pandemic in innovative ways.

[10:25 a.m.]

These unique circumstances prompted the Union of B.C. Municipalities to establish, in early 2020, a Presidents Committee Choice award, which goes to a community exhibiting an outstanding response to the pandemic.

At this year's UBCM convention, the city of Coquitlam's community support and recovery plan was honoured as the first recipient. The Coquitlam CSRP was created in the spring of 2020 and provided a number of valuable services to residents, businesses and organizations, including property tax and utility bill payment extensions for property owners in 2020, meals for isolated seniors, reduced fees for recreation programs, revenue replacement and response grants for non-profits and community organizations, donations to local food and rent banks, expansion of public Wi-Fi in the city, development of an interactive bicycle map and the creation of a community volunteer support hub.

In addition, the city provided support for businesses, including waived late fees for business licences, temporary outdoor patio expansions, free city centre parking, and marketing campaigns. They continue to add more initiatives, such as an expanded and updated financial assistance recreation program, pop-up parks in various neighbourhoods and doubling the number of block party grants in 2021 to safely support neighbourhoods coming together again.

Clearly, the city of Coquitlam expended significant time, energy and resources to support all sectors of the community during the pandemic.

Members, please join me in congratulating the city of Coquitlam for being chosen for this UBCM award.

Oral Questions

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

S. Bond: Carla Christman has 50 years of lived experience as a person who is neurodiverse. She is a mother of two neurodiverse children and a grandmother of two neurodiverse grandsons. She has also worked in the social service field for 20 years.

Carla said that she had meetings with CYSN policy-makers and believed that she was being heard. But now she is angry. She says: "These changes will be devastating for my family. I have had to fight for the services we currently have, and now we are threatened to have them taken away. I am very capable of managing my family's support services. Individualized funding enables us to have a choice about service providers. We know our children best."

Will the minister listen to Carla and reverse her decision to claw back support?

Hon. M. Dean: I appreciate the question from the member, and I do understand the concerns that families have. But I heard a lot yesterday from the members opposite, and today, about how families have struggled to put together a package of care for their children and youth. Families shouldn't have to be the ones who have to struggle for years, wait for a diagnosis and put that package together. Our government is here to support families, and that's what we will be doing.

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

S. Bond: Well, with due respect to the minister, it's not about families having to — a significant difference, and that's part of the problem here — it's that parents want to. In fact, they're capable of doing exactly the things they have been doing for years to ensure that their children are well-supported. The minister wants to change that.

Yesterday she basically said in this House that government knows better than parents. What parents are saying....

Interjections.

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

S. Bond: I would suggest that members opposite might want to open their email boxes and read the stories of parents who said exactly that about the answers that were given in this House yesterday.

Carla also said that her family believes that the behaviours in her grandchildren have a reason, and that they're not bad. She values what neurodiverse people bring to the table and she has chosen therapy that fits within their cultural values and traditional Aboriginal parenting.

[10:30 a.m.]

She said: "My family has had three generations of trauma, and as an Aboriginal grandma, we contend with the historical trauma. This MCFD framework is very patronizing, and it fails to recognize the strength that families bring to the table. I am very capable of managing my grandson's autism programs."

It's not that parents have to do this. It's that parents want to do this, and it is that parents across British Columbia are begging this minister to reconsider her clawback and allow them to continue to design the programs that will best support their children.

Will she do that today?

Hon. M. Dean: I understand that parents are experts in the lives of their children and their families. But when the pandemic hit, we saw that so many services just stopped,

and those families were abandoned. They had no services — the packages of care they had put together. There was no way for government to help. We, under the new framework, will be building a public system that will create a safety net and will be supporting all families with neurodiverse children.

Interjections.

Mr. Speaker: Members, let's hear the answer.

Hon. M. Dean: Indigenous families. Families where there's a single mom who's working two jobs and who can't put a package together. Families who have English as a second language, who tell us that they're struggling.

K. Kirkpatrick: With all due respect to the minister, I don't believe that hub services would have been available during the pandemic either. I've heard that as a reason, which does not make sense.

Interjections.

Mr. Speaker: Members.

K. Kirkpatrick: Yesterday the minister said that parents "don't have the capacity or the time" to manage services, and "with the individualized funding, there was no accountability." Parents are watching and are outraged.

Koryn Heisler says: "I have three children, two with autism. They are my priority, and I deserve to have choice. Parents like me want choice. How dare you insinuate that I am not capable of managing their home teams and am not accountable for the services they receive."

Will the minister listen to parents like Koryn and reverse her decision to claw back individualized funding?

Hon. M. Dean: I understand that parents are experts in the lives of their children and families. But what happened when the pandemic hit was that those services were no longer available for those families. Government services continued to function. We have social workers who continued to deliver services. Under individualized....

Interjections.

Mr. Speaker: Members. Members, order.

Interjections.

Mr. Speaker: Members will come to order now. Minister, take your seat, please. The minister will continue.

Hon. M. Dean: There was no way for government to help those families. There was no safety net. There was no

public system. Under the new framework, it will be possible for government to continue supporting those families even in times of a global pandemic. Through the new system, families will co-create the care plan for their child and youth. They will be working with support to be able to make sure that the needs of their child and youth are met.

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

K. Kirkpatrick: Again, with respect to the minister, I know firsthand that those government services supporting young people with autism ended. They were government services, ended during the pandemic.

Heather and Ray Harrison watched the minister's answers yesterday. This is what they had to say: "I want to correct the minister. Most of us want to manage our kids' service providers. I don't begrudge the minister offering an option for families who want this, but I am vehemently opposed to having my right to decide on the treatment and therapies of my own children taken away from me against my will."

[10:35 a.m.]

No one is saying not to expand services, not to support children with FASD, with Down syndrome. They're saying don't destroy what already exists.

Will the minister respect parents' choice and stop this clawback?

Hon. M. Dean: I want to make sure that children and youth with support needs get the services they need. That's what's important. Our government is making choices of investing in services for children and youth, as opposed to the other side that gutted my ministry.

So many parents tell me that their children are forced to wait for years because they have to wait for a diagnosis to unlock services. Children can't wait. We're going to build a system that responds to the needs of children earlier, so children with autism will continue to receive services. Their families will be supported through this transition, and children with other diagnoses and other needs will also get services. They've been locked out of the system, and children with autism will no longer have to wait for a diagnosis. They will get services earlier.

HOUSING AFFORDABILITY AND ROLE OF INTERGENERATIONAL WEALTH AND SYSTEMIC RACISM

S. Furstenau: In the last year, parents in Canada gave their kids more than \$10 billion in down payment help. On average, parents gave \$82,000 to help their kids buy a house, but fewer than 30 percent of first-time homebuyers got this help. It's a lot of money.

I know that every parent would want to help their child if they could, especially in a housing market as out

of reach as B.C.'s, where it can take 35 years to save for a down payment. But not all parents have access to the same resources, and B.C.'s housing crisis is exacerbating the inequality.

We treat housing as an investment, as a commodity, so once you're in the market, it pays back in dividends. Those with well-off parents are likely to benefit from their parents' wealth, but those without family wealth are priced out of the home market.

My question is to the Attorney General and minister for housing. Does this government have a stance on the role and impact of intergenerational wealth in the housing market?

Hon. S. Robinson: I appreciate the member's question.

In addressing affordability here in British Columbia, particularly when it comes to the housing market, it continues to be a priority for our government. We've taken significant steps in our first few years in government to bring stability to the housing market. We've had some positive results. Certainly, we've seen through the pandemic increased volatility in the market. That's why one of the things we did after our re-election was to invest \$2 billion in the HousingHub to bring affordable home ownership to bear.

That's a significant investment. That's on top of the 30,000 homes that are already either open or under development or being built. That's a significant investment in housing affordability. There is certainly much more for us to do, and we're eager to continue doing that work.

S. Furstenau: Thank you to the minister for listing these things, but it hasn't actually answered the question that I asked.

It's great that some families are able to help their kids out, but the reality is it isn't an option for many British Columbians. Racialized British Columbians, for example, tend to earn less, are less likely to receive income from capital gains and investments and are more likely to be housing disadvantaged.

We lack race-based data, and I know government is currently holding an engagement period on that. Even without the data, it's not a stretch to infer that in B.C.'s overblown housing market, intergenerational wealth is a key factor, and racialized British Columbians are being left behind.

To the Attorney General and minister for housing, what does he believe government's role is in addressing the impacts of intergenerational wealth and systemic racism in the housing market?

Hon. S. Robinson: I appreciate the member's question.

She said we are gathering the data to better understand how to address the situation, and I know that the member appreciates good data, so that work is being undertaken.

I want to provide members of the House with an

example of how the HousingHub is working. Morgan is a 27-year-old who works in non-profit and has a university degree, stable income, a partner, has some savings. Owning a home was just actually very, very difficult for her and her partner.

Last summer Morgan found a partnership with B.C. Housing and Chard Development that would match buyers' some form of down payment on a presale condo and, as part of the HousingHub, with support, was able to get more support for the other part of the down payment.

[10:40 a.m.]

You know what that meant for her? It meant that the down payment matching program changed everything for her. This is a quote. She said: "I couldn't believe it. The 10 percent down payment was suddenly possible, and it was amazing to think that my partner and I could really own a home in a city that we love, right here in Victoria." She's excited and grateful for the opportunity, and she and her partner will be moving into their condo in 2023.

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

T. Halford: Let's be clear. If you were a parent of a child with Down syndrome, if you were a parent of a child with FASD and if you were a parent of a child with dyslexia, you'd want your child to have support. No parent or this opposition is against more support for our children.

Down Syndrome B.C. calls the minister's announcement "a slap in the face." "MCFD is proposing another version of top-down support services...in which families often receive lower standards of care and long wait-lists. We know from experience this type of model" does not work.

Will this minister do the right thing and end this claw-back?

Hon. M. Dean: Thank you to the member for the question. I know, from talking to very many families across the whole of the province, that, actually, this change can't come soon enough. There are families with children with neurodiverse needs and other support needs who have not been able to access services. Of course, they want to do the best for their children, and it's a patchwork of programs that's very difficult for them to navigate, and services in many parts of the province simply aren't there.

We hear from families where English is a second language, Indigenous families, families living remotely. There aren't the services for them to be able to support their children and youth. This important area of need in our province was underinvested for so many years, and our government, since 2017, has been making investments in every single budget, which is a demonstration of our commitment to children and families who need our services.

I think of the many families who I know who have come

and spoken to me and who have said: "This change cannot come fast enough."

Mr. Speaker: Member for Surrey–White Rock, supplemental.

T. Halford: Well, we've heard from parents too. And what they've said is that clawing back support is not a way forward for the children and youth of B.C.

Cathy McMillan, founding member of Dyslexia B.C., says the dyslexia community does not feel included in this minister's plans. Tamara Taggart, of Down syndrome B.C., says that instead of providing adequate funding from the start, the ministry "makes families in the disability community compete against each other and fight for access to any support."

Will the minister support all children and stop her claw-back?

Hon. M. Dean: Our commitment is to support all children and youth who need services in the province of British Columbia. Having worked in the field for 30 years myself, I know that delivering services through a multidisciplinary team is the best-quality approach for successful outcomes for children and youth. We know that that collaborative process, bringing together lots of different expertise and perspectives to work with families and co-create that care plan, is the way that's going to support those children and youth and create successful outcomes for them.

When I was working in the community, here in British Columbia for over a decade, I just saw cutbacks and cutbacks in my community. I'm actually now able to envision that there will be services for all children and youth in British Columbia.

J. Tegart: We've stood in this House day after day sharing stories — not our words but the words of parents who are absolutely distraught.

[10:45 a.m.]

Yesterday one of our members shared a very personal story from a parent who lives in Surrey–Newton. Families who have worked tirelessly for their children and have had their world turned upside down are watching the heckling and the yelling from government members as we share their personal stories.

Interjections.

J. Tegart: Bring it on.

Mr. Speaker: Members.

J. Tegart: This is what parent Kaye Banez says: "I was greatly dismayed to hear the MLAs who were heckling the member for Richmond North Centre while she was read-

ing the plight of a mother. The hecklers do not realize how demeaning and demoralizing for the parent, a mother, to hear this, as this was their voice, their message to the minister that was being lost and dismissed by people who are supposed to represent us.”

Will the minister listen to families and stop this claw-back?

Hon. M. Dean: Thank you to the member for the question. We will be listening to families. We have been listening to families. I hear from families every day, and for 30 years I’ve worked with vulnerable families as well. We will continue to be listening to families as we develop the framework and the implementation of the framework. We’re delivering this new service in two areas as early implementation sites, and we’ll be listening to families receiving those services and incorporating their feedback as we move forward.

We’ve seen — not only with the pandemic, but we’ve been hearing from families for years that the existing services are just a patchwork. They’re difficult to navigate, and in many parts of the province, services aren’t available. And we saw with the pandemic that they’re just gone in times of a pandemic.

We’ve also heard from the Representative for Children and Youth, and she’s been listening to families. She’s brought their voices — not just families where their children, for example, have a diagnosis of autism but families where their children have a diagnosis of fetal alcohol spectrum disorder as well and families with other neurodiverse children too. And the legislative committee on Children and Youth also listened to families, and we’ve heard the recommendations from that committee as well.

Our commitment is to be putting children and youth at the centre and wrapping services with families around them. That’s what we’ll be doing in the new system.

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

J. Tegar: The minister suggests that government services continued during the pandemic.

Here is what parent Heather Harrison wants to the minister to know:

“These service providers did their absolute best under terrible and unprecedented circumstances during the pandemic. They were working under strict guidelines from the government to not be physically with other people. These small business owners worked tirelessly to continue to provide any support possible so that our children were not left feeling abandoned.

“I’d like to know why the minister is disparaging these providers who were doing their best for our children.”

The right thing for the minister to do today is to stand up, acknowledge the distress she’s caused and reverse this clawback.

Hon. M. Dean: Well, we heard from very many families during the pandemic that their support systems actually

were no longer available. We implemented emergency measures to be able to support families with children and youth with support needs.

One of the things that families told us was that they wanted more flexibility with respite, so we provided that. For example, a family told me that they used the funds to buy a freezer, because then that meant that they didn’t have to go to the grocery store so often, and that took a burden off them and meant they had more quality family time together. Another family paid for housekeeping, again so that the parent could spend more quality time as a mum with her family and not burdened by the stress and strain of running a family and having children and youth with support needs.

[10:50 a.m.]

What we’re doing with building a new system is we’re creating a public system that parents can access with no barriers. They’ll be able to walk into a centre, be connected immediately with a key worker and work as a family, in partnership with the services that are available, to create a package of care that meets the unique needs of their child and youth and their family. A range of services. It could be mental health services, occupational therapy, speech therapy.

What we’re creating is a safety net, because we are committed to the health and well-being of children and youth in this province.

D. Davies: Yesterday the minister and today the minister is trying to tell everybody that the clawbacks will make things better. But families from across the province.... You’ve all heard, all of us in the room have heard, the same emails — that it is going to make things worse.

This is what Joel says: “The minister’s answers are simply not good enough. Our daughter is severely autistic. As a family in the north, we put in a tremendous amount of time and personal resources to create a community of therapy support. Families in Gitwanganak, Fort Nelson, Anahim Lake and McBride shouldn’t be forced to travel yet further distances to access the resources that they desperately need.”

Can the minister tell Joel why she is clawing back his child’s services and making it harder to get new ones?

Hon. M. Dean: I hear again today about the struggles that families are facing, from other members on the other side, but that’s the model of individualized funding. It creates that struggle for families. In a public system....

Interjections.

Mr. Speaker: Members.

Earlier we heard the member for Fraser-Nicola making a point about heckling from the other side. Now it’s happening from the other side. Let’s apply the same standard to both sides, okay?

The minister will continue.

Hon. M. Dean: Thank you, Hon. Speaker.

Our government has shown our commitment to children and youth by increases in the budget for my ministry every year since 2017. We increased funding for respite for children and youth with support needs by over \$6 million in 2019. Budget 2021 included a \$13 million increase for children and youth with support needs. That included \$2 million extra for programs for children who are deaf and hard of hearing. That was the first increase in those programs in over ten years.

We're also investing \$10 million in the At Home program. That's for children's equipment so that they can have a regular daily life with their family — braces and adapted beds, for example, so that they have a good quality of family life.

This is, I will say, in comparison to when I was delivering services, when the other side were in government, and we were seeing cutbacks across my community.

P. Milobar: Well, the minister may want to characterize it as a patchwork of care. Parents consider that individualized care for each of their child's special circumstances that they need to get the proper care that they need to properly support their child. That is what they want to see continue on.

Families and experts are worried about lining up at hub centres just like they have to line up at walk-in clinics currently. Wanda Eddy, of the Chris Rose Therapy Centre for Autism, says: "If we're looking at a hub, is everyone going to have access to them? Somebody in a smaller community gets services in that smaller community. Now if you're going to a hub, what does that mean in terms of travelling and those kinds of things?"

As we just heard, communities in northern B.C. and in the Interior have very long distances to try to drive to get to a hub — not exactly conducive, when you have a child that maybe doesn't like to travel very easily. When it comes to parents with children with special needs, that is the last thing they want to see.

There is already a shortage of trained specialists. This is going to exasperate that issue.

When will the minister end this clawback and provide the proper supports to families that they need?

[10:55 a.m.]

Hon. M. Dean: I do understand the challenges that are faced in different parts of the province and how difficult it can be to access services. That's why we're going to be implementing the framework. The services will be delivered in ways in the community, by the community, with knowledge of the community and could involve a range of methods of delivering services — not just a centre but also satellite services, virtual services and outreach services as well.

We've heard from families. We know that it's difficult for them to travel to get to see specialist services. We are listening to families. We'll continue to listen to families and design the services with the community, understanding the community and in response to the community. One of the early implementation sites is in the north so that we will be able to test that system.

Mr. Speaker: Opposition House Leader, supplemental.

P. Milobar: Perhaps the minister should maybe go up north and try driving the ten hours it might take people to go from one community to get to the hub, which will undoubtedly be in Prince George, and then try to do that with a child on the autism spectrum. It's simply not workable, nor is thinking that every child in that situation could sit on a Zoom call appropriately. And here's a news flash for the minister: most of those communities don't have the bandwidth to actually go on Zoom to get treatment for their children.

Again, families and experts are worried about this new system pitting parents against each other, because there is a shortage of services already. No one is saying that other children should not get the care they need. What the parents of kids with autism are saying is that those kids shouldn't have their system blown up to add extra capacity to the system.

When will this minister end this ridiculous clawback and actually start providing the proper supports to people that they need for their children and their families?

Hon. M. Dean: For far too long, parents have been telling our ministry that it's a patchwork of programming out there, that services aren't available and they're not able to get the services for their children and youth with neurodiverse needs across the province. And they tell us that they have to wait for too long for a diagnosis for their children.

Children in British Columbia deserve services at the time that their parents are concerned about them, as early as possible, to be able to help them develop from as early an age as possible. We need to move to a needs-based approach. We've been told that by families, by advocates, by community agencies, by service providers, the Representative for Children and Youth and many, many others. Indeed, the member for West Vancouver–Capilano has also expressed agreement with a needs-based system.

We will continue to deliver services based on a needs-based system. We have early implementation areas that we will be evaluating that will inform our provincial rollout. At the end of the day, more children will receive services. All children will receive services based on their individual and unique needs.

[End of question period.]

Tabling Documents

Mr. Speaker: Members, I have the honour to table the police commissioner's annual report, 2020-2021.

Motions Without Notice

MEMBERSHIP CHANGE TO FINANCE COMMITTEE

Hon. M. Farnworth: I seek leave to move a motion to substitute a member on the Select Standing Committee on Finance and Government Services.

Leave granted.

Hon. M. Farnworth: I move:

[That *Pam Alexis*, MLA substitute for *Jagrup Brar*, MLA as a Member of the Select Standing Committee on Finance and Government Services.]

Motion approved.

Orders of the Day

Hon. M. Farnworth: I call continued committee stage, Bill 22.

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;
S. Chandra Herbert in the chair.

The committee met at 11 a.m.

The Chair: Members, friends, we're going to take a short recess as we prepare the House for the committee stage.

The committee recessed from 11 a.m. to 11:03 a.m.

[S. Chandra Herbert in the chair.]

On clause 9 (continued).

The Chair: We'll draw this committee into session. I believe we finished up on clause 9.

The member for Abbotsford South on clause 9.

B. Banman: Well, thank you very much, hon. Chair. It's a pleasure to see you again.

I believe the last question on clause 9 that was asked was

for the minister to find what could reasonably be expected to harm with regards to 18.1. I do believe the minister provided an answer for that, as I recall.

The next one is: could the minister please give an example of that?

[11:05 a.m.]

Hon. L. Beare: This was the question we ended on last night. The answer I gave to the member was that an example would be sensitive information provided to support land settlements or treaty negotiations.

B. Banman: Thank you to the minister for clarifying that.

Is this going to be subjective for different heads of public bodies? Or is there a criteria of some sort to maintain consistency? If so, can the minister please explain the criteria and explain how that criteria was actually formulated?

Hon. L. Beare: The reasonable harm test is well established under FOIPPA already and through commissioner's orders, so this section also outlines, for the member, that the subsection "does not apply if the Indigenous people has consented in writing to the disclosure." So the decision will be decided by Indigenous partners. Nothing will be released without Indigenous partners' consent.

B. Banman: Thank you for that.

I have a situational question. Under these new criteria, is it possible that an individual or an organization wanting to see briefing notes regarding deliverables say, just as an example, for an Indigenous language program.... Is it possible that that briefing note may not be released?

[11:10 a.m.]

Hon. L. Beare: There has to be a potential for harm in the information, and that's what this section outlines. It's designed to protect information that could potentially cause harm and so that information would not be released without the consent of Indigenous partners.

B. Banman: To the minister: thank you for the question. But now I'm confused.

Let's say, for instance, that the request on that particular scenario of Indigenous language, as I pointed out.... Let's say a band member wanted to ensure that the funding was being spent in an accurate or appropriate manner. Would an individual band member seeking the information be able to get that?

Who would decide whether or not that's going to be released if, potentially, there could be a disagreement between the body and the band member themselves? Furthermore, would the band member actually have to pay a fee at the same time?

[11:15 a.m.]

Hon. L. Beare: This clause is intended to protect the most sensitive information as asked for by our Indigenous partners, which is why we have it in our draft legislation before us today. I gave the member a few examples of land settlements and treaty negotiations as examples of potential harm in information.

The member's example would not likely meet a reasonable test of harm, and it is designed to protect that most sensitive information and to ensure that Indigenous people provide consent before any information that is of potential harm be released.

B. Banman: I'm not so sure that "most likely would not" is very comforting. That's a pretty big gap in a door as far as I'm concerned.

So I'm going to ask the minister maybe in a different way, in a different example. The minister did not provide me an answer as to whether or not the band member asking a question would be required to pay the application fee and any other fees that may be determined to get said information. I would like an answer to that.

[11:20 a.m.]

And secondly, who gets to decide whether that's harm? If there is a disagreement between the Indigenous governing entity and the band member, how is that decided? Is there a mechanism, then, to force against the will of an Indigenous governing entity to provide consent?

Hon. L. Beare: This section does not change how fees are applied. People seeking their personal information will not pay any fees. There is a fee application proposed in the legislation for general requests. Sensitive information that could cause harm can only be released with the consent of Indigenous partners and, as we have said, the Indigenous governing body.

If any individual has concerns about how this section is interpreted, that individual can apply to the commissioner, as is the correct process.

[11:25 a.m.]

B. Banman: So what I'm hearing is that a band member will have to pay a fee. That's what I heard the minister say. I'm not so sure that I heard the minister correctly to say that there's any kind of board that adjudicates whether or not what is deemed to be subsections (a) through (c) creates harm. But clearly....

What I am going to say is.... Judy Wilson, from the Union of British Columbia Indian Chiefs, the secretary-treasurer, noted that First Nations experience high levels of poverty and would be disproportionately impacted. "The fee will deter First Nations from filing FOI requests," she said in a statement. She says: "While First Nations and their umbrella organizations participated in consultation, there was no discussion of imposing any new fees." I find it disturbing that a group that is disproportionately impacted

due to high levels of poverty was not consulted with regard to a fee.

I guess the question to the minister is: does she disagree with Judy Wilson, and is Judy Wilson being factual?

[11:30 a.m.]

Hon. L. Beare: For the first part of the member's question, the reasonable-harm test is well established under FOIPPA and under the commissioner's orders.

I do want to remind the member that this legislation does not set a fee. That is done at a later date through regulation. This legislation provides the ability for government to create a fee, and it's very important that we hear feedback like the member just outlined for us. Of course, my office has received that, and we're hearing feedback from British Columbians on what they feel is reasonable in a potential fee. So I thank the member for highlighting that. I always welcome that type of feedback and information.

I think what's really important to say is that what this legislation does do is increase our ability to share more information with Indigenous partners without the need for FOI. Now, that's coming up in section 21, but the goal here is to provide information to Indigenous partners, on that partnership basis.

B. Banman: Well — and all due respect, Minister — that's great that we share information with them, as we should. They're our partners. We need to do a lot more of that moving forward. But what I hear is that considering the extreme poverty that exists, according to Judy Wilson, there is no consideration made, and this will now deter a band member from asking their own Indigenous governing entity a question. It may or may not be due to languages. That was just an example. It could be due to a host of things.

How will that member, then, insist that they get a copy of the freedom-of-information request? What is the exact process? Let me go through this. If consent for disclosure is not provided, but the criteria for 18.1 are not met, according to the head of the public body, how would the request for information proceed? Which is the public body that has the ultimate say? Is it...? According to 18.1, it appears as if it's Indigenous self-government.

Where's the safety valve for a band member wanting an FOI from their own band, from their own self-government? What's the mechanism if it does not meet the area of 18.1? It says it has to be in writing. Specifically for this committee, please lay out the process in which that band member will get the information that they are rightfully entitled to.

[11:35 a.m.]

Hon. L. Beare: Just for the member, I want to be very, very clear that this bill does not stop band members from requesting information from their band. That is an entirely separate process than what we are discussing here. What

we are discussing here in the legislation we have before us is for public bodies and for government information.

The member referenced a potential individual. Any individual who wants to access government information can do so by submitting an FOI request to a public body. In the case of a potential appeal of a decision, that process has not changed either. That individual can apply to the OIPC. Just to be very, very clear, we're talking about public bodies and government information, and the process for requesting information through FOI has not changed.

B. Banman: Another concern. Basically, can the minister please confirm, yes or no, whether Judy Wilson is correct that there was no discussion of imposing any new fees in the consultation with First Nations or any of the umbrella groups?

The Chair: On clause 9, any further questions?

[11:40 a.m.]

B. Banman: With all due respect, Chair, the fees do apply to that. I can bring up fees later. Sooner or later the minister will have to....

This section affects the clause that includes fees. This section is about Indigenous self-government and the consultation that went along with Indigenous self-government. The minister has made many broad, sweeping statements about the consultation that was done.

With all due respect, I believe that this is directly applicable to this particular section. It's a simple yes-or-no question. Judy Wilson has said there was no discussion of imposing fees. She's also said that First Nations will be disproportionately impacted.

It's a simple question I'd like on the record because this is about Indigenous in clause 9. Yes or no, were fees discussed with these stakeholders?

Hon. L. Beare: While I do disagree with the member — we are on section 9 here, which talks about protecting from harm — I'm happy to answer the member's question in the interest of continuing our bill along its journey here.

[11:45 a.m.]

In 2018-19, substantial engagement was completed to identify stakeholder concerns and priority issues through an online govTogetherBC public engagement. A series of round tables were held with key stakeholder groups, discussions with Indigenous communities, a mailout campaign asking for input and recommendations from over 200 First Nation communities.

Now, building on these earlier conversations, between April and August 2021, the Ministry of Citizens' Services re-engaged with many of these same groups — including government ministries, broader public sector public bodies, municipalities, Indigenous leader communities, the tech sector, the OIPC and the general public — to confirm

previous inputs and so that we could gain an understanding of potential impacts.

The feedback was received through the minister and assistant deputy minister round-table meetings. We received feedback through presentations to stakeholder groups; meetings with ministry staff; two public surveys available to all British Columbians, administered by govTogetherBC and Ipsos; and a questionnaire distributed to leaders in over 200 First Nations in B.C. And there were conversations held with treaty First Nation representatives.

E. Ross: This is why it's important to determine what the definition is of "Indigenous governing entity," based on a definition in Bill 41, the UNDRIP act. I did take it under advisement that the minister would return with an answer, and hopefully, it's before the end of this debate. I won't ask that question again, but I am looking forward to the answer.

I understand the intention of clause 9, but I think it's got to be reworded, based on the definition that comes back on the definition of "Indigenous leadership."

But in response to my colleague's questioning around the individual band member, we've got to remember that we're talking about two different topics here. In relation to what the minister is talking about, the First Nations are not, in fact, partners. The Crown has a specific duty when they're trying to address the Aboriginal rights and title in question, in terms of evidence, and I assume that's what the minister is talking about.

Specifically, maybe we're talking about strength of claim, that the Crown has a duty to assess and determine what next steps should be made in terms of Aboriginal rights and title.

The First Nation member in question that needs access to information regarding their community and their Aboriginal rights and title is probably not covered by their band council or their band leadership that we're talking about, because many band councils and leadership around B.C. do not have freedom-of-information policies.

Maybe in questioning, the band member is not looking, really, for a response in regards to what their band member talked about but is looking for the information regarding how the government reached a decision in relation to Aboriginal rights and title that he's asking about — or maybe some other issue related to that community's interests.

On top of this, you've got to remember that when we're talking about Aboriginal rights and title, we're talking about a unique set of interests held by the rights of First Nations of B.C. It's referred to as *sui generis* in terms of case law. That's important.

Does the minister agree that the band member in question, although they have these rights under the Aboriginal rights and title case law, also has the added rights of being a B.C. citizen and, therefore, should be treated in two respects in terms of getting information from the Crown?

[11:50 a.m.]

Hon. L. Beare: Yes, I will have an answer for the member, as we discussed, on the Indigenous governing entity this afternoon. I'm going to be very happy to share with the member.

On the very specific question, every single individual in British Columbia has access to freedom-of-information requests to public bodies, to government for information. That has not changed. Every individual can access it, and the process has not changed.

It's simply to make a request to the public body or to one of the ministries for that information, and it follows the regular FOI process. That right is held by every British Columbian, and that will not change. If there is a dispute in a decision through an FOI, through a public body or a ministry, the right to appeal that decision with the Information and Privacy Commissioner has not changed.

Just to be very clear to the member... The member was referencing potential individuals. Their rights are protected to request information under this legislation, and the process has not changed.

E. Ross: With all due respect, that's not true. The clause clearly 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 to maintain, control, protect or develop any of the following with respect to the Indigenous people...."

The question is specific, from a band member who wants to know what the conversation was from the Crown that led to a decision that might affect their community or their Aboriginal rights and title. That was the question. On top of the specific, unique rights that Aboriginal people have as a community in terms of Aboriginal rights and title, they also have the rights as B.C. citizens.

This is actually a limiting clause here, unless it's actually further explained apart from this. This is actually a limiting clause here, unless it's actually further explained apart from this.

In all honesty, it's not. It actually gets more confusing, unless the definition of Indigenous leadership actually relates to subsection 9(2), which says: "Subsection (1) does not apply if the Indigenous people has consented in writing to the disclosure." It doesn't talk about Indigenous leadership.

What we're asking about is: does a band member, an Aboriginal member, who wants information in regards to how the Crown reached a decision that can affect their community, have that right as a community member, as well as that right as a B.C. citizen, to know what the Crown was discussing in relation to a decision?

Hon. L. Beare: A band member, and every British Columbian, has the right to go to the commissioner if they disagree with a decision.

E. Ross: That is not what this bill talks about. "The head of a public body must refuse to disclose information...." It actually doesn't explain what the minister has just described. It actually doesn't really follow the commitments made in Bill 41, the United Nations declaration on the rights of Indigenous peoples. It's a very confusing, vague section that we're talking about here, whether we're talking about the Indigenous leadership or Indigenous people.

This is going to have to get sorted out in law unless the parent document actually describes this in detail. But there are two interests we're talking about here: the band member, in terms of rights and title interests, in terms of the Crown decision, and their right as a B.C. citizen to access information.

[11:55 a.m.]

Right here this clause is actually limiting, right from the get-go, that the head of a public body must refuse to disclose information to a band member, even though the band member is actually asking questions about issues relating to their own community.

Will a band member get refused to disclose information from the Crown, under section 9, if it potentially offers some sort of harm to their own community's interest or their own rights and title interest, when we're talking about a band member of that said community?

Hon. L. Beare: I am going to have to disagree with the member that this isn't clear, because it is very clearly outlined in the act as it currently stands and has not changed.

A person who makes a request to the head of a public body, other than the commissioner or registrar, under the Lobbyists Transparency Act for access to a record or for correction of personal information may ask the commissioner to review any decision, act or failure to act of the head that releases to that request, including any matter that could be the subject of a complaint under section 42.

Again, it's very important to know that all British Columbians, every single British Columbian, has the right — that has not changed — to request information to public bodies under the act. Every British Columbian — that has not changed — has the right to apply to the commissioner to review a decision. This section right here was requested by Indigenous partners to increase protections and remove potential harms.

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

Motion approved.

The committee rose at 11:57 a.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 1 p.m. today.

The House adjourned at 11:57 a.m.

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