



LEGISLATIVE ASSEMBLY  
*of* BRITISH COLUMBIA

Second Session, 42nd Parliament

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THE HONOURABLE RAJ CHOUHAN, SPEAKER

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PROVINCE OF BRITISH COLUMBIA

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LIEUTENANT-GOVERNOR

Her Honour the Honourable Janet Austin, OBC

SECOND SESSION, 42ND PARLIAMENT

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Honourable Raj Chouhan

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TUESDAY, NOVEMBER 23, 2021

The House met at 10:04 a.m.

[Mr. Speaker in the chair.]

### Routine Business

Prayers and reflections: T. Stone.

[10:05 a.m.]

### Introductions by Members

**Hon. D. Eby:** This may be more in the nature of a ministerial statement than an introduction, but there are some very special guests, to me, personally, in the House here today, Claudia Soto and Lulu Dosedo.

The members here may recognize them from the Puerto Vallarta Amigos food truck. I know that this is not a partisan issue. The member for Kamloops–South Thompson and I share an affinity for the burritos from this particular food truck.

Now, Lulu and Allan Cerecedo own the food truck. Allan, while starting a business and working at the food truck, went to UVic, did his business admin degree and is now working at a local firm here in Victoria. Claudia, working full-time in the food truck, is also studying at UVic in the business administration program, with Lulu, and running the food truck throughout the pandemic. Just incredible stories about new arrivals in British Columbia from Mexico.

Would the House please join me in making them feel very welcome and thank them for the amazing food that they serve us.

**R. Merrifield:** Loyal friends are incredibly precious. Loyal political friends are precious and rare.

Rob Murphy is a brilliant communicator and political strategist working on all levels of government and campaigns and brings around all his positive focus while enjoying a great beer, scotch and cigar. While working with me might not have been his first choice, continuing on in this political journey has been. I'm so honoured to have him in the House today.

Would the House please join me in welcoming Rob Murphy.

**D. Clovechok:** Today in the gallery, I've got a very special person up there. She's been my best friend for about 20 years. She's my confidant. She's my supporter in campaigns like none other. She's my most valued critic, and she's my mentor. She's also a duly elected area F director for the regional district of East Kootenay and also the vice-chair of the regional district of East Kootenay.

I would ask this House to make my wife, Susan, feel very warm and welcome.

**Hon. B. Ma:** I'm very pleased today to be able to introduce somebody very special to me in my office, my administrative assistant, Sonja Leeuw. Sonja was hired in the middle of the pandemic, which is a difficult time for anybody to get up to speed in a new job, but she did it.

She works closely with my staff here and my staff in the constituency of North Vancouver–Lonsdale to coordinate my schedule and offer administrative support. My constituency assistants tell me that she's professional, communicative, and they talk about how proactive she is as well. That's good for me, because as everyone in the House knows, happy constituency assistants are very key to providing good service to our community.

Sonja does all of this while adapting to the unexpected challenges that life throws her as a working mother of four young children. Living in Duncan, she drives two hours each way to come here, to work here at the Legislature, and has had to save her kids, at the same time, from boo-boos and sniffles at schools, even having, once, to save her kids from a pine cone to the eye.

Despite all of this, she always makes sure that things are sorted for us here in the office, working flexibly from home and filling gaps to ensure that we keep on ticking. I'm so fortunate to have her working on my team. This is her first time witnessing proceedings live here in the chamber.

Would the House please join me in welcoming her to the gallery today.

**Hon. M. Dean:** It's my pleasure today to introduce Miriam MacPhail to the House. Miriam is first and foremost a friend and a supporter, not only to myself but to all of the south Island MLAs.

[10:10 a.m.]

She's also a graphic designer extraordinaire who helps me look my best on social media and in print. I'm so delighted that Miriam is in the House today.

I ask that everybody join me in making her very welcome.

**J. Rustad:** There are many, many forest workers and families who would like to be down in the Legislature this week, but due to challenges, it's difficult for them to get here. A few have made their way down today to witness the proceedings, and I'd like to introduce them here today.

Rona Doucette, who represents Woss rural B.C. communities, is here in the gallery along with Henrie Machielsen from Campbell River, representing small businesses who rely on forestry, and Tamara Meggitt, who is representing forest families throughout B.C.

These people have been tirelessly working in the forest sector supporting their families, supporting their communities. They're here to see the proceedings and to hear answers from the minister.

Would the House please make them welcome.

**S. Furstenu:** I'm so delighted to introduce Emma-Jane Burian and Grace Sinats, who are both in the gallery today.

Emma-Jane is doing a double major in political science and environmental studies at UVic. Most of her high school, she spent her time organizing climate justice events, and she received the 2020 Victoria Leadership Award for her work on flourishing and safe environments, something I think we can all recognize are essential in the times we're in.

Grace is in grade 11 this year. She works part-time, and like Emma-Jane, Grace spends a great deal of time organizing for climate justice. Grace has done a TED Talk on how young voices build a strong democracy. I recommend it for anybody to watch.

This isn't their first visit to the Legislature. It certainly won't be their last. I hope one day soon to actually see them down in these seats, rather than up in the gallery.

### Statements (Standing Order 25B)

#### RESILIENCE AND RECOVERY IN B.C.

**T. Stone:** There's an image making the rounds on social media featuring a background of fire and flood with the words in bold letters: "B.C. strong, through hell and high water." Powerful words summing up what most of us would agree has been one of the most difficult years in our province's history.

Let's not forget that for generations, this incredible province was built with grit and determination. A province that punched railroads through mountains. A province with some of the largest dams in the world. A province that knows how to build highways through dangerous, high mountain passes. A province truly like none other, so big and beautiful, yet different from one region to another, with mountains, glaciers, oceans, desert, plains and rich farmland all stitched together with beauty and ruggedness, a respect for the massive power of mother nature and brave people.

In the face of past daunting challenges, British Columbians have always met these challenges head on as one province, and we've always come through together with courage and with hopes of better days ahead. So here we are again in the aftermath of yet another massive disaster, one that has severed countless highways, caused unimaginable flood damage and, sadly, claimed lives.

There is, of course, understandable concern about the province's critical transportation network, with movement from our coast and the Interior severely limited. But here's the good news. Our province is home to many of the world's finest highway engineers and road builders, and they're unfazed by the task ahead. Let's remember that the Coquihalla Highway, much of which was built during harsh winter conditions, was considered one of the greatest engineering marvels of its time.

With this in mind, we can and we will urgently rebuild these roads again quickly. We have travelled this road before.

To everyone who has stepped up this past week — first responders, local officials, road builders, emergency management personnel and the countless volunteers — thank you.

To everyone who will pull out the stops to rebuild our great province, thank you as well.

You have our gratitude, for you are proving once again that B.C. is indeed strong through hell and high water.

#### SHORE CLEANUP INITIATIVE BY CAMPBELL RIVER TOUR OPERATORS

**M. Babchuk:** I'm excited to highlight a fantastic initiative that is taking place right now in Campbell River. I had the pleasure to visit the sorting site for a local clean coast, clean waters project.

[10:15 a.m.]

When I showed up at the New Wave Docks building, I was greeted by the smiling faces of a group of young people decked out in heavy-duty rain gear sorting through tons of debris that had been gathered through coastal shorelines in and around Campbell River and the Discovery Islands.

These young people have been working on this project since September, scouring hundreds of kilometres of coastline, collecting and removing debris. Once a week they head to the sorting site, where they separate garbage into recyclable and non-recyclable materials — ropes, fishing nets, chains. But what shocked me the most was the amount of Styrofoam, from itty-bitty pieces to great big slabs.

This project is the initiative of the Campbell River Association of Tour Operators. This group of local tour operators pivoted from their usual work when COVID-19 disrupted our tourism sector. They created employment opportunities for a bunch of committed youth, are cleaning up miles of our coastline and have demonstrated a huge amount of resiliency.

During my visit, the tour operators launched their grizzly meter, a sign that has since been erected in downtown Campbell River that shows just how much garbage has been collected over what length of shoreline. At the time of my visit in early November, they had traversed 250 kilometres and had collected over 50,000 pounds of garbage.

On any given day, in all kinds of weather, at least 12 young people, along with tour operators, are out there collecting sacks of debris and making a huge impact on cleaning up the coastline. I was so impressed by the dedication of this group. They're enthusiastic to do the work. They are deeply invested in this project and passionate about the environment. It was inspirational.



I hope this chamber will join me in expressing my deepest appreciation for the job that they are doing.

#### B.C. COLLEGES

**C. Oakes:** I'm so proud to rise in the House today to discuss the important role that B.C. colleges play to the economic recovery in British Columbia.

B.C.'s colleges are the heart of our post-secondary education system. They serve people in communities all across this province. They work closely with major employers, stakeholders and government. They're on the ground in our communities, understanding the existing gaps and labour market needs. If you are an employer that seeks some staffing, why not contact your local college to see if there's training and employees that you can access?

One such program that I'm a strong advocate for is the dual credit program, which lets high school students take college trade courses while earning dual credits towards their high school graduation. The College of New Caledonia has been an influential supporter of students, and I'm so proud to work closely with CNC and to celebrate the work that they've accomplished in partnership with our school district to offer dual credit programs.

Now, I've seen the success of this program firsthand, and I feel there is great value in expanding these types of programs across British Columbia. I feel that the dual credit program could be expanded into health care, care aides, early childhood education foundation courses and could have a significant impact in each of our communities.

I would like to congratulate Dr. Dennis Johnson on becoming the eighth president of the College of New Caledonia. Dr. Johnson brings more than 30 years experience in the post-secondary sector, and we're very pleased to have him in the North.

I would also like to recognize Dr. Johnson on his appointment yesterday as the board chair of B.C. Colleges. In Dr. Johnson's words: "As we recover from the COVID-19 pandemic and build new opportunities in a changed world, the province's colleges are focused on ensuring students can access the training and applied education they need for better lives and stronger communities."

I know that I join all members of this House in congratulating Dr. Johnson, thanking outboarding chair Sherri Bell, from Camosun College, and offering our support to all of our B.C. colleges, recognizing the critical role and impact they make in our communities.

#### MEDICAL RADIOGRAPHY TECHNOLOGISTS

**S. Chant:** Today I rise to talk about the unseen workforce that does a great service in keeping our health delivery system moving. Usually I talk about the nurses, who are always there providing skilled care in both hospitals and homes. We talk about our first responders as well —

ambulance, fire and police — who attend to scenes and sort things out.

We talk about those who keep our supply chain going — our farmers, our truckers and our grocery stores — or our volunteers, our service agencies, our churches, who reach out to provide care and support in so many ways. The list of people goes on, all of whom contribute towards managing and recovering from this thing we call COVID, amongst other things.

[10:20 a.m.]

Well, today I would like to talk about a different group of people, also important, especially when you're in need of diagnostic services to ensure effective treatment, those folks who take you into their specialized area with mystical equipment and position you in such a way that a clear X-ray image can be taken of any affected area. These are our medical radiographic technicians, and just like many other health care roles, we don't have enough of them. We don't recognize their value and importance until we can't get an appointment, urgent or otherwise.

Luckily, the Minister of Advanced Education and Skills Training and her staff have been busily at work, ensuring that we now have more training seats opening up for these important people. The two-year diploma program is available at BCIT, Camosun College and the College of New Caledonia.

Students are trained in areas of computed tomography — or CT, in our language — fluoroscopy, OR imaging, emergency trauma, interventional procedures and mammography. These programs include classroom learning, labs and clinical placements throughout B.C. and are a viable career choice for anyone with an interest in providing essential health care support.

Thank you to our MRTs for the specialized and important work that they do.

#### SOURCES FOUNDATION AND SUPPORT FOR MENTAL HEALTH AND WELLNESS

**T. Halford:** On November 6, it was truly a Run for the Roses. The 25th anniversary gala for Sources Foundation was a truly special event. Over \$300,000 was raised in support of mental health and wellness.

For over 40 years, Sources has been a pillar in many communities across this province. I know that all members of this House share stories of how Sources has impacted their constituents at their most vulnerable times.

The foundation is built upon a vision and a dream, a desire to ensure that no one slips through the cracks and that support is available within our communities. Their dream is to provide a legacy to ensure that the help we provide today plants a seed that continues to grow in the future, to make a difference for this generation and each generation to come. Whether it's a senior experiencing social isolation, an individual or family who is struggling to complete their income tax return or a mom try-

ing to access support in order to flee domestic violence, Sources is there.

I want to congratulate Sources CEO David Young and Sources Foundation president Bruce Hayne and the countless volunteers, sponsors, donors and board members that continue to make this event, this foundation, this organization a success year after year.

#### CHICO MENDES

**M. Elmore:** As we grapple with the impacts of climate change and many in British Columbia continue to struggle and brace with the devastation it has wrought, I recall the life of Chico Mendes.

Chico Mendes was an inspirational leader whose courage created systemic changes in the Amazon rainforest and around the world. He was a Brazilian rubber tapper who was able to organize and move the government into setting aside large tracts of the rainforest as reserves to protect it from destruction.

He was killed by a rancher's son in 1988. He would have been 77 this December 15. He was one of 18 children who only learned to read and write when he was 18 years old. He was determined to learn more about why his and other families were kept poor and exploited. Through newspaper articles that spoke about social and political issues, he came to understand issues around unionization and human rights and learned lessons that helped shape his understanding of the struggles before his people.

Through his dedication and commitment to what is just, he was able to organize his fellow rubber tappers and others into fighting back against the destructive uses of the rainforest. They formed the Xapuri Rural Workers Union in their area and later expanded to other regions. They united with other unions and organizations. In 1977, at the age of 33 years old, he was elected as city councillor. He used his position to organize popular debates, peaceful protests and political participation.

He was called a threat to national security, arrested and tortured, but he persevered. A few years later he helped create the National Council of Rubber Tappers. Together with others, they discussed national problems of deforestation and exploitation. He was able to unite previously opposed groups like his fellow rubber tappers, Amazonian Indians and international environmental activists under common goals.

Chico Mendes lived a remarkable life and left us with a lasting legacy and lessons that surely serve us well to this day. Importantly, he also recognized that protecting the workers and the environment was more than just about that. I end with a quote from him: "At first, I thought I was fighting to save rubber trees. Then I thought I was fighting to save the Amazon rainforest. Now I realize I'm fighting for humanity."

[10:25 a.m.]

#### Speaker's Statement

##### RETIREMENT OF SUSAN SOURIAL

**Mr. Speaker:** Members, before we start question period, I have a special statement to make.

Hon. Members, when this House reconvenes in the new year, one of our esteemed Table Officers, Susan Sourial, will no longer be at the Table, as she will be embarking on her retirement.

Susan began her parliamentary career at the Legislative Assembly of Ontario, where she primarily supported the work of parliamentary committees, 11 in total, over the course of 22 years of service to that institution. In 2011, Susan joined the Legislative Assembly of British Columbia, first in committee research services, then as Committee Clerk and then in her current role of Clerk Assistant, Committees and Interparliamentary Relations. In the fall of 2011, we briefly loaned Susan to the Yukon Legislative Assembly to serve as the institution's acting Deputy Clerk.

In a decade of service to our Legislative Assembly, Susan has supported the work of 17 committees, including select standing committees, special committees and the Legislative Assembly Management Committee, assisting these committees to fulfil their terms of reference from this House. Susan's name is attached to over 20 committee reports. Susan has also served as a Table Officer, supporting hundreds of hours of proceedings of this House, Committees of the Whole and Committees of Supply. She was also an assistant editor of the fifth edition of *Parliamentary Practice in British Columbia*, published in 2020.

Many members of this House, past and present, have relied on Susan's steady hand, her knowledge and her expertise as they navigated their work on parliamentary committees and as they navigated the procedures and practices of this House. Her dedication and service to the Legislative Assembly of British Columbia have been most valued and appreciated, and I can say with certainty that they have made our institutions better.

It is my hope that in her next chapter, Susan will enjoy the simple things that bring her joy: biking, kayaking, being outdoors and reading.

Susan, on behalf of all members, I congratulate you on a remarkable career, one of steadfast servitude that has demonstrated exceptional dedication and integrity and one that has brought great honour to your profession. We wish you the very best in your retirement. [Applause.]

#### Oral Questions

##### COST OF LIVING AND AFFORDABILITY ISSUES

**S. Bond:** Every day British Columbians are waking up in our province and finding it harder to get by under this government. Despite two straight elections with big prom-

ises about affordability, life has never been more expensive than under the NDP. This government has no plan to put people's worries at ease, and many families are actually asking themselves how they will continue to be able to afford to live in our province.

We have seen four straight months of high inflation. That's because things like housing, gas and food are getting more expensive day after day, and with the latest climate disaster in our province, we're already seeing the price of everything increase, because our supply chains have taken a significant and devastating blow.

Will the minister tell British Columbians exactly what this government is going to do to ensure that they can take care of their families? Tell them how they're going to be able to continue to afford to pay for increasing gas and food and housing. British Columbians deserve that. This government promised it and has simply failed to deliver. Where's the plan?

[10:30 a.m.]

**Hon. S. Robinson:** I can agree with the member that things have gotten more difficult since COVID, for sure. They certainly have.

I also want to remind the member — I want to remind everyone in this House, and I want to remind British Columbians — that when they sat over here, they gave tax breaks to the wealthiest 2 percent and made everyone else pay for it. I want to remind everybody what that meant for ordinary British Columbians.

What that meant was that their MSP health premiums doubled. So what did we do? We eliminated them. Hundreds of dollars in people's pockets.

ICBC car insurance. When they were on this side of the House, it went up 30 percent. What do we have now? We actually have.... ICBC has a surplus. And not only that, it was able to give rebate cheques — not one but two.

We've also introduced the child opportunity benefit that provides up to \$2,600 for families with two kids. That is making a difference and putting money into people's pockets.

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

**S. Bond:** The minister can stand up, and all of her colleagues can clap, but there are families today in British Columbia who want an answer from this minister and this government about exactly how they're going to pay for their groceries tomorrow morning. That is on this government's shoulders. This is a two-term government that made big glossy promises, big brochures about how life was going to get better. They have simply failed to deliver. British Columbians are struggling. That answer just doesn't cut it.

The minister can try taking a victory lap all she wants, but let's look at some of the numbers that British Colum-

bians are facing. Does the minister know that since the pandemic started, the cost of getting chicken at the grocery store has gone up by 17 percent? For beef, it's 20 percent. Housing prices are at an all-time high. In fact, the elusive dream of owning a home is disappearing. It takes 34 years in British Columbia to save for a down payment on a house if you live in Vancouver.

There has been no action whatsoever on tackling gas prices, despite getting promises three times from the Premier. Our supply chains have been so drastically impacted by the latest disaster that the Royal Bank of Canada said that things are going to continue to get worse.

British Columbians deserve a better answer than that. What they deserve is a plan. They deserve support and help — and this government to keep the promises it made during two election campaigns.

To the minister again, maybe this time she can look British Columbians in the eye and tell them how they're going to pay for their groceries tomorrow.

**Hon. S. Robinson:** I want to thank the member for the question. I really think it's absolutely fascinating to hear from this member their newfound interest in the struggles of ordinary people.

They made life so hard. They had a server wage in restaurants. We got rid of that. We increased the minimum wage.

Interjections.

**Mr. Speaker:** Members. The member had already asked the question.

**Hon. S. Robinson:** In fact, wages are up 21 percent since we formed government. We made transit free for children. That makes a difference to families. You know what else we did? We took tolls off bridges.

Finally, what I want to say is: thank goodness it's us on this side of the House and not the people over there.

#### COVID-19 RESPONSE AND PAID SICK LEAVE

**T. Stone:** Not only has this government broken its promise on affordability, but they're also breaking the Premier's promise to not download costs onto small businesses, especially those that can least afford it. Now, we're still in the pandemic, but in 39 days, the NDP are cutting sick leave funding for workers and businesses. They're putting the entire cost on businesses that are, again, hanging by a thread.

[10:35 a.m.]

Yesterday in the Q2 report, the government confirmed that \$310 million budgeted for sick leave will be unspent and returned to general revenue.

My question to the Minister of Labour is this. Instead of

letting this \$310 million sick pay funding expire in 39 days, will the Labour Minister today commit to extending government-paid sick leave so that it doesn't expire at the end of the year?

**Hon. S. Robinson:** I think the fact.... In my Q2 report yesterday, what we saw around the sick pay was the fact that British Columbians recognize that you take sick time only when you need it.

We prepared, as part of our pandemic contingencies, to make sure that we had resources available to support British Columbians as we go through COVID, making sure that we had the resources to make sure that there was support so that workers didn't have to go to work sick. I think that everyone in this House agrees how important that is.

What we saw was that British Columbians recognize that you only take sick time when you need it. I think that we can all be comforted by the fact that workers know what they need to do in order to keep themselves, to keep their colleagues and to keep their customers safe.

**Mr. Speaker:** Member for Kamloops–South Thompson, supplemental.

**T. Stone:** Well, we agreed that workers shouldn't have to go to work if they're sick. That's why we supported the sick leave plan. But we're also going to ensure that the Premier and that this government are held accountable for the commitments that were made to ensuring that the costs of sick leave were not going to be thrown entirely onto the shoulders of small businesses in this province.

Again, in only 39 days, employer-paid sick leave comes into effect, and workers and employees still have absolutely no idea what will be implemented. The Premier's specific commitment around this was crystal-clear. He said that we are looking at how we can implement sick pay "in a seamless way without putting more burden on business at a time when business can least afford it."

Government should do what we've been doing through this session. There's been an extension of a variety of COVID measures. The government should be taking the opportunity immediately to eliminate all uncertainty, concern and anxiety out there with small businesses and workers, and they should roll over this program. They should roll over the \$310 million available and continue the current government-funded program until businesses in this province are fully recovered.

Again, a very simple question. I'm looking for a straightforward answer from the Labour Minister. Will the Labour Minister extend the \$310 million for government-paid sick leave that, if it isn't extended, is going to expire in only 39 days?

**Hon. H. Bains:** I thank the member for his question.

Among many lessons that we learned during the pandemic, one was that workers were forced to go to work

when they were sick. They brought the virus to the workplace. That virus spread among the workers, and in many cases, businesses had to be shut down. In Fraser Health alone, in April and May — two months — over 180 businesses were shut down.

Interjections.

**Mr. Speaker:** Members.

**Hon. H. Bains:** Some of them more than once. Those workers at workplaces, when they became sick, went home to live with their families and their communities....

Interjections.

**Mr. Speaker:** Members, a question was asked. Let's listen to the answer.

It's okay. Let's listen to the answer. Wait until he finishes.

**Hon. H. Bains:** It doesn't surprise me that sometimes, when it even looks like something is a benefit to the workers, they light their hair on fire.

Let me tell you this. There are economic costs for not having paid sick leave in place.

Interjections.

**Mr. Speaker:** Members.

**Hon. H. Bains:** The seniors advocate, in her last report two or three weeks ago.... I urge all of you to read that. She said that the workers, because they didn't have paid sick leave, came to work sick, and then they spread that to the patients and to the workers. Therefore, many deaths....

There's a human cost. There's an economic cost for not having paid sick days. We are going to do the right thing. We listen. We have consulted widely. And 60,000....

Interjections.

[10:40 a.m.]

**Mr. Speaker:** Order.

**Hon. H. Bains:** And 60,000 servers came back.

You know what? Both workers and businesses are worried. They're concerned that people are going to work sick. We are going to make it right so that workers don't have to choose to go to work sick or stay home and lose money.

Interjections.

**Mr. Speaker:** Can we get to the next person?

### COASTAL GASLINK COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

**S. Furstenu:** Coastal GasLink has been found to have violated multiple environmental requirements over the past year and a half. Over the course of constructing their natural gas pipeline in Wet'suwet'en territory, CGL's failures to comply with environmental requirements have resulted in damaged habitat, eroded waterways and the contamination of watersheds with pollutants.

Inspections in late 2020 by the environmental assessment office found that Coastal GasLink activities are harming watersheds. In early 2021, independent erosion and sediment control auditors found that CGL was violating eight out of nine requirements. Coastal GasLink has failed to reclaim and restore the waterways that they have polluted.

The company's infractions have impacted Indigenous rights as well. In July, Coastal GasLink was issued a warning after wrongly blocking a Wet'suwet'en woman from attempting to monitor pipeline construction in her territory.

My question is to the Minister of Environment and Climate Change. On the one hand, the RCMP have eagerly enforced an injunction on behalf of CGL and this government's fossil-fuel-expanding agenda. At the same time, there have been multiple instances of environmental violations on the CGL pipeline since construction began with little or no enforcement. What will the minister do to ensure timely enforcement of these environmental violations?

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

Coastal GasLink, as part of its environmental assessment certificate, has to abide by a number of conditions. It has to continue to abide by those conditions. Staff and inspectors that are part of the environmental assessment office have regularly conducted inspections. They have issued orders. They have issued directions.

When they found those directions were not being complied with, they upped the level of inspection, and they have issued more orders and are now going through the process of considering the application of administrative penalties to make the point. We take the conditions on this certificate seriously.

I continue to be briefed by staff. But I don't take over the role of staff in ensuring that an orderly application of orders and, ultimately, penalties, if required, are administered.

**Mr. Speaker:** Leader of the Third Party, supplemental.

### STATUS OF COASTAL GASLINK PIPELINE PROJECT ON WET'SUWET'EN LANDS AND PRESS FREEDOM FOR JOURNALISTS

**S. Furstenu:** Administrative penalties but no police raids yet, I understand. It's clear that this company has been harming the environment, and this government has abdicated its responsibility to the public interest. This abdication extends to basic Charter rights too.

Last week two journalists were illegally arrested when reporting in Wet'suwet'en territory. They were jailed for the entire weekend and only released yesterday. We're now learning that the RCMP had been tracking these specific journalists, which makes it very hard to understand how the police were saying: "We didn't know that they were journalists when we arrested them."

Yesterday more than 40 news outlets and journalists signed a letter directed to the Minister of Public Safety of this House calling on him to uphold the rule of law and ensure that police actions are not infringing on press freedom.

This isn't the first time this government has restricted press freedom. The summer enforcement of media exclusion zones at Fairy Creek was found to be unlawful. I think all of us, no matter where we stand on these issues, should be deeply concerned, because the role of the media and press freedom in democracy is essential. We don't want to have these continuing stories where we are looking very much not like a democratic country in the way the press are being treated here.

[10:45 a.m.]

My question is to the Minister of Public Safety and Solicitor General and Deputy Premier. He has said that press freedom is important, yet what we have seen in this province this year tells a very different story. What will he do to ensure that the Charter-protected freedom of the press, recently reiterated by Justice Thompson in a B.C. Supreme Court decision, is upheld in this province?

**Hon. M. Farnworth:** I thank the member for the question.

I have to take issue with a couple of points, the first being: government has not infringed on freedom of the press. Freedom of the press is a fundamental foundation of our democratic system in this province and in this country and continues to be so. We take that very seriously.

The second point that I would also make is that when it comes to the enforcement of a court-ordered injunction, that is done by the police. It is not directed by myself as Solicitor General, and as I have said before in this House, nor should it be.

What I can also tell the member is that when it came to the issue of the journalists, that went in the appropriate place in terms of the court, which issued a decision around bail and the undertaking, which the journalists agreed to do, and they were subsequently released. In other words,

the judicial process worked appropriately, and that's as it should be. Not being directed by politicians.

COVID-19 CIRCUIT BREAKER  
RESTRICTIONS AND SUPPORT FOR  
BUSINESSES IN NORTHERN B.C.

**M. Bernier:** Weeks ago the Premier said businesses impacted by the northern circuit breaker “still have opportunities to access provincial programs.” But here's the problem. There are no programs right now. There's nothing for them. They all closed. Once again from this government, false hope for people and businesses that are struggling.

The regional health restrictions.... The circuit breaker that's been announced has now been extended indefinitely. That means no hope for many. The Premier said that this Minister of Jobs would be “observing the activities in the region.” What does that mean? We need people to not be observing. We need this minister to be doing his job. We need this minister to be supporting businesses who need help now.

A very simple question to the minister. Will the Minister of Jobs commit today to new circuit breaker programs for northern businesses that are struggling?

**Hon. R. Kahlon:** Certainly, it's been highlighted that there are some businesses that, throughout the province, are still struggling throughout the pandemic. The members know, because we canvassed this yesterday as well as part of another debate, that the measures that have been put in place in Northern Health are similar to ones that were put into some of the Fraser Valley as well.

The major restriction that's been put in place right now is that liquor can't be served past ten o'clock. Restaurants can continue to function. Restaurants can continue to have people visiting them. Restaurants can continue to serve food past ten o'clock, but they cannot serve alcohol past ten.

We appreciate that has some impacts. We've also offset that impact by reducing liquor pricing for businesses by 20 percent. So they're making more money on liquor sales now than they have ever made. They've been advocating for that for ten years. The members on the other side will know, because they knocked on their doors several times, asking for that. We have lowered their costs.

We know, because of the pandemic and the high case counts and the loss of life, that measures were needed to be put in place. That's why they're there — moderate measures. Certainly, our hope is that the vaccination rates continue to rise and that cases continue to fall so that we can relieve those moderate measures so that people can return to a normal which they're comfortable with.

**Mr. Speaker:** Member for Peace River South, supplemental.

[10:50 a.m.]

**M. Bernier:** I'm trying to figure out why this minister wants to treat different parts of the province differently. The last time there was a circuit breaker announced, we made sure, unanimously in this House — we all got together to make sure — there were programs and supports for struggling employers and families. It was very easy to do. It was easy to do then.

Now we've announced another circuit breaker that is hurting families and employers, and this minister is sitting on his hands. He's doing nothing to help them. Even yesterday in this House, he quoted that this is “certainly not a circuit breaker.” It's almost like he's trying to play a word game to avoid helping people. Exactly what Dr. Henry said when she announced these restrictions was: “It's a circuit breaker.”

Is Dr. Henry right? Is it a circuit breaker? Is the minister right? This is not a circuit breaker. It doesn't matter. The employers and the families are hurting and need help now. Even arts groups up in the region right now are seeing the curtain drop, and they're losing another part of a busy time of year for them where they could be operating. To make it worse, the government has said now there's no end date for this circuit breaker, no hope for these people.

The government has an opportunity. This Minister of Jobs has an opportunity today to give hope to these struggling people. Will he commit to stop just observing and actually do his job, introduce a circuit breaker program and help these struggling families and businesses?

**Hon. R. Kahlon:** I'd remind the member that we have provided the highest per-capita supports for people and businesses in the entire country. In fact....

Interjections.

**Mr. Speaker:** Can we move on with the answer now?

**Hon. R. Kahlon:** I'll say it again. We have provided the highest per-capita support for people and businesses in the country. In fact, the recent budget had additional supports. By the way, the members didn't support it, didn't support the additional measures that we put in place, which was a shame.

The member also is not clear. When he refers to the circuit breaker, which we put significant dollars on the table, was when businesses were....

Interjections.

**Mr. Speaker:** Members.

**Hon. R. Kahlon:** It was at a time when businesses were shut down. Businesses couldn't serve patrons inside their establishment. They had only takeout. They couldn't serve

any alcohol. We had complete shutdowns. That's when the historic amount of dollars, the \$528 million that we supported, \$22 million in grants directly going to the pockets of businesses in their communities.... So to compare the circuit breaker....

Interjections.

**Mr. Speaker:** Members.  
Continue.

Interjection.

**Hon. R. Kahlon:** The Leader of the Official Opposition loves to heckle. This is an important question. I'd like to provide the answer.

Interjections.

**Mr. Speaker:** Members, it's important that we listen to the minister now.

**Hon. R. Kahlon:** As I already have highlighted — I'll say it again — the measures that we've put in place, the measures that the provincial health office has put in place are very moderate to ensure that case counts come down. The core point of what's being done is to save lives.

Interjection.

**Hon. R. Kahlon:** The Leader of the Official Opposition is correct. We have supported them the entire way, and when we brought in a budget this year, the opposition wasn't with us. They didn't support the additional measures for communities. They did not vote in favour of that.

We continue to support businesses. Businesses can continue to operate. They can serve food. They just can't serve alcohol past ten o'clock.

#### FOREST POLICY CHANGES AND SUPPORT FOR FOREST WORKERS

**J. Rustad:** In the gallery today are hard-working men and women of the forest sector. They represent tens of thousands of workers across this province.

[10:55 a.m.]

Amanda Shortreed, who co-owns West-Pro Logging, writes that the minister's deferral announcement has had immediate consequences. "Much to our shock and dismay, we found out one and a half weeks ago that much of our winter plan has now been deleted." I've received hundreds of emails from across the province, as I know the minister has as well, of similar stories.

The government has already admitted that because of

their policies, thousands of workers are going to be out of work.

Can the minister tell the people in the gallery if they will be one of them?

**Hon. K. Conroy:** I want to thank the member for the question.

I also want to welcome the families to the gallery here today. I understand their concerns. I do understand their concerns. I also went through the concerns of the forest industry back under the member's government, when 30,000 people lost their jobs in the forest industry.

Interjections.

**Mr. Speaker:** Members.

**Hon. K. Conroy:** Under our watch.... We are ensuring there will be supports in place.

Interjections.

**Mr. Speaker:** Order, please. Order.  
Minister, continue.

**Hon. K. Conroy:** Thank you, Mr. Speaker.

We do have a vision for forests in this province. Our vision ensures that workers and communities benefit from secure, innovative forestry jobs for generations to come. I want to make sure that we have a forest industry that is sustainable and resilient and that our kids and grandkids can not only work in today, if they so choose, but they can work in for generations to come.

We have to make changes in the forest industry, but we will be there to support families who are in forestry-dependent communities.

**Mr. Speaker:** Member for Nechako Lakes, supplemental.

**J. Rustad:** According to Stats Canada, there were about 10,000 forestry job gains between 2009 and 2017, and they've all disappeared now under this government.

Quite frankly, that answer the minister just gave is cold comfort to the good, hard-working folks that are in the gallery here today.

Interjections.

**Mr. Speaker:** Let's listen to the question, please.  
The member will continue.

**J. Rustad:** There are 13 families that rely on West-Pro Logging. As Amanda says: "The way in which this has been handled and implemented has been irresponsible, hasty and, quite frankly, shady. I don't trust that you will be

there to help anyone. I'm sad. I'm scared. I'm worried for my family and for the families that rely on us."

I can tell you, Mr. Speaker. I doubt there are very many people on that side of the House that have ever signed the front side of a paycheque. I have. I can tell you that the stress that you go under in trying to make sure that you can provide for your workers and make sure that they have a job is enormous.

Interjections.

**Mr. Speaker:** Members, please.

**J. Rustad:** Can the minister tell these families why she is so determined to put them out of work?

**Hon. K. Conroy:** I really want to acknowledge the workers in the gallery. I also want to say that I'm really quite concerned about the misinformation that is being spread by this member.

Interjections.

**Mr. Speaker:** Members, order.

**Hon. K. Conroy:** Unlike the other side of the House here, we will be supporting workers. We will be supporting communities that will be impacted by these potential deferrals, deferrals that have not been made yet.

We will have a comprehensive suite of supports for people, including connecting workers with other employment opportunities, providing education and training opportunities.

Interjections.

**Mr. Speaker:** Members. Members will be quiet now.

**Hon. K. Conroy:** Yes, funding those people that are interested in bridging to retirement, which was why we oversubscribed....

Interjections.

**Mr. Speaker:** Order.

Minister.

Members, let's show some respect to the families, please, and the workers. Listen to the answer.

Interjections.

**Mr. Speaker:** Yes. Calm down. Calm down. Take a deep breath. It's not the end of the world. Let's listen to the answer.

Interjection.

**Mr. Speaker:** Sure enough, Member.

The minister will continue.

[11:00 a.m.]

**Hon. K. Conroy:** Thank you, Mr. Speaker.

Yes, we know that there is interest in bridging to retirement, because it was well subscribed in 2019 when we did the same program, when there was a turn in the industry.

We're also supporting new infrastructure projects and innovation in rural communities so there are opportunities for employment. We are going to work in collaboration with local communities, with workers, with contractors and with industry to ensure we get this right, because this is critical for jobs today but also for jobs in the future.

[End of question period.]

### Tabling Documents

**Hon. M. Farnworth:** It's my pleasure to table the annual report of the gaming policy and enforcement branch.

### Orders of the Day

**Hon. M. Farnworth:** In this chamber, I call committee stage on Bill 30, Attorney General Statutes Amendment Act.

In section A, the Douglas Fir Room, I call continued Committee of the Whole on Bill 23, Forests Statutes Amendment Act.

### Committee of the Whole House

#### BILL 30 — ATTORNEY GENERAL STATUTES AMENDMENT ACT, 2021

The House in Committee of the Whole (Section B) on Bill 30; S. Chandra Herbert in the chair.

The committee met at 11:04 a.m.

**The Chair:** Did the Attorney want to make an opening statement?

**Hon. D. Eby:** I'm joined here by Alayna Van Leeuwen, policy analyst with Ministry of Attorney General. Thanks very much.

On clause 1.

**M. de Jong:** I'm probably going to deal with clauses 1 and 2 together. I won't be particularly.... It's just a short group of questions.

If the minister can offer his rationale for the selection of the new date, December 31, 2022.

[11:05 a.m.]



**Hon. D. Eby:** The reason for the date is twofold. One is it gives us enough time in terms of not having to come back to the House. If we were going to be coming back in the spring, the way that our legislative drafting process works, we'd be working on that right now. So it's logistical, on one hand.

On the other, it's based on expert advice that we received. I'm advised staff consulted with the deputy provincial health officer, Brian Emerson, as well as emergency management B.C. They advised that this was an appropriate date, and I'll note that there is the ability to terminate the act sooner, by regulation, if things are looking more positive.

**M. de Jong:** I'm not going to ask the Attorney for a full-on public health briefing. But can he offer anything, expand just a little bit, on the advice with respect to the second part of his answer in terms of the information he received about the appropriateness of that 12-month extension, noting, for example, that we have dealt with another piece of legislation that spoke, I think, of, roughly, an 18-month extension for these purposes? The government has opted for 12.

**Hon. D. Eby:** Obviously, I think we all hoped when we set the last date that we would be in a much better position by December 31, 2021, in terms of the impact of various public health measures. I note that many parts of the province are experiencing that, but some aren't.

I'm advised there wasn't some incredibly detailed epidemiological process that led to this date, but rather a date that was set based on the advice of these officials in terms of what they thought was realistic in terms of timelines around what we faced, hoping for the best that we could pull it by regulation sooner but prepared for a longer period of time. Then we might need this.

I note that the member raised the issue of the COVID access zones legislation, which we canvassed together recently, and the 18-month period, compared to the 12-month period. That bill has the same feature of being able to be withdrawn by regulation if things are looking better. But the 18-month period takes us to the end of a school year, which we thought would be more understandable and predictable for folks and easier for administrators.

**M. de Jong:** Let's just deal with and confirm, once and for all, on the record, something that the Attorney had said. There is a regulatory to repeal this act in advance of the new date, December 31, 2022. There is no similar regulatory power to extend the application of the act. That would require a reintroduction of legislation in the chamber. Is that correct?

**Hon. D. Eby:** That's correct. Given the authorities that are within the act, we believe, as a matter of policy, it

appropriate that any extension that would be required should necessarily come back to the House for the approval of Legislature, rather than be extended by regulation or some other process.

[11:10 a.m.]

**M. de Jong:** The effect of passage of this provision is to extend the life of the act but, more particularly, extend the life of orders that have been issued pursuant to the provisions of the act. Is the Attorney in a position to indicate on the record the number of orders that remain in effect?

**Hon. D. Eby:** Currently there are 13 orders and two regulations in effect. Anyone who is interested, the information is publicly available on the B.C. Laws website.

**M. de Jong:** My understanding is that there is a slight difference between the regulations and the ministerial orders insofar as the orders are set to expire at the end of this calendar year and would do so without passage of the provision we're dealing with now. Whereas the regulations.... Sorry, I should correct that: would expire and require being reissued, as opposed to the regulations, which would remain in effect following passage of this provision.

Have I got that right?

**Hon. D. Eby:** The short answer — I don't see why I would stick with the short answer when there is an opportunity to give a longer answer — is yes.

There are two scenarios, one in which this legislation doesn't pass and.... The bill in front of the House doesn't pass, so the date isn't extended. December 31 comes, and the bill sunsets. In that case, everything.... Both the orders and the regulations all sunset.

If this bill does pass and the date is extended by a year to December 31, 2022, the regulations continue. They're essentially refreshed, and no further action is required to be taken for the regulations. However, all of the orders do have expiry dates already built into them, so they would need to be revisited by cabinet and re-established in order-in-council.

The member is correct — but a bit of detail there about the distinction between the regulations and the orders.

**M. de Jong:** In the case of the orders that include within them expiry dates, am I correct, though, that notwithstanding the inclusion of expiry dates within the orders, if the COVID-19 Related Measures Act were to be repealed in advance of that expiry date, the orders would repeal with it?

**Hon. D. Eby:** Yes. That's correct.

**M. de Jong:** The two regulations that remain in effect pursuant to the COVID-19 Related Measures Act.... I'm

advised that they are listed as Nos. 31 and 32 — the COVID-19 (South Coast British Columbia Transportation Authority Act) Regulation and 32, the COVID-19 (Provincial Court Proceedings) (No. 2) Regulation.

Those are the only two regulations that remain in effect. Is that correct?

**Hon. D. Eby:** Yes. That is correct.

Clauses 1 and 2 approved.

On clause 3.

**M. de Jong:** All right. We come to this fascinating little discussion we might have.

I suppose I should ask. With respect to clause 3, I've indicated that I'm supportive, not offended in any way by the proposal to extend the time period for the independent compensation committee to do its work. But it's probably appropriate to ask the Attorney to put on the record the government's and his rationale for making that change.

**Hon. D. Eby:** Hon. Speaker, with appreciation to Alayna, we do have three other staff for this. If we could have a brief break to bring in those staff who worked on this section of the bill.

**The Chair:** The House will be in recess until we have the appropriate parties in position.

The committee recessed from 11:15 a.m. to 11:17 a.m.

[S. Chandra Herbert in the chair.]

**Hon. D. Eby:** There are a couple of sets of rationale for the extension of the timing before a JCC is appointed. First of all, we would be following other jurisdictions. Alberta, Ontario and the federal government all have four-year commission cycles, so there is some good precedent for this.

Without a doubt, having this every three years instead of every four.... There is a lot of staff time as well as judicial time that goes into these commissions, so it does have the effect of conserving resources and ensuring efficiency.

There's also the reality that often these matters do end up in court. To go through the process, often all the way up to the Supreme Court of Canada, requires a certain amount of time. So it avoids the situation that we found ourselves in, in British Columbia, where we still don't quite know what the outcome is of the 2016 Judicial Compensation Commission. A number of things flow from that, making it difficult to calculate what judges' salaries actually are for purposes of budgeting and so on. So there are a number of good reasons for this proposal.

**M. de Jong:** I made a fairly cynical remark during

second reading about litigation. The Attorney has just referred to, I think, ongoing litigation out of the 2016 process. Is that the only version of this that's still...? I'm getting a very quick indication that it is not. But I'm curious to know how many of these reports and recommendations are still being litigated.

**Hon. D. Eby:** We were recently in the B.C. Court of Appeal on the 2016 matter. The B.C. Court of Appeal allowed government's appeal in July. Currently, the Provincial Court Judges Association has filed an application seeking leave to appeal to the Supreme Court on that matter. We have filed a response opposing leave.

[11:20 a.m.]

In addition, with respect to the 2019 Judicial Compensation Commission, the Provincial Court Judges Association has also filed for a judicial review of government's response, and that was filed in B.C. Supreme Court.

Clauses 3 and 4 approved.

On clause 5.

**M. de Jong:** We began a bit of an exchange, and I noted and was appreciative of the Attorney's remarks in winding up the second reading debate in the House. In posing the question, I don't....

I'll restate my observation and recognize that what is being proposed here is not a huge change, but it does, in one limited circumstance, establish a mechanism whereby it's not the assembly setting the remuneration for the independent judiciary. It does, then, become the executive branch. I'm going to ask the Attorney to offer his thoughts on whether he sees that as in any way problematic.

I had heard him talk about, at one point — either in response to me or the Third Party — the expedited process. I'm not sure I quite understood that. In the existing process, if all of the recommendations are accepted, the report is on the floor of the House and nothing gets done, I think it's two weeks — maybe staff can confirm that — and it just automatically takes effect. But it does flow via the legislative branch of government.

The Attorney, in fairness, indicated that he might be prepared to consider suggestions for an amendment. I thought about that, and I appreciate it. I'm not sure there's a way for me to suggest tinkering with what is clause 5 in this particular act.

I just couldn't think of a way to do that that wouldn't cause all kinds of.... Short of not supporting the section, I suppose, which would leave the.... Short of voting the section down, which I think would have the effect of maintaining the present structure....

There are some rambling thoughts on the preference I have for remuneration — for the independent judiciary to be set both practically and visibly by the legislative branch as opposed to the executive branch.

[11:25 a.m.]

**Hon. D. Eby:** I thank the member for the question. Staff and I were paying attention to his remarks and did a little bit of work on this, so I'm grateful for that.

The process, as it stands right now, is that the committee comes up with the recommendations, provides them to government. Government receives those recommendations and then waits. If the House is not sitting, it has to wait until the House starts to sit. Once the House starts to sit, there are seven sitting days within which government must table the report. These are sitting days. These aren't just days under the Interpretation Act. The Leg. has to be sitting.

Then, after it's tabled, there are 16 further sitting days within which government can either put forward its proposal to replace the recommendations or do nothing and accept them. If the Legislature rises before the expiry of those sitting days, then the clock starts again at the next sitting of the Legislative Assembly.

What this means, in practice.... It sounds like it wouldn't add up to a lot of time. Staff have calculated it. They advise me that this results in 150 calendar days, on average, between the receipt of the recommendations from the committee and them actually being implemented as compensation change for judicial justices and Provincial Court judges.

There is an issue here, a timing issue, of 150 days, which is significant, which this is aimed at. Now, with respect to the.... Oh, pardon me. I was overly optimistic. What I heard from staff through the mask was 150 days, but staff have corrected me. In fact, it's 250 days, on average, before the compensation change goes through.

Now, with respect to transparency and issues canvassed during second reading debate, just in terms of bare constitutional requirements, it's our understanding that there is no constitutional requirement that the Legislative Assembly itself be decision-maker on JCC recommendations. It's open to a province or territory to grant that authority to the executive or to the Legislature at their discretion.

Some provinces have gone one route, and some have gone another. Ontario, Alberta and Saskatchewan have acceptance processes for these committees that do not involve the legislatures. In other words, they are done through executive committee.

It's important to note that this doesn't stop the report from being tabled. There is still a requirement that the report be tabled. All the OICs are published, including any OIC that would accept the recommendations. So it would be fully transparent about the decision government had made — that it was a decision of government — whereas currently the report can be tabled and then nothing happens. That is deemed acceptance, and there is no publication at that stage.

In addition, it's in a very limited circumstance, which

is where government agrees with the recommendations. If government wants to change them in any way, then that would go through the regular process of review through the Legislative Assembly. It is, as the member acknowledged, a very discrete set of circumstances that would shift this but potentially one that could save a considerable amount of time and uncertainty around actual compensation for judiciary.

**M. de Jong:** To be clear, I don't think I take issue with the Attorney's observation that he is satisfied that the province has the authority and the constitutional authority, ultimately, to do this: to accept and set remuneration by regulation. I think that's correct. I don't take issue with that. I guess I'm just advocating a preference. I don't think I've got a lot more on this.

I'll ask this. It might be difficult to imagine this circumstance, but given how litigious this has been in the past, it may be not an entirely impossible scenario. A report is prepared, tabled. Government of the day decides that it is prepared to accept all of the recommendations unchanged, issues an OIC to that effect and, for some reason relating to the operation of the independent committee, litigation breaks out. It seems odd, but lots of odd stuff has happened in this world of setting compensation.

[11:30 a.m.]

We end up with litigation, despite the fact that all the government has done is accept, unchanged, the recommendations. Any concerns on the Attorney's part.... What then happens as part of that litigation is an application for access to all of the supporting documentation from the executive council that led to the creation of the OIC.

**Hon. D. Eby:** Perhaps one of the reasons why this was triggered in the member's mind as an important area to canvass is that this exact issue on the 2016 Judicial Compensation Commission was taken all the way to the Supreme Court of Canada by the Provincial Court Judges Association. They were seeking access to the cabinet documents underlying the decision of government around the 2016 JCC, and the Supreme Court of Canada denied that interlocutory application, ultimately.

Our understanding of the decision is that that is now settled law and that those cabinet documents are not subject to judicial review — that it's the decision itself.

**M. de Jong:** Right. I think this is my last kick at this.

That decision, though, having been made pursuant to the existing statutory framework.... Does that...? Is the Attorney at all...? And you may not be worried. It may not matter in the Attorney's mind. But in a scenario where the format has changed and there is now an OIC process by which that happens, is there a possibility that that decision can be distinguished and a subsequent application...? Maybe the Attorney is not concerned, either way. But does

that render the earlier decision a bit moot in the case where we've created a slightly different mechanism here?

**Hon. D. Eby:** The member may have seen me waving up at the gallery. It's just nice to see that we have school groups, it looks like, visiting our Legislative Assembly again. It's a pleasure to see you all join us as we....

Interjection.

**Hon. D. Eby:** That's right. I think it's particularly exciting for this group — judicial compensation, a new law coming into the province. That's what we're asking and answering questions about. Welcome to the assembly.

The court's decision on that issue, we think, articulated a broad principle, although it was certainly in a specific, factual scenario, including the legislation at the time, which we're seeking to change, as well as the specific documents that were being sought by the Provincial Court Judges Association.

Certainly, I would hesitate to say this is not something that could be argued and, in fact, it likely will be argued, just given the history of this process of setting compensation for judiciary. But our feeling is that the broad principle articulated to the Supreme Court of Canada would run to that a relatively low risk. But maybe we'll be revisiting this in five years and having a different conversation. These are challenging areas to predict.

Clause 5 approved on division.

Clauses 6 to 10 inclusive approved.

Title approved.

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

Motion approved.

The committee rose at 11:35 a.m.

The House resumed; Mr. Speaker in the chair.

### Report and Third Reading of Bills

#### BILL 30 — ATTORNEY GENERAL STATUTES AMENDMENT ACT, 2021

Bill 30, Attorney General Statutes Amendment Act, 2021, reported complete without amendment, read a third time and passed.

**Hon. D. Eby:** I call Committee of the Whole, Bill 18, Human Rights Code Amendment Act.

### Committee of the Whole House

#### BILL 18 — HUMAN RIGHTS CODE AMENDMENT ACT, 2021

The House in Committee of the Whole (Section B) on Bill 18; S. Chandra Herbert in the chair.

The committee met at 11:39 a.m.

**Hon. D. Eby:** I'm joined by Colleen Rice, director of justice policy, policy and legislation division, and Melanie Tucker, senior policy analyst, policy and legislation division. We'll be talking about the human rights code, which is the law that protects people in our province from discrimination and racism.

On clause 1.

**B. Stewart:** I just want to ask the minister about the definition which is described in clause 1. It says: "Indigenous," in relation to a person, means Indigenous within the meaning of 'Indigenous peoples' as defined in the Declaration on the Rights of Indigenous Peoples Act."

[11:40 a.m.]

I just would ask for clarification on the rights of Inuit and Métis peoples, who are often referred to as Indigenous or as part of that, and how they're going to be considered under the human rights in this particular bill.

**Hon. D. Eby:** This definition refers back to the Constitution Act, which includes Indigenous.... It includes First Nations, Métis and Inuit peoples. By incorporating that definition from the constitution, Métis people are included in the definition.

Clause 1 approved.

On clause 2.

**M. de Jong:** The House, in second reading, I think, articulated and indicated its support, for a variety of reasons offered by participants in that debate, for why this is an appropriate and welcome step to take.... I suppose, in the committee, though, I feel a certain obligation to pose a couple of questions to the Attorney to achieve, perhaps, a better understanding of what the effect of this will be.

I suppose the obvious question is: can the Attorney General offer the committee an example of a discriminatory behaviour or practice that would be captured by this new category within the act of "Indigenous identity" that wouldn't previously have been captured by one of the other definitions that exist in the existing code?

**Hon. D. Eby:** On a point of law, staff advised — it's certainly their understanding and my understanding — that

Indigenous people were and are protected under the current human rights code, under the existing enumerated grounds.

With that said, something that Ardith Walkem raised in her report for the Human Rights Tribunal.... There were two parts to it. One was that currently Indigenous people have to, essentially, choose: “Do I want to allege that I’m being discriminated on the basis of race, or do I want to allege that I’m being discriminated on the basis of colour?”

In those scenarios, Ardith Walkem’s report found that Indigenous people don’t really see themselves in that way and didn’t feel that that adequately reflected what they were experiencing, in being discriminated against as an Indigenous person. So this responds to that concern. It also puts in plain language, in the code itself, if someone were reading the code: “Do I have a right here to go the tribunal? Oh, I’m Indigenous, Indigenous identity. I am here. I can go.”

Trying to reduce that barrier in the statute itself to someone feeling like: “Oh, I’m not sure if what happened to me fits within those categories....” The reason why that’s important is, certainly within Ardith Walkem’s report, there was identification of the fact that Indigenous complainants were underrepresented at the tribunal. In other words, the tribunal wasn’t hearing from Indigenous people in the way that one would expect, given what Indigenous people deal with in our society still, unfortunately, with respect to racism and discrimination. So she recommended this amendment to us.

[11:45 a.m.]

Also, Mary Ellen Turpel-Lafond’s report *In Plain Sight*, in relation to the health care system and discrimination, racism faced by Indigenous people in the health care system.... Mary Ellen Turpel-Lafond recommended to government that we do this as well.

There are a couple of reasons for putting this forward. The functional legal protections are arguably the same. I say “arguably” because the substantive.... One of the pieces of the law is that we hope that people see themselves and understand themselves as protected. That is really what this is aimed at.

**M. de Jong:** The Attorney referred to the report *In Plain Sight*. So I’ll accept the invitation maybe to use that as a basis for an example for the conversation we’ll have here.

I think I understood the Attorney General to say that were an individual — or a group, for that matter — identified within that report to have advanced a claim under the human rights code today, the protections are there for them. But much of the concern is that in the absence of a specific reference to Indigenous identity, the belief is that there is a reluctance on the part of an Indigenous person to do that. That’s why, in a sense, this represents a bit of an exception, insofar as it truly particularizes a particular group.

Is that, roughly speaking...? This notion that Indigenous people are underrepresented — the report has said that, and the Attorney mentioned it today in his second reading remarks. That is the essence of the rationale for doing this and one, I think, that the House has embraced and endorsed.

**Hon. D. Eby:** The short answer to the member’s question is yes. The longer answer is....

This is something that we heard from our Indigenous partners, that this was something that they wanted to see in the code — something that we heard from experts that were looking at and interacting with Indigenous communities or were themselves Indigenous, looking at barriers to Indigenous people accessing the human rights protection system in our province.

I almost hesitate to say it’s similar, but in the past, government has taken steps to identify a group of people who specifically need to see themselves in the enumerated grounds who would otherwise have to rely on what’s, in human rights law, called a constellation of factors or, essentially, put together a series of different grounds to describe their experience. The member will, I’m sure, recall the amendment made by the previous government, the B.C. Liberal government, to include gender identity and expression in the code.

[11:50 a.m.]

Previously somebody who faced discrimination because of gender identity or expression would’ve had to cobble together a number of different grounds and try to explain why their discrimination was protected — not immediately intuitive to someone who is looking at the code, who might be facing various forms of marginalization. The government at that time felt it necessary, even though the legal opinions were that this is a group that was protected under the existing language, to put that specifically in there so that that group was able to see themselves in the code and that their rights were protected.

I say.... I hesitate to say “analogous,” because the experiences are different, but the legislative issue is the same here: Indigenous people who really do need to see themselves and identify a way to access the protections of the code in our province and their protections against being discriminated against, against facing racism. So to give that clarity.

And to not require Indigenous people to have to identify in some way that they don’t really see themselves. Instead, to give a path for Indigenous people to identify themselves as they see themselves within the code is, in fact, a human rights approach and, in fact, what the spirit of the code is meant to be, as opposed to a legalistic or a formalistic kind of approach.

**M. de Jong:** I don’t mean the next question to, in any way, be a trick question or to try and be mischievous. We’ve had some conversation about the underrepresenta-

tion of Indigenous people in the human rights complaint process. Is the Attorney...? Does he have any sense, based on the advice he has received from some of the legislative officers and the reports...? In saying that, does someone have a sense of what the target...? I don't even want to use that term — target a certain number of complaints — but if the Attorney understands the essence of my question....

If the present participation rate is deemed unnatural or inconsistent with what the perceived experiences are, does he have a sense of what a more appropriate level of participation would be?

**Hon. D. Eby:** There's no target — perhaps obviously, but I think important to say that on the record. What the issue is that this is aimed at is.... When Ardith Walkem went out and met with Indigenous people and talked about the Human Rights Tribunal and the human rights code, Indigenous people themselves identified their reluctance to go, the barriers that they saw to advancing complaints.

When you see reports like Mary Ellen Turpel-Lafond's report *In Plain Sight* about racism against Indigenous people in the health care system, the widespread nature of the issue, the profound concerns Indigenous people have about accessing health care as a result and whether they'll be treated fairly in a hospital environment or a medicalized environment....

[11:55 a.m.]

You know, these are profound issues for our province. The underrepresentation or the reluctance to participate or the barriers that have been in place....

There were a number of different recommendations that came out of Ardith Walkem's report to improve Indigenous participation. We have seen some increase in the willingness of Indigenous people to use that system to bring forward concerns about racism and discrimination to the point that now, I understand, 11 percent of complaints at the tribunal are from people who self-identify as Indigenous people.

Our hope is that this is one more piece that will help Indigenous people feel more comfortable accessing the tribunal and its protective abilities around responding to incidents of discrimination and racism.

**M. de Jong:** Am I correct that following the passage of these provisions in Bill 18, an individual who believes they have been subject to discrimination on the basis of their Indigenous identity will thereafter be in a position to file a complaint on that basis and all of the remedies set out in section 37 of the code will thereafter be available to them in pursuing that complaint?

**Hon. D. Eby:** That is correct.

**M. de Jong:** Any additional remedies that would be relevant to this topic, beyond those set out in section 37?

**Hon. D. Eby:** The answer is no.

Clauses 2 and 3 approved.

Title approved.

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

Motion approved.

The committee rose at 11:57 a.m.

The House resumed; Mr. Speaker in the chair.

### Report and Third Reading of Bills

#### BILL 18 — HUMAN RIGHTS CODE AMENDMENT ACT, 2021

Bill 18, Human Rights Code Amendment Act, 2021, reported complete without amendment, read a third time and passed.

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

Hon. D. Eby moved adjournment of the House.

Motion approved.

**Mr. Speaker:** This House stands adjourned until 1:30 p.m. today.

The House adjourned at 11:59 a.m.

### Proceedings in the Douglas Fir Room

#### Committee of the Whole House

#### BILL 23 — FORESTS STATUTES AMENDMENT ACT, 2021 (continued)

The House in Committee of the Whole (Section A) on Bill 23; R. Leonard in the chair.

The committee met at 11:09 a.m.

On clause 33 (continued).

**J. Rustad:** Hon. Chair, I first want to start and just apologize. I'm going to repeat a question here from yesterday afternoon.

**The Chair:** Hang on. There seems to be an issue with the broadcast. Let me just pause for a moment.

[11:10 a.m.]

All right. We're good to go now. Recognizing the member again.

**J. Rustad:** Technology. Actually, I have to admit the Hansard staff in the building do a remarkable job. There are so few problems that come up that whenever there is an issue, they can certainly be forgiven for that.

Yesterday I asked a question just around reforestation for things like areas of catastrophic damage, as part of the forest landscape planning process, and whether or not there would be a time frame associated, with targets, for reforestation. I think the minister did answer that question, but if the minister could perhaps provide that answer again, that would be helpful.

**Hon. K. Conroy:** Before we start, I want to introduce the staff who's with me today. Ariel Taylor is the manager of Indigenous consultation and negotiations. Tony Cheong is our senior legislative analyst. Doug Kelly is our director of forest tenures branch, and Diane Nicholls is our ADM and chief forester.

There may be a time frame associated with something like wildfires. That all depends on the outcomes identified during the forest landscape process.

**J. Rustad:** I seem to recall, I think, that that was the answer from yesterday, so I appreciate the minister providing that.

The reason for asking the question is that there's somewhere between one and two million hectares from previous years, not even including what was burnt this year, that has yet to be reforested, much of it needing rehabilitation and work. I was hoping for some assurances that through the landscape planning process, the forest landscape plan process, there would be a focus and an effort to try to get these stands rehabilitated and reforested as soon as possible. I was hoping that the landscape plans would have a target.

I think, if I heard the minister correctly, what the minister has said is that that will depend on the negotiations, government-to-government, as to whether or not those targets and those kinds of activities would be put into place. Maybe I'll allow the minister just to confirm that.

[11:15 a.m.]

**Hon. K. Conroy:** I'll just let the member know that these are not negotiated. It depends on the outcomes of the values that are developed during the collaborative planning, the forest plan planning process. They're not negotiated; it's part of the process.

**J. Rustad:** I appreciate that. Yeah, right — negotiation, collaboration. Having been the minister for a number of

years, it's kind of one and the same in terms of the efforts. I won't quibble over semantics about that. When you're sitting down at a table, going back and forth, collaborating, in my own mind, that's kind of negotiating. Anyway, it doesn't matter.

Okay. We have these plans that are going to be developed in collaboration with First Nations, with input from communities, and other values that'll be part of it. Obviously, the province has values that, I'm assuming, will be part of these plans as well, that are a significant component, such as supporting the production and supply of timber on the forested landscape.

Is there a directive from the minister, or is it entirely up to the chief forester's office, to determine the provincial requirements or the provincial desires for putting things like stands back into production and dealing with these catastrophic areas? Obviously, that goes back and forth, but there must be some priorities that are put forward to be able to meet issues of production and supply of timber in the forested areas, as well, of course, as conservation of the environment. Many of these areas that are disturbed need to be rehabilitated and have got unstable slopes that need to have a lot of work done on them.

The purpose for asking this question is because the avenue for doing this work historically, as in the recent past, has been through Forest Enhancement Society of B.C., which is out of money. There's a tremendous amount of work that needs to be done on the landscape, to be able to rehabilitate these areas and get them back into sufficiently stocked standards, as opposed to, currently, NSR, which they may or not be, in terms of the level of impact from fires.

My hope is that a priority from government — through the chief forester's office, whether it's directed to or as a priority of the chief forester's office — that they would bring to the table, as part of the collaboration, would be to see these stands rehabilitated. That's the reason for asking the question.

Maybe I could ask, from this perspective, whether or not there will be a provincial direction or a priority given by the chief forester's office to get these stands rehabilitated. If so, how would that be seen to be undertaken as part of the overall plan or the prescription that would end up on the landscape, associated with the plan?

[11:20 a.m.]

**Hon. K. Conroy:** Reforestation is done by licensees by obligation. Reforestation is also done by government programs when obligations aren't present. This won't change. Reforestation will still be a priority. That's what the province will bring to the development of the outcomes during the forest landscape planning process.

**J. Rustad:** I'll wait for estimates, should I have the honour of being the critic, to ask the minister about just how

that will be done in terms of reforestation. I recognize that's not part of this bill.

In 2.23, it talks about: "Before establishing a forest landscape plan, the chief forester must consult and cooperate with Indigenous peoples whose rights could be affected by the establishment of the forest landscape plan."

The minister previously just talked about collaboration. I'm just curious as to why the word "collaboration" is not in that section.

**Hon. K. Conroy:** I was only correcting the member's misuse of the word "negotiation" when I said negotiation or collaboration. The requirement to consult and cooperate is consistent with the language that's in the Declaration Act. We have adopted the language from the Declaration Act.

**A. Olsen:** With respect to the word "cooperate," specifically, can the minister provide a definition of what cooperation would look like or what that means, whether it be the use of it in this act or the use of it in another act? If it's referring to another act, what does cooperation look like?

[11:25 a.m.]

**Hon. K. Conroy:** Cooperation will be determined through the government-to-government discussions. It may look different depending on the nation we are in government-to-government discussions with.

**A. Olsen:** The use of the term "Indigenous peoples..." I recognize there was some discussion about this yesterday.

The minister just stated that cooperation will be defined by the government-to-government relationship. How would this clause impact individual Indigenous people?

[11:30 a.m.]

**Hon. K. Conroy:** Indigenous peoples that hold rights are recognized and affirmed by section 35 under the Constitution Act, 1982, and it's a matter that has been answered through the evolution of law under section 35.

**A. Olsen:** I'm a member of WJOLEEP, and we have the Douglas treaty. The Douglas treaty is a historic treaty, and it was signed by the heads of households. It affords me, as a Douglas treaty person, the rights to hunt and fish as formerly. And "as formerly" has largely been defined in

our courts as that there has been a duty to protect those rights and the places where I can undertake those rights. Obviously, the fishing aspect of this is not applicable.

How would the minister...? In terms of Indigenous peoples whose rights could be affected, can the minister please explain to the Legislature how my rights, as a Douglas treaty person, would be...? How would the government cooperate with those individual rights that I have to continue to hunt and fish as formerly? This language is not just in WJOLEEP. There are 14 of these treaties, and there's also very similar language that's used in other treaties in the province.

[11:35 a.m.]

**Hon. K. Conroy:** The duty to consult includes the requirement to accommodate if and when there is an impact to Aboriginal or treaty rights.

**A. Olsen:** A duty to consult who?

**Hon. K. Conroy:** Indigenous peoples who hold section 35 rights.

**A. Olsen:** All of us individually?

[11:40 a.m.]

**Hon. K. Conroy:** The requirement to consult and accommodate Indigenous peoples is a process that's well established. That obligation doesn't change with this act.

**A. Olsen:** Can the minister please provide what that is, for this debate? Rather than just saying that it is what it is and hasn't changed, it needs to be on the record what that actual process is.

**Hon. K. Conroy:** The duty to consult has been defined through the evolution of case law on section 35, and in some cases, it's further clarified through the government-to-government agreements with rights and title holders.

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

Motion approved.

The committee rose at 11:45 a.m.



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