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PROVINCE OF BRITISH COLUMBIA

(Entered Confederation July 20, 1871)

LIEUTENANT-GOVERNOR

Her Honour the Honourable Janet Austin, OBC

FOURTH SESSION, 41ST PARLIAMENT

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Honourable Darryl Plecas

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MONDAY, OCTOBER 21, 2019

The House met at 1:35 p.m.

[Mr. Speaker in the chair.]

Routine Business

Introductions by Members

Hon. L. Beare: I'd like to introduce a member of the B.C. Arts Council who's seated in the gallery with us today. Ian Case is here. He's a well-known greater Victoria arts community member as the director of the University Centre Farquhar Auditorium and of the ceremonies and events of the University of Victoria. He's been general manager of the Intrepid Theatre for a decade and co-founded the Victoria Shakespeare Festival.

It's an exciting time for the B.C. Arts Council. While other jurisdictions are cutting funding from the arts, our government has invested record levels of funding into the B.C. Arts Council. We appreciate the valued work that they do. It's so important to build a vibrant and beautiful arts community here in British Columbia.

Oh, I'm finding out that Ian is a well-known *Star Trek* fan, as well, from the Premier. Very important information.

Ian is part of a diverse B.C. Arts Council that represents all of British Columbia. I want to thank Ian and the rest of the B.C. Arts Council for all of their hard work.

Would you please make him feel very welcome.

M. Stilwell: Today in the gallery, we'll probably have a few Denturist Association of B.C. members. It is my pleasure to introduce two of those members who take the denture needs of the individuals in Parksville-Qualicum to the highest height: the husband-and-wife team of Michelle Nelson and Allan Boos. Both are very passionate about denture care and enjoy the close relationship they have made with their clients and our community. Would the House please make them feel very welcome.

M. Polak: Joining my colleague, I'd like to introduce Jim Hart and his guests from the Denturist Association of B.C. Jim Hart served as a B.C. MP from 1993 to 2000. Since leaving politics, he's worked overseas as a democracy and governance adviser. He has worked in Afghanistan, Iraq, Jordan, Ukraine and was the parliamentary adviser to the speaker of the parliament in the Republic of Georgia.

Today Jim Hart is in the Legislature as the government relations specialist for the Denturist Association of B.C. Jim is assisting the association with their advocacy for expanded regulations for the profession, which will improve access to seniors health care.

Jim is joined today, in addition to those introduced by my colleague, by Shauna Sailer and Darren Sailer, from

my riding in Langley. Would the House please make them welcome.

R. Leonard: I'd like to introduce three generations of Van Der Haegens who are visiting today from North Saanich and Oak Bay. We have Carol and Eugene, the first generation. We have John, and most especially, we have 4½-year-old Maddi. Would the House please welcome the family of Van Der Haegens.

T. Wat: The past 72 hours have been incredible to me, and I cannot wait to share this exciting and joyous moment with you all. I'm now officially a grandmother of two boys, as we welcomed Ashton to our family over the weekend. I'm feeling overjoyed and extremely blessed. I also wish my daughter Tin and my son-in-law Terry the best of luck on changing nappies and feeding times.

M. Dean: Today I have the honour of introducing some guests from Pearson College in Metchosis. Pearson is one of 18 United World Colleges located around the world and is Canada's only United World College, founded 45 years ago. Their mission is to make education a force to unite people, nations and cultures for peace and a sustainable future. Every year they welcome 200 students into our community from around the world.

[1:40 p.m.]

Please, would the House welcome Shihong Ge, Alan Schulz, Elis Soord, Jamie Philips-Freedman, José Maidana, Maha Temre, María Guitierrez, Melody Yang, Miles Guerin, Sarah Lewis, Samantha Hepburn, William Bruce-Robertson, Daniel Corredor and Ivana Bosancic, along with their teacher Shefa Siegel and, under the amazing leadership of their president and principal, Désirée McGraw.

Introduction and First Reading of Bills

BILL 33 — SECURITIES AMENDMENT ACT, 2019

Hon. C. James presented a message from Her Honour the Lieutenant-Governor: a bill intituled Securities Amendment Act, 2019.

Hon. C. James: I move that the bill be introduced and read a first time now.

I'm pleased to introduce the Securities Amendment Act, 2019. This bill will introduce amendments to improve enforcement and collection of the B.C. Securities Commission, will modernize the securities regulatory framework and introduce a regulatory regime for over-the-counter derivatives and financial benchmarks in British Columbia.

These are the first major amendments to the Securities Act in almost a decade. These landmark changes, included in Bill 33, will give the B.C. Securities Commission the strongest

powers across Canada to protect people and crack down on white-collar crime.

Mr. Speaker: The question is first reading of the bill.

Motion approved.

Hon. C. James: I move that the bill be placed on the orders of the day for second reading at the next sitting of the House after today.

Bill 33, Securities Amendment Act, 2019, 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.

BILL 37 — FINANCIAL INSTITUTIONS AMENDMENT ACT, 2019

Hon. C. James presented a message from Her Honour the Lieutenant-Governor: a bill intituled Financial Institutions Amendment Act, 2019.

Hon. C. James: I move that the bill be introduced and read a first time now.

I'm very pleased to introduce the Financial Institutions Amendment Act, 2019. This act will provide the regulatory framework for credit unions, insurance companies and intermediaries, and trust companies. The Credit Union Incorporation Act provides the framework for the incorporation and corporate governance of credit unions.

The proposed amendments to these acts are the result of careful analysis and feedback received from the credit union system and individual credit unions, insurance sector and intermediary organizations, public sector organizations, businesses, banking and other organizations and individuals.

These proposed amendments are intended to modernize the legislative framework, enhance consumer protections and help maintain public confidence in B.C.'s financial institutions.

Mr. Speaker: The question is first reading of the bill.

Motion approved.

Hon. C. James: I move that the bill be placed on the orders of the day for second reading at the next sitting of the House after today.

Bill 37, Financial Institutions Amendment Act, 2019, 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)

čəsqənelə ELEMENTARY SCHOOL

B. D'Eith: čəsqənelə is a hənqəminəm word, used by both the Kwantlen and Katzie Nations, which means "where golden eagles gather." This is the name that the new elementary school is getting in the Albion area, in Maple Ridge, in my riding. We're very honoured that Fern Gabriel, a language-keeper from the Kwantlen First Nation, presented this name to school district 42. In fact, I had the privilege to attend with the Premier, Minister of Education, mayor and council, school trustees, parents and students to celebrate the opening of čəsqənelə Elementary School.

Now čəsqənelə School is offering open, modern and collaborative learning spaces, early learning programs, a neighbourhood learning centre, child care spaces and 24 elementary classes. Significantly, in addition to the naming of the school, First Nations were consulted in the design of the school, which will serve as an important recognition of the Coast Salish heritage in our community.

At the same time, I was thrilled at the announcement of the province to provide \$5.4 million to school district 42 to acquire new land and yet another elementary school in the area. So instead of spending the first years in school in overcrowded portables like my children did in the Albion area, the next generation of elementary school children in Albion can expect to begin their education in beautiful new classrooms with dedicated staff.

[1:45 p.m.]

A quality education is one of the most essential gifts that we give our children. I recently had the privilege of being in another school, but this was a reopening in Mission. For the previous decade, Stave Falls Elementary School sat empty and unused. There was even talk of selling the school. After significant restorations, it opens its door in September to students from K to 6. This school offers innovative, experimental learning programs with unique outdoor, forestry and cultural curricula integrated with place-based Indigenous ecological knowledge.

I wish all the parents, teachers, staff and, most importantly, the first classes of students of Stave Falls Elementary and čəsqənelə Elementary School — these golden eagles — to learn and grow in their new school.

GILLIAN TRUMPER

M. Stilwell: Today I rise in the House to honour Gillian Trumper. Gillian was a true champion for her community and all resource communities throughout her life, not only as the longest-serving mayor for Port Alberni but also serving as an MLA here in this chamber for Alberni-Qualicum.

She will be remembered as a leader in her community, quickly establishing herself in such organizations as the

western Island heritage society soon after making her move to Port Alberni. She also quickly took to supporting her community in her professional career, serving as a school board trustee and a city councillor. She was also the mayor for 18 years. Gillian elevated public service, never saying no to a request for help.

She continued to serve her community, becoming MLA in 2001. During her time here at the Legislature, she chaired the Standing Committee on Aboriginal Affairs and the women's caucus committee, as well as many others.

Thanks to her years of civic dedication, she became the first woman to be awarded the honour of Freedom of the City, the highest honour that can be bestowed on a person in Port Alberni. The community she served recognized her many years of service. So, too, do her family.

I hope that the House will join me in passing on condolences to Gillian's children and grandchildren. Gillian was a trail-blazer for women in politics and an invaluable member of the Port Alberni community — selfless, principled, fearless and kind. This Legislature and the community are all better because of her years of service.

WOMEN'S HISTORY MONTH

M. Dean: Let's celebrate. It's Women's History Month, which is a great time to recognize the women and girls who have shaped our province. The theme is, "Make an impact," in honour of the courageous women and girls who have made a lasting impact as pioneers in their fields, usually against great odds.

British Columbia has a long history of incredible women and girls who have changed our society, from well-known public figures to those quietly working behind the scenes every day.

These trail-blazers have broken down barriers, stood up for change and fought for equality, including Mary Ellen Smith, the first woman elected to the Legislative Assembly, in 1918; Dr. Rose Charlie, a respected Indigenous leader who dedicated herself to the pursuit of social justice for First Nations women in British Columbia; Raven Lacerte, who many of us have come to know personally, who co-founded the Moose Hide Campaign to bring people together and stand up against violence; Margaret Jean Gee, the first woman of Chinese descent to be called to the bar in British Columbia; Hide Hyodo Shimizu, born in Vancouver, who was among the first Japanese Canadians to receive a teaching certificate in the 1920s, and she worked tirelessly to advocate for Japanese-Canadian rights; and Baljit Sethi, who immigrated to Canada from India, founded the Immigrant and Multicultural Services Society of Prince George and whose work has been felt across many communities. The programs she developed continue to promote equality.

These are a few of the women who have helped pave our shared history and our future.

Please join me in acknowledging and honouring the many

women and girls who make an impact every day towards making life better in our province.

SMALL BUSINESS

C. Oakes: October 1 kicked off Small Business Month in Canada. Here, in the province of British Columbia, Small Business Week has kicked off this week.

[1:50 p.m.]

Ninety-eight percent of businesses in British Columbia are small businesses. It's a credit to the entrepreneurial spirit that is alive and well in British Columbia and explains why almost 1.1 million people work for small businesses.

It was just one year ago that 1,300 small business owners and entrepreneurs, 225 small business and stakeholder groups, representing 36,000 members, shared their thoughts and ideas in a provincewide consultation that resulted in a final report of the Small Business Task Force entitled *Small Business Speaks*.

Key findings and recommendations are as follows: reduce the cost of businesses to maintain and strengthen economic growth and competitiveness; more consideration of small business by government when introducing legislation, new taxes or policies; increased access to labour and skilled workers to meet job demands; more promotion and supports for small business; more reliable government programs, services and supports; and support for greater Indigenous participation in British Columbia's economy.

Our MLAs have been out checking with and listening to small businesses, and I encourage you to look at the social media feeds. As well, in a recent survey completed by the Canadian Federation of Independent Businesses.... Their survey found that our small business sector has moved from being the most optimistic in the country to.... Now we are amongst the least optimistic in Canada.

We can do better. We must do better, or our vibrant neighbourhoods and communities, having lost small businesses, legacy businesses, will be changed forever. I encourage all members of this House to go out and meet with and listen to small businesses in your communities. Let us all work together to support the necessary changes to restore the optimism of small businesses in British Columbia.

REGISTERED DISABILITY SAVINGS PLAN

S. Malcolmson: To help people with disabilities and their families save for the future, the registered disability savings plan is a federal program designed for the long term. For every dollar put into an RDSP account, the federal government can match up to \$3. This is free money. For every dollar put into an RDSP account, this can grow into a nest egg to give persons with disabilities financial security.

For people who get provincial disability benefits and receive lump sum payments — for example, an ICBC settlement — the RDSP is a practical alternative to a trust, and this exempts the asset. For people on disability assistance,

the B.C. government supported the RDSP by making assets and withdrawals exempt. This was a first in Canada. This means people can save and use this money without having their monthly income assistance affected. Money held in or paid out of an RDSP does not affect people's income or disability assistance.

This plan is underused. So we're really grateful that for the last three years, the Plan Institute, the Disability Alliance of B.C. and the B.C. Aboriginal Network on Disability Society, using Vancouver Foundation funding, have worked provincewide to administer the Access RDSP program and promote it. Their planning hotline and their award-winning team help people — Indigenous people and people anywhere — who want to start an RDSP. They are creating opportunity and future security for some very deserving people.

For Registered Disability Savings Plan Awareness Month and all months, I urge all members to spread the word about this valuable program. You can visit rdsp.com for more information, and if anyone watching thinks that this might help them or someone they love, they can call the hotline, 844-311-7526, to get started saving.

MARVIN WEINTRAUB AND AGRICULTURE RESEARCH

M. Lee: Today I have the privilege of recognizing Dr. Marvin Weintraub and his contributions to our country. Dr. Weintraub has lived in Vancouver-Langara for over 40 years and is a most remarkable man by any measure. Born in Poland, he moved with his family to Canada when he was five years old. Dr. Weintraub attended the University of Toronto and, in 1949, obtained a PhD in plant virology.

[1:55 p.m.]

It was the start of an accomplished scientific and administrative career that included positions as a research scientist with the federal Department of Agriculture for over 40 years and as the director of the Agriculture Research Station located at UBC for close to 20 years. Under his guidance, the Agriculture Research Station became one of the world's leading plant-virus research centres.

Dr. Weintraub was elected a fellow of the New York Academy of Sciences and lectured around the world for scientific exchange programs. His scientific work has contributed to fighting agricultural diseases around the world, helping reduce world hunger and assisting farmers in finding solutions to complex agricultural problems. Awarded the Queen's Silver Jubilee Medal in 1977 for his scientific achievements, he was once recognized as one of Canada's top nine most creative scientists.

Dr. Weintraub also served as the president of the Pacific region of the Canadian Jewish Congress. He worked tirelessly with other volunteers from across the country, not only against racism and anti-Semitism but for social justice and human rights for all, in the belief that by addressing everyone's human rights, all of our communities would be stronger for it.

Thank you, Dr. Weintraub, for all you have done to better our world. It is a true honour to recognize you here today.

Would all members in this House please join me in wishing a happy 95th birthday to Dr. Marvin Weintraub.

I look forward to visiting with you again at your birthday party next weekend.

Oral Questions

PREMIER'S OFFICE RECORDS AND FREEDOM-OF-INFORMATION REQUESTS

M. Polak: My question is for the Premier.

On October 10, we brought forward our concerns that notes from a phone call by his chief of staff, Geoff Meggs, had disappeared from the Premier's office, even though there was ample evidence that these notes did, in fact, exist. The Premier responded: "I have committed, and I commit again, to help her get to the bottom of this."

Taking the Premier at his word, will he today direct that we receive the documents in question?

Hon. J. Horgan: I thank the member for her follow-up on a question from prior to the break. The question involved notes from a telephone call after a government decision had been made. The decision was made. A call was made to a group of people to get input and feedback on the decision. The decision was 19 months ago.

The Liberals requested the information 19 months after the call was made. As one would expect, these were transitory notes about a telephone conversation. They were processed through the appropriate channels so that the information could make it to the places it needed to get to. Then the documents were destroyed, as per document disposal requirements.

Mr. Speaker: The House Leader for the official opposition on a supplemental.

M. Polak: That's a really interesting way to get around the FOI rules. The way that we knew to request the notes was because, after much waiting, we received an email in which staff in the Premier's office discussed the notes. And you know what they said? They said that these notes are very important and that it's important that they are kept for the record. That doesn't sound like transitory notes. In addition to that, the rules around transitory notes don't support their destruction.

I again ask the Premier, more than a week later. I took him at his word that he would look into this. The answer certainly doesn't align with policy. If he won't release the documents, can he give us a reason why these should be seen as transitory, when in fact his staff has said that they were important and should be kept for the record?

Hon. J. Horgan: Staff didn't say that they were important

and should be kept for the record. The notes were important at the time of the telephone conversation 19 months earlier, hon. Speaker.

Interjections.

Mr. Speaker: Members.

Hon. J. Horgan: Now, I can appreciate that the official opposition is disappointed that since we were sworn into government they have received 3,500 pages of emails from the chief of staff's office, which is exactly 3,500 more than we got from their chief of staff.

Interjections.

[2:00 p.m.]

Mr. Speaker: Members.

M. de Jong: The letter that gave rise to us becoming aware of the record says this. The Premier can try to characterize this differently, but here's what it says: "It's really important we have them all recorded for future reference." Is there a definition of the anti-transitory document? Because there it is: "It's important that we have them recorded for future reference." I mean, if I have to send over the records management guide that the Premier's government has produced, I'm happy to do so, which includes a definition of transitory documents.

The real question here is: why do we have to keep asking the question? Why has this culture of evasion, of secrecy...?

Interjections.

Mr. Speaker: Members. Members, you are hurting the ability of the member for Abbotsford West to ask his question.

M. de Jong: Well, I may have just got the answer. Apparently, those concepts are things that the governing party likes to laugh at, Mr. Speaker. Apparently, the notion of openness is something they simply find humorous now that they're in government.

There were documents. We know that from the Premier's own staff. They were important documents. We know that from the Premier's staff. And it was important that they be recorded for future reference.

Why were those documents destroyed?

Hon. J. Horgan: Again, for the guy who didn't know how to turn on his computer to talk about records and document disposal is a little bit rich. And if you don't like a report, just tear the pages out and then issue the report afterwards. That's document disposal.

Listen. Last week I was asked by the House Leader for the

official opposition to look into it, and I've done so. What I discovered was that these were....

Interjections.

Mr. Speaker: Members.

Hon. J. Horgan: What I discovered was they don't really care what the answer is, and they've got another series of questions lined up.

In the interest of the House and anyone who might be paying attention to us on this great day, election day in Canada, I will tell you what happened. The chief of staff participated in a call with a bunch of stakeholders about a public policy issue, which had been determined by the government, to get feedback from those people. That information was transmitted to the director of stakeholder relations, who wrote the letter saying: "I need to see the notes."

That was 19 months ago. The phone call happened. The feedback was taken. It was distributed through government. We had an understanding of how people felt about a public policy decision, and then we carried on. The only people that haven't carried on are the people on the other side, because they can't get their heads around sitting in opposition.

Interjections.

Mr. Speaker: Members.

The member for Abbotsford West on a supplemental.

M. de Jong: Gee, the Premier seems to know a lot about these records. I wonder if he's seen them — before they were destroyed.

Here's what the records management guide says: "What is not a transitory record?" A meeting agenda or minutes. Those are not transitory documents. "Documentation of a policy matter or how a case was managed." Those are not transitory records. "Documentation that is evidence of a significant action," or maybe a really important matter, yet the Premier finds himself in the position of having to justify action by his chief of staff, the person who is supposed to be setting the example within his office.

How are we supposed to have any confidence whatsoever, where the Premier's own chief of staff is destroying documents that were clearly not transitory, that that is not the widespread and prevailing culture within the Premier's office?

[2:05 p.m.]

Hon. J. Horgan: I am delighted, and I know that all members on this side of the House are delighted, that the member from Abbotsford over there has finally read up on freedom of information after 16 years in government. A little bit of a day late and a dollar short.

If only the official opposition had read the totality of the response to their request for transitory documents that were

19 months old. I'll read it for them. They don't, apparently, want to read it into the record.

Interjection.

Hon. J. Horgan: You did not.

"Although a thorough search was conducted, no records were located in response to your request. The ministry did not locate records, as the notes were recorded for future reference, and upon completion of their need" — upon completion of their need — "they were deleted under the transitory records schedule" — the schedule. These aren't NDP rules. These are freedom-of-information rules, which we are following. If only they had done the same thing.

The good news is that now that we've heard from player 1 and player 2, we might get to hear from the member for Kamloops South, because he's really good at this — deleting stuff.

LNG EXPORTS AND CLEANBC PLAN

A. Weaver: It's been troubling to hear some B.C. organizations recently push the false narrative that by exporting LNG we are somehow helping to reduce global greenhouse gas emissions. It's not surprising to see them puppet the LNG rhetoric from the previous government, since the signals being sent by this government are often in conflict with one another.

For example, we know that increasing an LNG export capacity is inconsistent with CleanBC and our goal of reducing greenhouse gas emissions by 40 percent by 2030. Yet despite this, earlier this month the Deputy Minister for Energy, Mines and Petroleum Resources went to Japan to tout the idea of even more LNG development in B.C.

My question is to the Minister of Environment and Climate Change Strategy. How can British Columbians have confidence that this government is serious about being a climate leader when a deputy minister is travelling abroad stumping for further fossil fuel development?

Hon. G. Heyman: Thank you to the Leader of the Third Party for the question.

As the Leader of the Third Party knows well, both his party and our party on the government side were convinced going into the last election that we had a serious climate credibility problem in British Columbia, despite the fact that B.C. was the first jurisdiction in North America to introduce a carbon tax. We felt that way because we had seen a complete reversal of intention to do anything whatsoever about reducing...

Interjections.

Mr. Speaker: Members.

Hon. G. Heyman: ...emissions in B.C.

In fact, don't take my word for it. Even former Premier Gordon Campbell expressed disappointment with his party's approach under Christy Clark. That led to the Green Party caucus and our caucus agreeing that it was important to have a serious, quantifiable climate action plan in British Columbia, and we set about to do exactly that together. That resulted in CleanBC.

Interjections.

Mr. Speaker: Members.

Hon. G. Heyman: That resulted in a plan that's measurable to meet our climate targets.

I'm pleased to have worked with the Leader of the Third Party and their caucus on putting in place a robust accountability framework so British Columbians won't have to take our word for it. They will be able to rely on regular reporting and verification that we are on a path to do what we say we will do. What we have said we will do is reduce emissions, and what we have said we will do is that the development of LNG must fit within our CleanBC plan.

Mr. Speaker: The Leader of the Third Party on a supplemental.

TRANSITION TO LOW-CARBON ECONOMY IN NORTHERN B.C.

A. Weaver: People in northern British Columbia will experience the impacts of climate change faster and more profoundly than those of us on southern Vancouver Island. This region has long been affected by the boom-and-bust cycles of fossil fuel development, where barely viable multinational entities are kept afloat through never-ending and ever-increasing corporate welfare.

A just transition for rural communities away from their dependence on fossil fuel extraction and uncertainty in commodity cycles would create stable, long-lasting local prosperity. As *Forbes* magazine just noted this past summer, transitioning to a low-carbon economy represents the single biggest business opportunity in human history.

My question is to the minister....

Interjections.

A. Weaver: I understand there's heckling from the Ludites opposite, who still are struggling with the issue of the science of climate change, but please give me my chance to actually ask the question of government.

[2:10 p.m.]

The question is to the Minister of Jobs, Trade and Technology. What is his ministry doing to encourage a strategic approach to transitioning away from the reliance on fossil fuel development in northern B.C.?

Hon. B. Ralston: Our government is committed to encouraging innovation in the British Columbia economy and building a sustainable economy that benefits everyone. The tech sector is a strong and vital component of our diverse economy, employing over 120,000 people in British Columbia. It's important that that growth be distributed regionally, and indeed, it is being distributed regionally. There are several programs in place that are doing just that.

Innovation Central Society — the member for Prince George–Valemount will be familiar with this — is Innovate B.C.'s central technology accelerator for northern British Columbia. Through the Innovation Central Society, direct funding of \$100,000 has been provided to support 14 local companies helping the region's technology sector grow and thrive.

There are other companies. I'll give another example, of a company in Smithers. Jet Controls is a building control dashboard that uses HVAC data and Environment Canada weather data to predict when outdoor climate will change and precondition a building's geothermal system to be ready for whatever cooling or heating demand is placed on the system.

It's important that the range of technology options be distributed throughout the province, and that's just what we're doing.

PREMIER'S OFFICE RECORDS AND FREEDOM-OF-INFORMATION REQUESTS

S. Bond: Well, apparently this government — and Geoff Meggs, in particular — will go to just about any length to block access to information that should be made public. We know they deleted emails. They tried to delay the responses, and now they simply deny access by charging outrageous fees. Delete, delay and deny.

In the invoice that I have here, dated October 10, Geoff Meggs claims it will take two hours for him to find his emails and then 40 hours to prepare them — 40 hours. And what's the total bill? It's \$1,200. So let's be clear. To justify demanding \$1,200 for his emails, Geoff Meggs expects us to believe that creating a PDF of his emails actually would take more than an entire week of work.

Well, maybe the Premier can explain how it takes 42 hours — two hours to find them and 40 hours to PDF them. Perhaps the Premier would like to explain the bill for \$1,200.

Hon. J. Horgan: I thought I just had a bit of déjà vu there. I heard the people on the other side saying exactly the same thing that we said to them when they were on this side. But here's the difference. When we went from opposition to government, the chief of staff delivered 3,500 pages of emails to the official opposition. How many did we get from the Premier's office of the day? That many — zero.

Again, for the official opposition to have become aware of freedom of information is good news for democracy in British Columbia, without any doubt. But they should read a

little bit deeper and understand that 19 months after a phone call, you don't need to keep the piece of paper in your office. You can move on to the other important business the people of British Columbia want done, which is what we on this side of the House have been doing for 27 months.

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

S. Bond: What the people of British Columbia want is access to information that should be made public. The question to the Premier was about a \$1,200 bill for his chief of staff to take 40 hours of his time, or someone's time, to PDF his emails.

It doesn't stop there. Let's look at Leila Farmer. She's a longtime NDP staffer, formerly in the Premier's office, and in communications. Well, guess what. Leila claims that it's going to take her a whopping 74 hours for one month of emails.

[2:15 p.m.]

We have the bill right here — over \$2,200. That's simply absurd. The Premier knows it. I'd love for him to get up on his feet and answer the question about why they are instituting a new policy of outrageous fees when the public deserves that information and it shouldn't come with a \$2,200 bill.

Interjections.

Mr. Speaker: Members.

Hon. J. Horgan: I stand up to answer the question, and I'm ducking and weaving. I'm here every day, but I'm somehow ducking and weaving. Holy cow. Up is down. Black is white. We're at war with Eurasia. I tell you. Where's Orwell when you need him?

Listen. From April 18 to present, there have been 7,500 requests from the official opposition. That's an increase of something like 66 percent. There have been a lot of requests. If there was a little, just a modicum of genuine in the question that the public wants to know what was on a phone call 19 months ago, that would be one thing. But that's not the case. This is a former government that had an abysmal track record — called to account by the freedom-of-information officer for wantonly deleting emails, not having a process in place.

What they don't like is that we have a process in place, and we are delivering information to the public as it is requested. Duty to document is what we're all about on this side of the House. We'll continue to do that.

It's just a shame. It's just a shame that they have to ask these questions on the pedestal of their abysmal record in this regard. Had they had even this much credibility, I might take them seriously, but unfortunately, they don't.

J. Johal: The Premier's deputy chief of staff, Amber Hockin, is demanding over \$1,000 for her emails in the

month of August. I have the invoice here. Amber claims it will take three hours to simply locate and retrieve her emails and another 35 hours just to prepare the record. I want to reiterate here. These are new fees; this is a new practice.

Who in the Premier's office gave direction to block opposition requests through absurd fees?

Hon. S. Robinson: It's been quite an interesting couple of weeks to learn a new file. It's actually been fascinating. You know what I learned?

Interjections.

Mr. Speaker: Members.

Hon. S. Robinson: I learned that the number of FOI requests received by our government has jumped by over 30 percent since we formed government.

Interjections.

Mr. Speaker: Members.

Hon. S. Robinson: That has primarily been driven by increased requests by the opposition. But, hon. Speaker....

Interjections.

Mr. Speaker: Members. Members, please.

The member for Abbotsford West, we're using valuable time here.

Hon. S. Robinson: The opposition has filed 7,500 requests. It says "political parties...."

Interjections.

Mr. Speaker: Minister, I'll get you to stand up and answer the question when you're able to speak without interruption. Proceed.

Hon. S. Robinson: Thank you.

The ministry staff have expressed concern about the thousands, thousands, of open-ended requests being filed in a way that is very costly. It is also harder for the FOI system to provide timely service to the journalists, to other groups, to people who have decisions that are affecting their lives that are made by this government.

Their requests are bungling up a system. In fact, it costs \$23 million. It's what it costs the system for their requests — \$23 million. When I think about how many schools, how much bike infrastructure that could cost.... When I think of all the other things that British Columbians have been needing for well over a decade, I'm appalled at their track record at just pie in the sky, ask for everything under the sun and then expect it to be free.

Interjections.

[2:20 p.m.]

Mr. Speaker: Now, perhaps, we might hear from the member for Richmond-Queensborough.

Your question, please.

J. Johal: I want to reiterate here that this is a new practice, new fees and a deliberate attempt to obstruct the opposition from getting information.

Once again, I want to ask this minister, based on her answer: how do you know where the FOI requests came from? Who told you?

Hon. S. Robinson: We get a report that says in which area we're getting requests. So whether it's from individuals, political parties, organizations, that's what it's called. Based on the requests, the volume of requests, it is really clear that it's the opposition who's putting in these regular requests that are open-ended. They have no particular subject. It takes a lot of staff time to compile and process.

P. Milobar: It's no surprise we're having trouble getting documents. The Premier refers to an issue that his staff called very important, but he won't even tell us what that actual issue of a government decision was.

The NDP are demanding over \$50,000 for public information. The ministerial assistant in Health alone wants \$1,620 for emails in June of 2019, claiming it will take 17 hours to locate the emails and 40 hours to make them into a PDF.

Now, Mr. Speaker, let's think about your email account. They usually sort your emails based on date. It's going to take, apparently, 17 hours to select a date range from June 1 to June 30 and to put that into a PDF file, according to the ministerial assistant.

How exactly does the Premier explain taking 17 hours to collate a date-range email request?

Hon. S. Robinson: I think it would be really helpful for the House to hear that we released almost 1.9 million pages of documents last year — 1.9 million pages. That's, I think, pretty impressive. I want to thank staff for all of their hard work in making that happen.

What that means is that 1.9 million pages are reviewed and ensured that we're able to release those documents under freedom-of-information requests. And that's a significant amount of time. I want you to think about what that means to gather that all up, to print them all off, to PDF them, to go through them to make sure that the redaction happens that's appropriate. That's a significant amount of time.

Again, hon. Speaker, \$23 million has been spent because the people on that side are going for a fishing expedition. It is more expensive than Painter's Lodge, for sure. That's all they care about. On this side of the House, we care about building schools for people. We care about making sure that

they have cycling infrastructure. We want to make sure that there's child care. And the people on that side would rather go fishing.

[2:25 p.m.]

E-CIGARETTE REGULATION AND VAPING BY YOUTH

T. Stone: Almost daily we're hearing reports of people getting sick from vaping. Reports have indicated that about 30 percent, or one-third, of all of our youth in grades 10 to 12 are vaping on a regular basis. Yet to date, the Minister of Health has yet to take any action. Now, the problem is that our kids don't have time to wait any longer.

Other jurisdictions all across North America, including Washington state, have stepped up in recent weeks and have taken tough actions to address surging youth vaping rates. Six months ago I introduced a private member's bill that proposed some initial steps towards cracking down on this rise in youth vaping.

Two actions, which are widely viewed as necessary in this effort, are, one, to ban flavoured vapour products — that is seen as one of the key strategies that has been used to lure our young people into the practice of vaping — and, secondly, to ensure that there is an education campaign that is in every single school to ensure that we're providing the awareness and the supports and the prevention supports for our kids. It's time for action.

My question to the Minister of Health is this: can the minister confirm that he's committed to seeing a ban on flavouring of vapour products? Secondly, is the minister committed to ensuring that his government provides new funding for in-school prevention, awareness and support programs — youth-led, delivered to youth — in every middle and high school across British Columbia immediately?

Hon. A. Dix: I want to thank the member for his question, for his interest in the issue. He knows that the government will be taking steps to introduce action on this, particularly on youth vaping. He'll know there's a report of the McCreary institute from last year, after the federal government legalized nicotine-based vaping, that said 21 percent of young people between 15 and 19 had reported using vaping products with nicotine.

It's a serious issue, of course, in the short term, with respect to pulmonary illness related to vaping. We had one case reported based on the actions we've taken so far. In addition, it's serious because it's going to lead to a lifetime addiction to nicotine for some young people if we don't take steps.

The government will be taking steps. We'll be taking regulatory steps, because the existing regulatory model that was introduced in British Columbia in 2016 isn't working properly. The existing regulatory model introduced by the federal government in 2018 isn't working sufficiently. We'll be taking

steps on all the key issues and with a provincial plan that will make a real difference for young people.

This is something we need to do together — all of us as a Legislature, all of us at all levels of government — and we need to involve young people in the process to ensure that action is taken now so that a new generation of young people isn't affected by addiction to nicotine.

[End of question period.]

Petitions

M. Polak: I rise to present a petition on behalf of the Denturist Association of B.C. advocating for an expanded scope of practice for their profession.

J. Tegart: I rise to present a petition to the Minister of Health from over 2,000 citizens served by the Ashcroft and District Hospital requesting 24-hour, 7-days-a-week ER services.

Tabling Documents

Hon. L. Beare: I have the honour to table the *B.C. Arts Council Annual Report* for 2018-19.

Mr. Speaker: Hon. Members, I have the honour to present the following reports: *2018 Annual Report* from the Office of the Conflict of Interest Commissioner; *Annual Report 2018-2019* from the Office of the Registrar of Lobbyists for British Columbia; the *Annual Report 2018-19* from the Office of the Information and Privacy Commissioner for British Columbia; and finally, the annual report 2019 from the Office of the Police Complaint Commissioner.

Orders of the Day

Hon. M. Farnworth: I call committee stage on the Miscellaneous Statutes Act (No. 2), Attorney General and other ministries.

[2:30 p.m.]

At the same time, I would remind members that this being election day and the statutory requirement for employees is to have three clear hours to vote, the House will be adjourning at four o'clock so that employees may exercise their franchise.

Committee of the Whole House

BILL 35 — MISCELLANEOUS STATUTES AMENDMENT ACT (No. 2), 2019

The House in Committee of the Whole (Section B) on Bill 35; R. Chouhan in the chair.

The committee met at 2:33 p.m.

On section 1.

M. Lee: I just wanted to ask the Attorney about the current status of the number of family maintenance-type orders that are going through arbitration, as opposed to through the courts.

Hon. D. Eby: We don't have the number of all of the arbitration orders made under family law, but we're aware of two awards that are affected by this amendment that would specifically list family law arbitration awards as being enforceable under the Family Maintenance Enforcement Act.

[2:35 p.m.]

M. Lee: Thank you for the response. Is there an expectation by the government that there be a greater use of this forum in terms of obtaining family maintenance awards?

Hon. D. Eby: The efforts of government have been focused on trying to encourage families into non-court processes to resolve their disputes, including arbitration. Our hope is that more and more families that need to resolve family disputes are using arbitration to do that and, therefore, that more and more families would then, if necessary — hopefully not but if necessary — turn to the Family Maintenance Enforcement Act and the folks who work with the director of maintenance enforcement to enforce those awards, if necessary.

M. Lee: Just while we're on this in terms of the actual process of enforcement. I know that through the ministry's office, when they arranged a briefing for me about a year ago and I met with the director about this.... What level of tracking are we finding in this particular area of family maintenance, in terms of finding potential debtors, and what sharing of information is the ministry seeing in this regard?

Hon. D. Eby: The process of an arbitration is a private one. Families can engage an arbitrator privately and come to an agreement between themselves about child custody, division of assets, and so on. As a result, because it's private, it's not like a court process, where there's tracking through the registry of a number of certain kinds of orders or a number of certain kinds of appearances on a matter.

We don't actually know how many are out there in terms of families taking advantage of this. It's difficult to track. We do have our pilot project in Victoria, where we're encouraging families to work through mediation and come to agreements outside of court. We're tracking that very carefully through the pilot program. But as for the number of family law arbitrations, we don't have a number for that because it is a private agreement between family members as they resolve their differences outside of court, in a private process.

Section 1 approved.

On section 2.

M. Lee: In the context of the current and ongoing dispute in respect of compensation for members of the judiciary, what's the government's view in terms of bringing forward these particular amendments, understanding and appreciating that they do stem from the Judicial Compensation Commission of 2016? I'm wondering if there's any particular concern regarding the timing and the sequence of the adoption of these particular amendments at this time.

Hon. D. Eby: This is intended to be a non-controversial amendment, in relation to judicial compensation. In October 2017, the Legislative Assembly adopted the 2016 judicial compensation report and, as a result, adopted this language.

In this particular section, or the section related to the pension wording here, the pension recommendations were adopted without amendment by the Legislative Assembly in October 2017. So that stands as essentially creating the change. This is to bring the language consistent with what the Legislature has already done.

It's our hope, certainly, that this is not controversial, because this is what the committee recommended. This is what was adopted by the Legislature and so on.

M. Lee: Thank you for that response. I just ask, then, in terms of the timing of this.... That resolution of the House, which was adopted back in October of 2017, was close to two years ago. Why is it at this time this particular amendment has been brought forward and not at an earlier juncture than this?

[2:40 p.m.]

Hon. D. Eby: As I outlined in the first response, this is not the change itself. The change itself was made when the House adopted the JCC report in October 2017. This is housekeeping to ensure that the language in the act reflects the intention of the committee in the Legislature, when it accepted those recommendations.

The public service saves up these housekeeping-type amendments, and they come forward in miscellaneous statutes amendment bills. The change itself here is not a change to any substantive rights. Those have already been made. This is just change to the language to ensure that it reflects what the practice is now.

M. Lee: My only comment is that there certainly have been miscellaneous statutes amendment bills that were brought forward in the House in the last two-year period. I know we've been up on our feet discussing many of those bills. So again, I think there was an earlier opportunity to bring this forward. But I understand the response from the Attorney General.

Were there any particular elements of complexity here that needed to be considered in implementing this, by the way of the amendment in the act itself?

Hon. D. Eby: I'm not sure that I can provide a better answer than I have. It's just a matter of staffing and priorities and housekeeping around the bill.

Sections 2 to 4 inclusive approved.

On section 5.

M. Lee: Could I ask the Attorney General to identify the location of the section that's being amended here or repealed — that is, subsection 31(7)(b) of the Professional Governance Act?

Hon. D. Eby: I wonder if the member could just rephrase this question, so we can ensure we get the right answer for him.

M. Lee: Just to be more specific, when I look at the act, above section 32 and below subsection 31(6), you should find sub 31(7), but I can't find it.

Hon. D. Eby: I don't have an easy answer to this one. The copy that we're looking at comes from the leg.bc.ca website, with up-to-date B.C. statutes on it. The Professional Governance Act, 2018, which was then Bill 49 as passed, has a subsection (7) in it, with a subsection (a) and (b).

Then this change that's proposed strikes out (b) and replaces it with: "...in respect of any exceptions to the application of this section." The previous section was: "...in respect of any exceptions in respect of the application of this section."

It's a housekeeping amendment that broadens the specific regulation-making authority described in sub 31(7)(a) to any exceptions to the application of section 37.

If the member wants, we can stand this down and get a copy of the page over to him, if that's easiest. I'm in his hands about the importance of seeing subsection (7) in order to be able to ask questions.

M. Lee: That would be helpful. Thank you.

Hon. D. Eby: Mr. Chair, can we stand down section 5 until the member gets a copy of subsection 31(7)(b), which is the section being amended here?

The Chair: Okay, we'll proceed with section 6. Section 5 is stood down.

Section 5 stood down.

On section 6.

[2:45 p.m.]

M. Lee: In respect of specifically adding the paragraph to subsection 118(2)(k.1) in terms of providing the ability, under the transitional provisions for prescribing rates of

increase of fees, this presumably is broadening the regulatory authority to do so. Can I ask the Attorney General to provide some explanation for the reason and the need for this provision?

Hon. D. Eby: I just want to introduce staff who are with me. To my right is Neil Reimer, director of policy and legislation. To my left is Paul Craven, who is the superintendent, office of professional governance. To his left is Kate Phillips, legal counsel. I thank staff for their assistance here today.

The change in subsection 118(2)(f)(vi) corrects a cross-reference. The member refers to sub 118(2)(k.1). There is a period of time between when the act was passed and when it comes into full force. It's kind of an interregnum, essentially. To prepare for the act to come into force, some of the professional associations require the resources in order to be able to implement the full act as intended. The concern was that there wasn't clear regulation authority for them to be able to charge the fees to their members that'd allow them to implement the act as government would hope that they would.

This creates the ability for them to set a fee during this interim period before the act comes into full force, so that they can be prepared for that. Also, as a safeguard, there is the ability to set a cap on that annual increase, to ensure that the fees are fair for the membership, if any concerns are raised. This is exclusively for that period between the passage of the bill and the full force of the bill, so that the professional associations can be ready for full implementation once that happens.

M. Lee: The Attorney General just mentioned that there would be a setting of a cap. Who determines those caps?

Hon. D. Eby: It's the Lieutenant-Governor-in-Council, which is a fancy way of saying "cabinet." That is done on the basis of feedback and consultation with the superintendent of the office of professional governance — here to my left, Paul Craven — who would advise cabinet on fees and regulations related to fees.

M. Lee: In looking at this interim period, is it that the process, when there's a new superintendent, would be to review the fee structure across these professional associations? To what degree is there some level of consistency? What are the particular considerations around the setting of fees for these associations?

[2:50 p.m.]

Hon. D. Eby: There's a very significant range of organizations that are captured by this new legislation. They range from the Engineers and Geoscientists, who have about 30,000 members, to much smaller groups, like the College of Applied Biology. The capacity of these groups varies as well. The College of Applied Biology, for example, hasn't had fees in place, the capacity in place, that would enable them to be

able to implement this act. Groups like the engineers and geoscientists have much greater capacity.

The intention here in the framework of the regulation is that the superintendent can meet with and consult with these organizations and prepare submissions to cabinet on recommendations related to interim fees. Then cabinet can consider that and pass regulations as cabinet sees appropriate, based on that input from the superintendent's office, based on the feedback of membership and the regulatory body in question. There's no current large-scale review of these kind of things, given the wide disparity in the capacity of each of the organizations.

M. Lee: I appreciate that there is a process that the superintendent is embarking on to do that. But since the end of May, when the House last sat and we had the opportunity to talk to the Attorney General about the implementation going forward....

If I could ask: just in the context of this level of consultation going on with the associations, with the fee structure and the capacity-building there necessary for some of the smaller associations, is there any particular update as to the overall timing as to the next steps with this new governance act and what we can expect with these associations and the degree to which they're having to go through these processes to determine fee structures and governance processes?

Hon. D. Eby: The superintendent is currently meeting on a monthly basis with all of the associations together as a group as well as individually. The goal is in force in 2020. The superintendent, certainly with my full support, has offered, if the member is particularly keen on this, a full briefing on anticipated timelines and implementation of the act so that he's up to speed on what the plan is.

Section 6 approved.

On section 7.

M. Lee: Let me just say that I appreciate the offer of a full briefing with the new superintendent on the progress against this act and certainly would like to follow up with the Attorney General's office to arrange for that briefing. So thank you for that.

In terms of section 7, when I look at the amendments here to add section 124.1, in sub (2) of this addition.... Just trying to understand the words at the end of that section, which provides for the ability to set fees "despite any requirement for ratification or other approval of bylaws or resolutions in respect of fees under the affected Act."

In terms of how this transition is working, to what degree do these associations continue to have the ability, with their members, to ensure that for good governance purposes, they're still getting the right level of approval by the members of a particular association for a new fee that might be prescribed or imposed on them?

[2:55 p.m.]

Hon. D. Eby: This amendment is in relation to that interim period that I was talking about earlier as well. The new approach of the act is to provide consistency around fees so that all the professional associations follow the same process in relation to fees for their membership — adjusting fees, whether ratification is required and whether consultation takes place, and so on.

This amendment brings those same principles, while it addresses and ensures that this can be addressed in the interim period that I was talking about earlier between the introduction of the law and full implementation. For organizations that, for whatever reason, feel that they don't have capacity and that they need capacity and that their existing structure doesn't allow them to get that capacity to implement this, we won't allow that to be a reason for not bringing in these provisions that protect the public and ensure consistency.

All professional associations that are captured here must participate in the act. This gives the authority to collect the fees necessary to implement the act properly in that interim period.

M. Lee: I just would like to ask a little further in terms of that response. In terms of these professional associations that have been operating in this province in a good governance context, I appreciate the additional layer that this government chooses to impose on these associations. But isn't it the case that members of these individual associations ought to have the opportunity and the ability to approve of the new governance structure, including the fee structure that is being imposed on them?

Again to the Attorney General: do you not see the concern around, from a good governance point of view, giving the opportunity to these members of these associations to have the right to vote to approve any fee structure that's being imposed on them?

Hon. D. Eby: I understand that with respect to professional associations in B.C., the performance with respect to fees has been mixed. The ability to collect fees to complete the work necessary to protect the public.... Obviously, if you can't get the money to hire the staff to do the oversight of your members, then you're not going to perform well as a regulator. And that's a pretty serious issue.

There are cases in history in B.C. where members have not agreed to any fee increase, including inflationary increases, and have caused serious concern about the ability of the professional body to oversee their members, which is the whole point of the professional body. So sometimes it's unfortunately necessary for fees to be imposed in order that the body can do the work necessary to oversee its members and protect the public.

It's not the ideal scenario. Ideally, the members would see the benefits for both themselves and the public to have

adequate oversight to deal with any issues within their profession, but that's not always the case. So we need provisions like this in the law for those scenarios.

M. Lee: Thank you for the response. I appreciate that the notion of the Professional Governance Act, as proposed and implemented by this government, is in the interests of protecting the public. We've had various considerations in this House around the level of complexity and bureaucracy that's being imposed on professional organizations that have been operating within their professional duties, and I appreciate there's a range of size of associations.

[3:00 p.m.]

In terms of the nature of the review that's being conducted with the superintendent, ultimately, when we come back to this, the fee structure itself is there to, as I'm hearing the Attorney General explain the thinking, provide for greater capacity for these associations. So in the context of understanding the governance structure that is being discussed between the superintendent and these individual associations, could I ask for the basic parameters around what is occurring with associations that have their own governance structures in place and the sort of capacity that's being required in order to meet what the superintendent may be imposing on these associations?

What is that capacity gap and any fees that might be necessary to collect in order to fund that gap?

Hon. D. Eby: Just to clarify, it's not the superintendent's job to impose conditions on these bodies. The superintendent's job is to ensure that the act is implemented as intended. The intent of the act is that the governance of professional bodies should be by registered members of those bodies, along with members of the public who are appointed to protect the public interest. The act actually decreases the size of these oversight structures in order to be efficient both in decision-making and in cost.

The whole engagement process and the implementation of this act has been structured to facilitate engagement between the superintendent and the professional bodies as they have a discussion about how to best implement the intention behind the act of effective oversight of registered members by registered members and public appointees.

R. Sultan: I should declare my conflict of interest here as a member of the Engineers and Geoscientists of B.C. Beyond that, I have taken a keen interest in the panoply of the new world which has been sketched out by this government for five different professional organizations, not all of which, by any means, in fact have a legally defined field of practice so far.

Certainly, there are many challenges ahead, which I think all participants, government and association members, are beginning to endeavour to do in a spirit of cooperation and goodwill. I think that's the good news, although we should

not underestimate the ambiguities, the rambling scope of many of these professions and the drafting challenges ahead.

Turning to the matter of fees, my question is: has the government taken into account that, in the instance of the association of which I'm a member, for example, EGBC, the financial model upon which this association operates is a blend of both the historical promotional activities of the association, which I think are now being phased out, and the purely regulatory intent of the act, which is to be emphasized, perhaps exclusively, in the future?

As I poked around trying to understand the financial model of this particular association, in the past I've been made aware of some peculiarities which struck me as being unexpected, shall we say, involving, for example, liability insurance — premiums paid which somehow get paid into a fee structure for the regulators. A bit of a circular reasoning there somehow.

[3:05 p.m.]

All I am asking the minister is whether the government has considered the complexities of a rather complex historical funding and economic model for at least one of these associations — which, indeed, may be typical of all of them, if you look at it closely — in suggesting that the superintendent is going to sit here in Victoria and just command certain fees. Or is the intent of the government to really roll up its sleeves and get into the business of developing a viable financial model for each of these five organizations?

Hon. D. Eby: Just to clarify things. The councils set fees, not the superintendent in Victoria. The regulatory oversight body sets the fees for its registered members. This provision is strictly in relation to the transition period, between now and when the act comes into force.

Now, the member also raised questions about issues of advocacy versus issues of regulatory oversight. There is a transition period for some bodies that have been engaging in work that may be considered to be more in the nature of advocacy than in the nature of regulatory oversight. The goal is to separate those things. There's a conversation that's taking place in partnership with the bodies about how to ensure that they are focused on the regulatory role that they have and that the advocacy work happens somewhere else.

It's an issue that is part of the ongoing discussion between the superintendent's office and the regulatory bodies. It's a live issue, as the member notes. It's exactly part of the superintendent's work right now — not just sitting in Victoria but sleeves up, as the member says, engaging in conversations with regulatory bodies that represent professionals across the province.

R. Sultan: I would like to acknowledge that I think the answer does provide some clarification. Thank you, Minister.

Section 7 approved.

On section 8.

M. Lee: Just on this next set of sections making amendments to the Provincial Court Act, I understand from the briefing that the Attorney General's office arranged within about two hours of this bill being introduced on the first day that the House came back.... We went for a good 2½ hours, and I appreciate the time of all the staff, including those present with the minister currently, to do that.

I just wanted to go back to one point that was raised, in terms of framing these sections. In terms of the recommendations coming forward from the chief justice — from which, we understand, these sections are being derived — can I ask: in terms of the background around that transition, were there any differences between the recommendations that were provided by the chief justice in 2017 and these sections that are being tabled in this House?

[3:10 p.m.]

Hon. D. Eby: This is exactly what we understood that the chief judge asked for. It was a request in relation to the reappointment of judicial justices, and we don't believe that we missed anything in relation to the chief judge's recommendations on this.

Mr. Chair, we do have.... Mr. Craven is still here, and we haven't done section 5. That was my mistake before we went on to section 8. I wonder if my colleague on the other side has had a chance to have a look at the section, section 5, and whether we could deal with that and Mr. Craven could head on his way to engage with professional bodies across the province.

On section 5.

M. Lee: Thank you for providing a copy of that provision. Perhaps I could just ask, then, while I review it, if the Attorney General can provide the reason for which this section 31(7)(b) of the Professional Governance Act is being repealed and replaced by what's included in section 5 of Bill 35.

Hon. D. Eby: I think the technical legislative term for what's being done here is that this is a typo. The section as written says: "...in respect of any exceptions in respect of the application of this section." There are two "in respect ofs," and it makes it, at best, confusing and, at worst, not achieving the intent of the section.

One "in respect of" has been deleted, so it now reads, "...in respect of any exceptions to the application of this section," which should hopefully be clearer for the users and achieve the intention of the Legislature.

Section 5 approved.

Sections 8 to 11 inclusive approved.

On section 12.

M. Lee: I understand, from the Attorney General's comments in response to my second reading speech, that the Ombudsperson's office has been working through the implementation of this new act and that that's the reason why there has been a delay in bringing into force this particular act.

Could I ask the Attorney General again to restate the process that the Ombudsperson is following in terms of the implementation of this act? Obviously, in the context of that, certain adjustments to this act are being done. But if I could ask the Attorney General again to comment exactly on what that process is and why it has taken this long to bring this act into force.

Hon. D. Eby: This legislation, this whistle-blower act for government that creates protections for people who bring forward concerns about issues that they've identified in their workplace and who are concerned about retribution if they do bring it forward — this creates protections for them.

The legislation is very high-level. Underneath it, a series of policies are needed for implementation within offices of government across the province — and not just within government but also within the Ombudsperson's office. The Ombudsperson's office is the office that'll be receiving any of these concerns that come forward from members of the public service.

The Ombudsperson's office has been working closely with the Public Service Agency to ensure that there are policies in place on the ground. As they've been doing this work, they've identified some areas where, in the act, there could be clarification or there's some ambiguity about what's intended or there's something missing, like in this section.

[3:15 p.m.]

A new development since the act was passed is the re-establishment of the Office of the Human Rights Commissioner. So that has been added to ensure that "office" includes the definition of the Office of the Human Rights Commissioner so the act could apply there as well.

That is the process that has been worked through, and that's how we ended up with amendments like the one that's in front of the House right now.

M. Lee: In response to the Attorney General's comments, is there any concern between the Attorney General and the Ombudsperson in terms of employees of government being put in a lesser position because this act has not been in place for the last 16 months?

Hon. D. Eby: The government has had protections in the standards of conduct for public servants that already exist. It was the feeling of this government that there was an opportunity to enhance those protections, especially....

The member may know the history of this. This was one of the recommendations that came out of a report done by the Ombudsperson's office into the health firings scandal. The finding of the Ombudsperson's office was that we needed

additional protections. It was a finding that, certainly, the then opposition and the now government agreed with very strongly, so we're quite proud that this has come in.

I share the member's concern. I would have liked to have seen it in on day one. But I also understand the importance of ensuring that it works properly on implementation, that it actually protects the people it's intended to protect and that the Ombudsperson's office is ready to accept information from members of the public service.

I am sure that if anyone had any concerns, they would feel comfortable now, on implementation date, that the policies are in place, that the Ombudsperson is ready, that the PSA is ready for these concerns to come forward — that they will be protected — and that we've done everything possible to ensure that the system works as intended.

Sections 12 to 14 inclusive approved.

On section 15.

M. Lee: As I look at section 15 of the bill, it's substituting a reference to section 19 under section 25(2)(g). So my question to the Attorney General is.... When I look at section 19, on its face, those powers provided in terms of the conduct of investigation by the Ombudsperson seem to be set out in the entirety of section 19, as opposed to just the first subsection, section 19(1). I'd like to understand the reason for limiting this power of investigation to just section 19(1).

Hon. D. Eby: I'm leaning over to my left to talk with Alex Stirling, who's legal counsel, Ministry of Attorney General. I thank Alex for his assistance here.

The request for this amendment came, as I understand it, from the Ombudsperson's office. Section 19(1) is consistent with the whistle-blower legislation. It's in the Ombudsperson Act, and it is imported into this act by the effect of this section.

The problem is that sections 19(2) through 19(5) conflict with other sections of the whistle-blower act, also called PIDA, because in the Ombudsperson Act, it says, for example, in 19(2), that if you have to keep confidentiality under another law in B.C., that applies as well under an investigation done by the Ombudsperson.

[3:20 p.m.]

Under the whistle-blower act, we've made it as broad as possible that people be able to bring forward information without being concerned that it might be confidential under another act if they believe there's wrongdoing that has been done. So the two.... The Ombudsperson Act contradicts the whistle-blower act. Only subsection 19(1) is consistent. That's why only subsection 19(1) is being imported in here, rather than subsections 19(2) through (5).

The amendment here is to change section 19 to exclusively subsection 19(1), so that there's not that inconsistency between the Ombudsperson Act provisions that are imported in and the provision in the whistle-blower act, which has

a much broader ability for people to bring forward information that would otherwise be confidential.

Section 15 approved.

On section 16.

M. Lee: This, of course, Mr. Chair, goes back to the concern I expressed. The Attorney General has replied in terms of the concern about the delay in implementing PIDA for the last 16 months. As I said in my second reading speech — and I'd just like to give the opportunity for the Attorney General to reply — section 31 of this act is: "Protection of employee from reprisals."

It includes where a person who is an employee, who in a sense is a whistle-blower, makes a disclosure and cooperates in an investigation, that a person in response should not terminate that person's employment. In the juncture since the time that this act was introduced in the House, we've had various incidents, with this government, where whistle-blowers have come forward.

Of course, the one that we've been debating quite a bit in this House, including in question period, has been the employee who worked in the constituency office for the member for Surrey-Panorama, the former Minister of Citizens' Services. That individual started employment on January 8 and raised a concern on February 15 with the BCGEU and, as we hear, the executive director of the New Democratic B.C. government caucus. We've learned, in the course of what's been disclosed, that on February 22 that individual's employment was terminated.

In terms of looking at this particular section, when it's operative, that individual would have had the benefit of this particular protection. Yet there was a delay by this government in bringing this act in force. To the Attorney General: in the context of other whistle-blowers that have come forward in the last 16 months, is there not a concern, in terms of the fairness with which this government has conducted itself, at the delay in bringing forward an act that, arguably, would have protected that individual in the context of the termination of her employment?

Hon. D. Eby: I can advise the member that this act, on implementation, is retroactive. If people became aware of wrongdoing prior to the implementation of the act, they could bring it forward at any point after implementation and have the protections that the act provides.

The act applies to core government — ministerial staff and people within core government. The intention is that eventually over time, the circles will expand, including to Crown corporations and so on. So it would far better apply to the scenario of Tim Duncan, who worked in the Ministry of Transportation, who tried to preserve records related to the Highway of Tears responsive to an FOI request by the then opposition and who was instructed to triple-delete them.

[3:25 p.m.]

If Mr. Duncan, who resigned — he had a job in Alberta — then brought forward the concerns about the conduct of the then B.C. Liberal government, he could have, theoretically, brought forward his concerns, because he was ministerial staff, to the Ombudsperson's office. Perhaps he would have still been able to work in British Columbia.

In a similar way, employees aware of what had happened around the health firings scandal, involving the previous B.C. Liberal government, would have been able to bring forward those concerns at that time. That was the intent of the Ombudsperson's report that resulted in this legislation here.

I hope that assists the member.

M. Lee: Well, I certainly understand the nature of the reason why we can always improve the legislation to protect employees of government. Certainly this is the latest example of that. What has happened in the past and what has happened over the last 16 months is what we're talking about here. I still believe that there's a concern regarding how this government has delayed in the implementation of this act over the last 16 months.

Could I ask the Attorney General, though: the striking of the word "solely" here in subsection 31(1) — is that intended to make this test easier or harder for the employee to meet?

Hon. D. Eby: It expands the protections for employees. The action taken by the employer previously had to be only because the employee took forward the concern. Even if it's just partially related to the employee bringing forward the concern, that retaliation — whether it's a disciplinary measure, a demotion or anything else — is now prohibited by the act.

Section 16 approved.

On section 17.

M. Lee: In terms of the protections here, in this case, in section 32, this is for the person who is contracting with government but does not contravene the section if certain actions are taken by adding the subsection. Could I ask the Attorney General: what level of protection is this adding?

Hon. D. Eby: It's a very similar amendment to the last section, except in this case the word being removed isn't "solely." The word being removed is "only." It expands the protection available to someone who's working on contract. The reason for cancelling the contract could be partly due to the fact that the person had provided this information or otherwise cooperated with an investigation under the act. This expands the protections.

The additional subsection adds in this provision that says that government doesn't have to continue on with a long-term contract with an entity simply because a single whistleblower came forward — you don't have to keep renewing the IBM contract or whatever it is — that good-faith manage-

ment of contracts is still allowed by government, but it can't be in part or in whole because of the cooperation with an investigation.

Sections 17 and 18 approved.

On section 19.

M. de Jong: I wonder if the Attorney could tell us about section 19 and the rationale, the genesis for why it's here. For anyone that's following, it's an amendment that adds "aircraft" to the definition under the Trespass Act. What prompted the Attorney General to bring that amendment to the House?

[3:30 p.m.]

Hon. D. Eby: The member asked an interesting question. Perhaps, like most counsel, he knows the answer before he asks it. In the event that he doesn't, it's an interesting story — as interesting as stuff gets around here, I guess.

The Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills Committee met Monday, May 28, 2018. As part of it, the Trespass Act came up for discussion with legal counsel Tyler Nyvall, who's assisting the committee.

[J. Isaacs in the chair.]

The member for Chilliwack-Kent asked a question about the definition of "premises" under the Trespass Act. He notes in his question that the Trespass Act had restrictions related to "anything on the land, including...a ship or vessel, train, railway car" and so on.

He noted that airplanes were not in existence at the time the act was created. What about an airplane staying on the tarmac? Should that not be included as a different kind of conveyance? There was some back and forth. Mr. Nyvall noted that it would be the responsibility of his office, as legal counsel of the Ministry of Attorney General, to assist. He thought it was a substantive change to the legislation. Staff had a look at it. They thought it was a good suggestion for completeness. So that is how this shows up in front of members in the House today.

It's an amendment to the Trespass Act to include aircraft in terms of premises upon which might be trespassed by an individual.

M. de Jong: Thanks. That is helpful. I was aware of the exchange and gratified that it has manifested itself into something that the House can turn its mind to.

I'm not aware, and I don't ask this to be cheesy or mischievous, that there has been a proliferation of trespass activity on aircraft. I haven't read about such things, but if I'm mistaken, maybe the Attorney.... If he is aware that that has been a problem, per se, then I'm happy to hear about it, and the House would be happy to hear about it now.

Hon. D. Eby: I'm advised that this section is purely preventative.

M. de Jong: All right. Well, that, too, is helpful. My questions, then, relate to its place within the act. And the act itself — I take it there has not been a prosecution or a failed prosecution around aircraft trespass. As the Attorney had said, it's preventative.

I wonder if we might just take a moment. I'm interested to know to what extent the act itself has been utilized and its provisions have given rise to prosecutorial activity in British Columbia over the last year, over the last decade? I'm not aware of much activity, but again, I may be mistaken.

Hon. D. Eby: I don't have that information with me. I can advise the member, if he is keenly interested, that I'm glad to go back and see what we can put together in terms of any kinds of information about the use of the Trespass Act in British Columbia. I simply don't know.

M. de Jong: I am interested. I don't want to keep the Attorney in suspense, and I also want to assure him that I wouldn't ask him to do that merely to create work for him, because I have some appreciation for the extent of the burden the Attorney General has within government. But I wonder....

I'll ask a series of these questions. I'll do so relatively quickly. The prosecutorial provision, I think, is contained within subsection 2(1). I presume the Attorney isn't in a position to indicate to the committee the extent of prosecutions under section 2(1), but it sounds like he's prepared to obtain that information.

[3:35 p.m.]

My guess is we're going to have a chance to pick this up tomorrow. So if that's correct, maybe the minister can assure the House that he will get that information.

Hon. D. Eby: I'm glad to get the information to the member. But we're not holding up the act that I know of. We're doing our best to get through the House's business here, and the section that's in front of the House is the definition of "premises," to which we're adding the term "aircraft."

M. de Jong: The definition, of course, is relevant in several sections of the act. In section 6, there are powers created under section 7.

I don't want to keep the Attorney General in suspense. I saw the reference to aircraft, and the Attorney has, I think, candidly indicated that it is preventative. He's not aware of a huge problem that has given rise to this proposed amendment, but there is a problem that I'm going to suggest, ultimately, the Attorney will want to respond to. And since we are amending the section, I am particularly curious, and others are, about his reaction to that problem and whether he sees it as something that is worthy of consideration, as we propose to amend this.

That is the situation facing farmers. There is trespass activ-

ity taking place on the lands of families who work the land. And by way of background, there are people and groups out there who have some very pronounced views about what people should eat. Nothing wrong with that. People are entitled to their views about what they think people should eat, and they are permitted to protest, and they are permitted to advocate, and that is all proper activity within our democratic society.

What they are not entitled to do — not just in my view but according to provisions of the Trespass Act, as I understand them — is that they are not entitled to invade someone's home. They are not entitled to invade a farm and, in effect, terrorize the occupants of that farm.

That is happening in B.C. We have seen the stories. It is happening in my constituency. You know, we use words in the case.... It's been in the news, so I don't have to be hesitant. We all saw the stories about Excelsior Hog Farms. That's a corporate name. Excelsior is a family, three generations of families, that lives on a farm and raise hogs that many people eat.

Now, there are some people who don't want to eat hogs. That's their right. But I wanted to take advantage of this opportunity to ensure that the Attorney General for British Columbia knows that in the case of that family, someone broke onto their property. Someone broke into their farm. Someone broke into their farm buildings, planted cameras and put video of their children all over the Internet. They woke up one morning to find that there were close to 100 people that had decided to arrive at their farm and trespass.

Where I'm ultimately going to go, after I ask a few more questions, is to propose that since we have decided, for the reasons that the Attorney General has candidly conceded, that it's a worthwhile endeavour to add "aircraft" to the definition, in a few moments or at some point during the.... The purpose is not to prolong this, but I think it is an important enough issue to bring to the Attorney General's attention and to solicit his views on the matter.

[3:40 p.m.]

I am going to suggest an amendment to the section that would address, specifically, not a theoretical problem but a threat that actually does exist. But I'm getting ahead of myself.

Maybe in the context of discussing and advancing the section that seeks to amend the definition within the Trespass Act, can I ask the Attorney General: is he aware of the problem that I've tried to describe and summarize, and is he aware of the prosecutorial activity that is taking place around people and groups who purposely seek to trespass and invade private property owned by farmers in B.C.?

Hon. D. Eby: Well, I certainly thank the member for drawing this to my attention again. I recall receiving some correspondence in June about this issue. I may have the month wrong.

I do wonder a little bit about the member's approach. He provided no notice of the amendment. He said that his intent

wasn't mischievous, but he didn't ask a straightforward question and instead made light of one of his colleagues' amendments that was made in good faith.

I think it's a serious issue. He knows where to find me. He can come to my office. Let's have a conversation about the proposed amendment. I don't understand why he feels that the current act doesn't capture the activity he describes.

The act says clearly that "premises" means land. It includes enclosed land; it's not limited to enclosed land. It includes anything on the land, including a building on the land, like a barn. There are several criminal offences the member described: breaking and entering; watching and besetting; trespass by night; potentially, assault by trespass. This raises the question for me: is this a policing issue? Is this a prosecution issue? The law doesn't seem to be missing anything that would prevent a prosecution from taking place.

I want to take the member at his advice to me that this is brought forward in good faith. In that sense, I'll say to him that I take it seriously. I'm happy to talk to him about how we can deal with this. I'll say that odds are very good that whatever amendment he has drafted that I haven't seen — I have no idea what it is — that he's proposing on the day and that staff haven't provided any policy advice on.... I don't know what to say about it. We'll have a look.

I would just urge the member and all members that if you have a serious issue like this, if you think there's an opportunity for government to improve, to do something to address a gap — a serious issue like this family faced — don't hesitate to reach out. Believe it or not, there are non-partisan matters in this place that we can address together.

M. de Jong: Well, the good news is that I agree profoundly with a good part of what the Attorney has said. I, too, wonder about whether the challenge we're facing — more particularly, the challenge that farm families are facing, who are feeling vulnerable right now — relates to an absence of proper legal structure or hesitation around utilizing the legal provisions that are there and whether that is a prosecutorial decision or whether that is a policing and investigative provision.

I think the Attorney General is asking the right questions in that regard, and I hope he will accept and take seriously the notion that this is a matter that has been in the news. For those of us who reside in parts of the province where the agrifood sector is very important and where the folks are being attacked — and I use that word — the effect on those families is profound. I won't read into the record the kinds of messages that I have received and other members of the House have received.

[3:45 p.m.]

Other jurisdictions have recognized what is taking place. This is not a scenario — I will take advantage of making these comments to the Attorney General in a public setting — unique to British Columbia. These organized groups actively recruit people seeking their consent to break the law and to intimidate people who are involved in the agrifood

business. It's happened in Alberta. It's happened in Ontario. It's happened elsewhere in Canada. It's happened elsewhere in the world.

Other jurisdictions are taking steps to address it. Ontario is proposing some significant amendments to their legislation. Alberta is taking steps to impose significantly increased fines. In Australia, they are now taking steps to impose jail sentences.

I should say to the Attorney that my impression — and this dates back to a day when I sat in his seat — is that the act itself has not been used very much. Maybe that's changed since I was there. My question to him about the act in general, since we are amending it.... We're presumably amending it with a view to using it. That's what gave rise to my question to begin with: do we use the act now?

I can think of reading lots of situations that would fall into the legal categories covered by the act, trespassing. But candidly, I don't recall much in the way of prosecutorial activity around the Trespass Act. Maybe I'm wrong, and this might be an opportunity for the Attorney, with the assistance of his staff, to disabuse me of that.

Hon. D. Eby: This is a revision to the act in a miscellaneous statutes bill. It's not a rewriting of the Trespass Act. Nor is it a comprehensive policy analysis of the same.

The member raises interesting questions. Is this the right venue for it? I wonder. I could have brought that information to the House if he'd let me know. I'll do my best to get him the information about it. It's one of many tools available to prosecutors. There's criminal mischief; there's assault by trespass, trespass by night — several criminal offences. There's the provincial Trespass Act that can be used. So there are a number of different avenues available, potentially, to police and prosecutors.

As I've advised the member, I'll do my best to tell him how the act is being used to the extent that we can figure it out. If he's sincere in his intent about this issue that's taken place in relation to this farm, which I recall is in Abbotsford — and I have no reason to believe that he's not — I think we should definitely see what we can do on it if he doesn't feel the act is sufficient.

I do worry that it's not a legal issue, that it is a policing and prosecution issue, in which case we need to have conversation with my colleague the Minister of Public Safety as well as the independent prosecution service of B.C. That's okay. We can have those conversations and try to come to some resolution of this for this family so that they feel at least that their suffering was not in vain and other families are protected from this kind of activity.

M. de Jong: That all sounds hopeful and promising. I hope.... Look, I've been around here a little bit. I know we endeavour to make use of our privilege of sitting in this chamber to raise issues in a way that conveys to the public that the issues are being taken seriously and are being dealt with.

[3:50 p.m.]

I have had it explained to me by some, from both the legal community and the policing community, that they think there is a deficiency in the Trespass Act. I would not ever endeavour to speak for the Attorney General, but I think my view of that is closer to his than theirs. I think the provisions exist within the Trespass Act, but some other folks, apparently, don't think that, which is what has given rise to my proposal to be a little bit more explicit and to amend section 19 as follows, by adding to (b) a (v).

Maybe I'll table it.

[Section 19 (1) (b) by adding the underlined text as shown:

(v) a building, permanent structure, trailer or portable structure designed or used to shelter animals;]

I can table that and send one over to the Attorney.

On the amendment.

M. de Jong: My purpose is not to place the Attorney in an awkward position. I think we're getting close to adjournment. I have a few more comments, and I think one or two of my colleagues, at least, have some things that they would like to say. The Attorney will have to take some time to consider the nature of the amendment.

He's already indicated, I think, the argument for and against, which is that the act is already sufficient. This would add particularity and specificity to a type of building or permanent structure or portable structure. There's no question about that. But I will take just a few more moments to try and impress upon the committee and the House and the Attorney General the seriousness of the issue that is being faced here.

There are organized groups. There is nothing wrong with being an organized group, and there is nothing wrong with being an organized group that wants to advocate for a certain dietary approach to life. But there is something profoundly wrong with organized groups who want to advocate for a particular dietary approach to life who think it's okay to descend upon a family on their farm and intimidate and terrorize them. And that's what's happening.

You know, I know that governments and cabinet members and ministers frequently speak out about activities — illegal activities and criminal activities — that take place in society and make clear their opposition. But I think that what a lot of the farming community is disappointed by is that in this case and in these situations, we haven't heard a lot. We haven't heard a lot from people in positions of authority to denounce this kind of activity.

Yes, I'm hoping, in the context of this debate and this discussion around the Trespass Act, that the Attorney will take advantage of the opportunity to make clear that the kind of activity that this family and others have been subjected to is wrong. It is contrary to the law. There should be sanctions. There should be penalties, and those penalties should be serious.

By the way, these groups who also seem to — some of

them, at least — want to deploy children in these situations because, quite frankly, it looks better.... It's still wrong, and it still intimidates and frightens the families that produce the food that we, as a society, rely upon and many of us eat and enjoy eating. There is the human dimension to this.

Then, finally, I would say this. The part of B.C. that I call home and that some of the other members call home.... We take great delight in proclaiming us to have the most fertile and productive farmland in Canada, and it's true. But we'd better protect the people that work that farmland. Right now they're feeling unprotected, and I think the tools to protect them exist.

[3:55 p.m.]

When he's had a chance to properly study what I proposed, the Attorney General may say: "Yes. I think the amendment is not necessary because I think the tools do exist." Well, then, let's start using the tools. Let's start using the tools so that these families — it's a tough business — who want to do nothing more than raise their families and produce food and grow crops and raise animals....

If we have issues about the standards.... I want to say this: the farm that was attacked had a reputation for employing the best standards — leading-edge standards in animal husbandry and farming.

If we, as a parliament, want to address those standards and create new ones, that's all legitimate as well. What is not legitimate is for people to invade private property — someone's private home, someone's farm — and terrorize them. I'm hopeful that, over a few minutes, we'll be able to make clear that that is not what the House stands for, it's not what the government stands for and it's certainly not what the opposition stands for.

That's my presentation in support of the amendment. Again, the Attorney may wish to reply briefly or hold his powder. There are a few other members of the opposition that would like to speak further to the amendment.

Hon. D. Eby: I've heard the member's comments. I understand that he's moved this amendment, I think. I didn't hear him say the words, but I think he's moved it. So I will definitely have a look at it.

Noting the hour, I move the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 3:56 p.m.

The House resumed; Mr. Speaker in the chair.

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

Hon. D. Eby: Today is a special day. It's federal election day, and we're keen to give staff an opportunity to exercise

their democratic rights and privileges to go out and vote today.

Hon. D. Eby moved adjournment of the House.

Motion approved.

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

The House adjourned at 3:58 p.m.

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