



Sixth Session, 40th Parliament

OFFICIAL REPORT OF
**DEBATES OF THE
LEGISLATIVE ASSEMBLY**
(HANSARD)

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Afternoon Sitting
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THE HONOURABLE LINDA REID, SPEAKER

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PROVINCE OF BRITISH COLUMBIA
(Entered Confederation July 20, 1871)

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Her Honour the Honourable Judith Guichon, OBC

SIXTH SESSION, 40TH PARLIAMENT

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WEDNESDAY, MARCH 8, 2017

The House met at 1:34 p.m.

[Madame Speaker in the chair.]

Routine Business

Prayers.

[1335]

Introductions by Members

Hon. S. Bond: We're delighted today to be celebrating.... Uh-oh, that could be a career-limiting move. I should have stayed down.

We're delighted today to be celebrating B.C. Book Day today, and I know that members from both sides of the House joined Madame Speaker and the Lieutenant-Governor to celebrate the incredible book publishing industry here. I know that there may be some members of that industry in the gallery. We want to thank them for being not only job creators but creating incredible books.

Today we celebrated books written by women, for women, about women, and I should say that one little baby, a member of the opposition — the brand-new baby on that side — went home with a whole bag of new books for reading.

We want to welcome the book publishers to the gallery today, Madame Speaker.

Hon. C. Clark: Here on International Women's Day.... By the way, congratulations and happy International Women's Day to all members of this Legislature and yourself, Madame Speaker. I do note how many women of influence there are, including yourself, in our Legislature these days.

We are joined by some young women who want to make sure that their opportunities to succeed are even greater than ours have been. Caitlin Kingsmill and Juliet Watts are both here. They are grade 12 students at KSS in Kelowna. They're co-chairing a WeForShe event where 250 young women — and boys — from around the district are going to be joining them to talk about how we can make sure young women get the same chances to get ahead that young men do, and to join them with mentors, men and women who are going to champion them in making sure that they get a chance to get ahead.

They are also joined by four women who are champions. Danielle Hofer from the Women's Enterprise Centre is with us. Stephanie Baziuk from the Kelowna Chamber of Commerce is with us. And Lois Nahirney, who chairs the Premier's Women's Economic Council, and Jill Earthy, who is with FrontFundr, getting women into the finance sector — both of whom were the founders and drivers behind WeForShe, which welcomed 1,500

young and experienced women to Vancouver last year to be a part of making sure that young women have just as good a shot at success in our society as men do, no matter where they live.

J. Darcy: It gives me great pleasure today to welcome the Ambulance Paramedics of British Columbia to the Legislature: President Bronwyn Barter, Sophia Parkinson, Bob Parkinson and Dave Deines. They have been very vocal, fierce champions for improving the ambulance service in British Columbia over many years. It's been my great pleasure to work with them as the opposition spokesperson on Health.

I want to say thank you for the wonderful work that you and your members do every single day, and welcome to the Legislature of British Columbia.

Hon. T. Lake: It is indeed a pleasure to stand today in my capacity as Health Minister to again welcome some amazing paramedics to the gallery. Paramedics fight and save the lives of British Columbians on the front lines every single day.

I also wanted to introduce one of the most ardent advocates of paramedics. We know that 24 hours a day, seven days a week professional paramedics are ready to help those in need. When you call 911, highly trained dispatchers work with emergency responders to ensure you receive the help quickly and efficiently.

This morning we announced enhanced funding that will add new resources on the road for B.C. emergency health services, adding regular and part-time positions in rural and remote communities to enhance patient care and to continue to bring innovative paramedicine programs to 73 communities across B.C.

Joining us today in the gallery is someone who is here very often, of course, the chair of the Fallen Paramedics Memorial project committee and the author of the 40-year history of the B.C. Ambulance Service. Lynn Klein is here. We have from the Ambulance Paramedics and Emergency Dispatchers union Sophia Parkinson, Bob Parkinson and Dave Deines. And today, since it is International Women's Day, I want to introduce the president of the Ambulance Paramedics and Emergency Dispatchers union, and one of the strongest women I know, Bronwyn Barter.

Will the House please make them all very welcome.

[1340]

Tributes

EDITH IGLAUER

N. Simons: On International Women's Day and B.C. Book Day, I'm honoured to pay tribute to Dr. Edith Iglauer Daly White, one of British Columbia's foremost journalists, who turns 100 on March 10. Born in

Cleveland, she was a World War II correspondent and covered the U.S. first lady Eleanor Roosevelt.

A longtime staff writer for the *New Yorker*, she chose Canada as her beat and was instrumental in bringing recognition to Inuit art. She wrote on everybody from the first Prime Minister Trudeau to the renowned architect Arthur Erickson to an ordinary B.C. salmon troller in her classic book, *Fishing With John*. A B.C. resident for over 40 years, she still lives in her own home on the Sunshine Coast.

Introductions by Members

Hon. M. Polak: Today I had a very enjoyable lunch with students visiting from the King's School in Langley. They are led by their teacher, Laurena Hensel, and the students' names are Evan Beier, Sarah Byrd, Seon Han, Hannah Lim and Audria Linton.

Would the House please make them welcome.

C. James: I have a number of guests in the gallery today who are members of the Financial Advisors of Canada Association, the largest voluntary professional membership association of financial advisers in Canada. They're here to talk about their work furthering the professionalism of their members and the best interests of the consumer.

I'd like to introduce Greg Pollock, Peter Tzanetakis, Andrew Kimber, Wade Baldwin, Rob Bauml, Steve Hammer, Michael Davis, Mark Schulhof, Bob Cowan, Dan Swanlund, David Webb and Jared Webb.

Would the House please make these guests very welcome.

Hon. Michelle Stilwell: Today the members might notice the guest sitting behind me on the Legislature floor. He was a member of this Legislature from 2001 to 2009. He served as Minister of Education, Minister of Aboriginal Relations and Reconciliation, Minister of Children and Family Development. Currently he is the board chair of Community Living B.C.

Would the House please make him feel welcome: Tom Christensen.

M. Farnworth: In the gallery today, we have a group of 30 grade 11 students accompanied by two adults and their teacher, Mrs. Brygida Reis. They are from Archbishop Carney, a fine school in my constituency, and they're here to see the workings of the Legislature of B.C.

I hope everyone makes them most welcome.

Hon. A. Virk: It's quite fitting on International Women's Day. My life is run by women. I have four at home that I can't escape without wearing the right tie or the right suit, but even when I come here, my life is run by women.

I have three individuals to introduce from my office. First of all, I have Sarah Blonde — not Blondie, although

I've heard her referred to as such. I have Alison Wensink, and I have my executive assistant, Jessica La Forge, as well.

Would the House please make them feel welcome.

N. Simons: Colleagues, joining us in the precinct today are Margie and Mark Gray, the mother and father of Myles Gray, a constituent of mine who died during a police altercation with seven police officers in the summer of 2015. With them are Myles's sister, Melissa Gray, and her son, Benjamin, along with a friend and supporter, Chanel Choquer, who was also a cello student of mine some years ago.

They'll be meeting with the Assistant Deputy Minister of Justice later on today on their ongoing quest to get answers about what happened to their son, who is deeply missed by the family and many friends on the Sunshine Coast.

Hon. S. Anton: I would like to make three introductions today. The first is a Canada 150 project. This is a team from Vancouver who is organizing a nationwide drumming festival that will be held on Canada Day to symbolize the unity of Canada, to celebrate the 150th anniversary of Confederation and to celebrate Canadian diversity. Of course, yesterday we had new legislation introduced by the Minister of International Trade and for Multiculturalism.

That ongoing interest in diversity, of course, is promoted by Richard Wong, chair of Canada 150 Atlantic to Pacific Celebration and the Canada 150 drumming project. He is joined by Howe Lee and Mrs. Sandra Sung.

[1345]

I'd like to introduce, as well, from my riding, Robert Seaman, from a company called NexGen. This is a Canadian company that manufactures environmentally friendly wood coatings that protect wood buildings from fire, mould, rot and insects. This is a product that he sells worldwide. It is the only wood protection product in the world with a third-party warranty for fire. Mr. Seaman is a third-generation wood industry executive whose family has been active in the wood industry in Canada since the 1940s.

I would like to join the member for Victoria-Beacon Hill in welcoming the people here from Advocis, which is the Financial Advisors of Canada Association. I, too, would like to share in the welcome of the representatives from that organization.

Would the House please make these visitors very welcome.

J. Shin: I've had the pleasure of serving the multiculturalism file through the whole of my four-year term and, of course, with the support of my colleagues. This House saw over 1,200 British Columbians visiting from 57 visible minority groups across the province.

Today I'm rising in this House, perhaps for my last time, to welcome the members of the Indonesian-Canadian

community, led by the president of PERMAI B.C., Martin Prijatna. The members that he has on his executive with us are Adriani Tambunan, Tetty Simorangkir, Cynthia Manurung, Matthew Riyanto, Eduardus Pradipto, Jeany Indrawati.

I do want to take this opportunity to thank all the members and you, Madame Speaker, for your indulgence in my introductions over the years that read like two-minute statements, because the community members, as you know, like the Indonesian Canadians that we have in the gallery today, are the true VIPs and the rightful owners of this House who deserve no less than our most genuine welcome.

We are a province that speaks more than 120 languages, and there is no piece in our mosaic that's too small to go unheard in this House. It's been my privilege to serve alongside all of you, and my gratitude will be lifelong.

Would you please join me for one last time in welcoming our delegation to the House.

Hon. M. Bernier: It's my pleasure to introduce to the House Suzanne Hoffman, who fulfils the very important role here in British Columbia as the chief educator within the Ministry of Education. She is responsible for supporting the development and implementation of B.C.'s education transformation agenda on behalf of government and brings the perspectives of school districts to the ministry and government.

Prior to the current role as chief educator, Suzanne was a part of the ministry's outreach team, where she travelled around the province providing teachers, administrators and parents with information on the redesigned curriculum and the transformation of education here in the province. Prior to this role, Suzanne worked in the Langley school district for the past 20 years, first as a teacher, then as an administrator and, most recently, as the superintendent of schools.

Please welcome yet another amazing woman to the House, Ms. Suzanne Hoffman.

Hon. A. Wilkinson: It's a pleasure to introduce today two individuals from Vancouver Film Studios: Pete Mitchell, the CEO; and Alejandra Sorto, who is the CFO. They report, of course, that the film industry is thriving as part of our richly diversified economy.

Two other individuals serve as administrative people in my office: Chelsey Tank and Cindy Flesh. Chelsey joined us at the start of the session and has been awed by the efficiency of the machinery of government in my office.

Statements

RESPONSE TO BOMB THREAT AT JEWISH COMMUNITY CENTRE

G. Heyman: Yesterday evening the Jewish Community Centre of Greater Vancouver received an emailed bomb

threat. The Leader of the Opposition and the Premier have both issued statements decrying this action, speaking out against hatred. I think it's important that we take a moment in this House to reflect on what it means and to add our voices to opposition to any act of hatred, any act of racism.

This particular bomb threat was a hoax, but it could just as easily have been real, as we've seen in Canada, as we've seen in other parts of the world. Unfortunately, some of us may have been lulled, for a period of time, into believing that hatred, anti-Semitism, Islamophobia and racism were declining in our world.

[1350]

But we have seen in recent years, across the world, across North America, across Canada and here in British Columbia an increase, a recent emboldening of people who think they have licence — licence to express hatred, licence to cause injury, licence to threaten, licence to tell good Canadians that they don't belong here.

The Jewish community today is understandably living in fear — just as the Muslim-Canadian community is also living in fear, just as others have lived in fear over the years. In the 1930s in Germany, we saw what happened when people treated acts of hatred, acts of racism, acts of anti-Semitism as isolated incidents. We know what happens when good people don't do enough, when good people think it's enough to simply express dismay to their friends, to their neighbours.

Today and every day it's important that we reach out to the Jewish community, to the Muslim community, to any community in Vancouver, across B.C. or across Canada who have experienced hatred, who have experienced threats and who live in fear. It's not enough to talk to our friends. Good people can make a difference by speaking loudly, by speaking publicly and by speaking often. I know that every member of this House joins me in doing so today.

Hon. C. Clark: I want to join with the member for Vancouver-Fairview and all members in this House in adding my voice. As he said, we must not just add our voices; we must add action in supporting those who feel anti-Semitism or any other kind of hatred in our society, in our community.

For the Jewish community, this has been an alarming time. There have been over 100 separate bomb threats in North America: 27 Jewish centres in 17 states — New York, Wisconsin, Illinois, Florida, Mercer Island just to the south of us; Toronto; London, Ontario; and now Vancouver.

This kind of hate is intended to instil anxiety and fear in the Jewish community. It should instil outrage in all of us. That our fellow citizens would be targeted because of their faith is unacceptable in our province.

My son attended the Jewish community centre as a student, before school, for several years. That is a commun-

ity that is filled with love and laughter, people striving for something better. It's a community that reaches out and welcomes everyone in. That is the last place that we would expect to be a target of hatred, yet after the vehement wave of threats that we've seen across North America, I suppose none of us should be shocked that it's found its way here.

It is a reminder, though, as the member has said, that every one of us has an obligation to stand up, to make our voices heard, to take any action we can, to stand with the Jewish community — to ensure everyone knows that anti-Semitism is absolutely unacceptable in British Columbia and in Canada. And we resolve ourselves once again to ensure that we will stand strong and fight anti-Semitism, fight anti-Jewish feeling wherever we see it, wherever we hear it, anywhere in this province, anywhere in this country or, by virtue of what we see on social media, anywhere in the world.

Introductions by Members

G. Hogg: It's difficult to stand and make an introduction after the previous two speakers.

Thank you very much for reminding us of that importance.

On behalf of the member for Surrey-Cloverdale, it is my pleasure to introduce her wonderful constituency assistant, Sharon Crowson, who's joining us here in the gallery, along with Nicolas Aguirre, who's an exchange student in Canada through Rotary International. He is from Tarija, a small city in south Bolivia known for its wine industry.

[1355]

He is 17 years old, attending grade 11 in Elgin Park Secondary School in Surrey. Once he returns to Bolivia at the end of his school year, he plans to pursue a career in civil engineering. He has experienced snow for the very first time in his life, with which we have supplied him in abundance this winter. Please give him a warm, chill-thawing welcome to our Legislature.

Introduction and First Reading of Bills

BILL 6 — INFORMATION MANAGEMENT (DOCUMENTING GOVERNMENT DECISIONS) AMENDMENT ACT, 2017

Hon. M. de Jong presented a message from Her Honour the Lieutenant-Governor: a bill intituled Information Management (Documenting Government Decisions) Amendment Act, 2017.

Hon. M. de Jong: I move the bill be introduced and read a first time now.

Motion approved.

Hon. M. de Jong: I am pleased to introduce Bill 6. These amendments to the Information Management Act respond specifically to recommendations made by the Information and Privacy Commissioner and the former commissioner, David Loukidelis.

The amendments will enable strong oversight and consistent information management practices across government by, firstly, creating a legislative duty to document and, secondly, enhancing the oversight powers of the chief records officer. These amendments make British Columbia the first Canadian province to enshrine a duty to document in our information management legislation.

Public service employees are today very diligent about their responsibilities to create the right records. What this amendment will do is formalize this good practice and codify the requirement to maintain records of government's decisions.

A number of Mr. Loukidelis's recommendations also relate to a need for increased oversight and direction-setting by the chief records officer, and the amendments will also address those recommendations.

Those amendments will clarify the circumstances under which the chief records officer can access the information she needs to carry out her mandate. It will provide her with specific authority to undertake reviews of information management practices and to make recommendations for improvement. It will provide transparency for the public by requiring the preparation of an annual report to be tabled in the Legislative Assembly.

Taken together, the proposed amendments underscore the government's commitment to improve the way we manage the information we hold on behalf of the citizens of the province, reinforce government's role as a steward of the public's information and enhance compliance. I believe that these amendments will reinforce B.C.'s position as a leader in information management in Canada and will ensure that the Information Management Act remains the strongest legislation of its kind in Canada.

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

Bill 6, Information Management (Documenting Government Decisions) Amendment Act, 2017, 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 M237 — WORKERS COMPENSATION AMENDMENT ACT, 2017

A. Weaver presented a bill intituled Workers Compensation Amendment Act, 2017.

A. Weaver: I move that a bill intituled the Workers Compensation Amendment Act, 2017, of which notice

has been given in my name, be introduced and read a first time now.

Motion approved.

A. Weaver: I'm pleased to be introducing a bill intituled the Workers Compensation Amendment Act. This act amends the Workers Compensation Act to prevent employers from setting varying footwear and other requirements based on gender, gender expression or gender identity. As a result, for example, this act would prevent employers from requiring select employees to wear high-heeled shoes.

The *Tyee's* recent series on sexism in B.C.'s restaurant industry shone a spotlight on the harassment and sexist dress code policies faced by servers across British Columbia. Many employers require that female staff wear high heels. This footwear can be extremely uncomfortable and unsafe.

This week, the U.K. Parliament is debating a petition that would ban employers from requiring high heels at work. As Samantha Power, former U.S. ambassador to the UN, wrote, highlighting the absurdity of this law: "The next petition should be one requiring men to wear high heels for a nine-hour shift before they insist women do." We are very far from an inclusive, gender-equal province, and today, International Women's Day, seems an appropriate time to take this overdue step.

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 M237, Workers Compensation Amendment Act, 2017, 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.

[1400]

Statements (Standing Order 25B)

BOMB THREAT AT JEWISH COMMUNITY CENTRE

S. Sullivan: Last night the Jewish Community Centre of Greater Vancouver had to be evacuated because of a bomb threat. The Vancouver police department responded immediately and conducted a thorough search of the building. While it was later determined to be a hoax, we are treating this incident with utmost seriousness because of anti-Semitism and similar threats aimed at Jewish community sites across Canada and the United States.

I'm deeply troubled by this incident, hon. Speaker — not out of fear. This is just the work of one or, perhaps, a few individuals. Their message of hate does not resonate with the vast majority of British Columbians, who value their rights and freedoms in our country — freedom to

follow their own religion, freedom to honour their own cultural heritage or to exercise their right to express personal views and opinions.

Diversity makes us strong. Let us remember Selim Franklin, elected to the B.C. Legislature in 1859, who was one of the first Jewish legislators to take a seat in British North America. David Oppenheimer, the second mayor of Vancouver and the man who arguably put Vancouver on the path to becoming a great city, was Jewish.

Incidents of this nature serve as a reminder that we must not allow hatred to become routine. Unfortunately, other communities in our province have also been singled out — some through anonymous pamphlets dropped in the middle of the night; others, more directly. In all instances, these individuals hide from view because they know British Columbians and Canadians across the country do not share in prejudice or bitter animosity.

We want to live in harmony with our neighbours, celebrate our diversity. We want our children to grow up in a community where they feel safe and a part of something greater. As the Premier stated this morning, we will not be divided. We will not change the values that define us.

INTERNATIONAL WOMEN'S DAY AND PREVENTION OF SEXUAL VIOLENCE

M. Mark: Today, March 8, we celebrate the achievements of strong and powerful women across the globe on the 100th International Women's Day. We celebrate our daughters, our sisters, our mothers, our aunts and our grandmothers. We celebrate the women doing the important work, the most important job of all: raising our children. We celebrate the women doing the heavy lifting at home and in the workplace; the women excelling at our colleges and universities; the women fighting for justice, respect and equality.

There is no question that women have achieved a lot, but we have a lot of work to do when it comes down to the safety of women and girls. This week is also Stop the Sexual Exploitation of Children and Youth Awareness Week in B.C. We are reminded how vulnerable our children and youth are to sexualized violence on line, at school and throughout our communities. Let's not forget that women and girls experience high levels of sexualized violence at home, at school, at work and in our backyards. When women and girls reach out for help, they need supports on demand to empower them to thrive. It is my hope that we do everything we can to protect our children, youth and life-givers to be free from all forms of violence.

As we celebrate, I'd like to share some remarks my constituent Marion Pollack so eloquently made: "I cannot be free until women of colour and indigenous women are treated fairly and with respect. I cannot be free as long as Islamophobia exists. I cannot be free as long as trans people are being discriminated against. I cannot be free

until violence against women is ended. I cannot be free as long as women with disabilities are treated unfairly. I cannot be free as long as many senior women continue to live in poverty.”

Hon. Speaker, let's continue to lift as we climb and to do our level best to ensure that all of our sisters are free from sexualized violence and all forms of discrimination.

Happy International Women's Day to all of the women in these chambers, watching at home, my mom and throughout B.C.

RUSSELL EDWARD COOK

L. Throness: I rise to pay tribute to a longtime friend and an important British Columbian. Russell Edward Cook passed away in Vancouver last Wednesday at 58 years of age following complications from a sudden brain injury, although he was an avid cyclist in otherwise excellent health.

I first met Russ in Sherwood Park, Alberta in grade 9. We attended the same church and found ourselves in the same class at school, too, and quickly became best buddies for the next four years. He introduced me early to politics by conscripting me to co-chair the campaign of a student council president. Russ was an enthusiastic, no-holds-barred kind of guy. I'll never forget the pickle race we organized that helped to clinch the win for our candidate.

All through high school, we spent most of our time together. Russ was an inspiration to me, a deep thinker, committed, fearless and outspoken about his faith. We shared many hours of hilarious laughter and fun as well as many serious talks.

[1405]

Our paths diverged after high school, as he went on to more significant things. He volunteered in a refugee camp in Thailand. He studied at Biola University in California. He did commerce at U of A and McGill. I attended his wedding to Karen in 1984. Their marriage produced their beloved children: Alex, Liam and Amelia.

Russ served for many years in Toronto as a vice-president of the Royal Bank of Canada before returning to Vancouver a decade ago. And now, all too young, suddenly this.

For centuries in our culture, sudden death has served as a moral reminder, a lesson that our time is short, and it is coming quickly. We need to be ready now, value what's important now and seize this day to complete those things left unfinished in our lives. Russ has something to teach us all.

The condolences of this House go out to Russ's wife and children, his parents, Paul and Martha, siblings John and Carol and so many others, including myself, who mourn the passing of a treasured friend — Russell Edward Cook.

GLADSTONE SECONDARY STUDENTS IN ROBOTICS COMPETITION

A. Dix: Gladstone Secondary is an amazing and diverse school, with 1,100 students, located in Vancouver-Kingsway. Last year Gladstone students organized a remarkable campaign to save their school from possible closure, and save it they did.

One of the many things that Gladstone is justly famous for is its world-champion robotics program. The Robosavages are the New England Patriots of B.C. robotics, except that they always, always follow the rules.

This past weekend in Delta, the B.C. Robotics Championships were held, with eight teams from across B.C. qualifying for the world championships in Louisville, Kentucky. Three of those eight teams will be from Gladstone, including the B.C. champions in the Build Award category.

Congratulations to team leaders such as Shing How Li, Alex Yardley, Kelly Yee, Abenal Meganti, Joshua Choi, Zoe Sai and many others for another successful year.

Since 2006, Gladstone robotics have helped transform the lives of its students. This is a great public school program, and Gladstone has become a model for other schools across B.C. Last year, for example, the Robosavages brought three West Vancouver students to the world championships to show them how it's done. In 2016, Gladstone reached sixth in the world championships with an all-girls team.

This year two teams from West Vancouver will join Gladstone's three at the world championships. As my MLA colleagues from West Vancouver know, any time Vancouver-Kingsway can give a hand up to West Vancouver is a true win-win. Imagine what might happen if the Gladstone model was introduced across B.C. — the doors it would open, the dreams it could make real.

I know everyone in this House wishes the very best to Gladstone, West Vancouver and all the other B.C. teams heading to the VEX Robotics Championships in Louisville, April 19 to 22. We know they will do us all proud.

VOLUNTEERISM IN SHUSWAP

G. Kylo: Today I rise to pay tribute to the volunteers that form the backbone of the Shuswap community. Shuswap volunteers support people from all walks of life and strive to make our community a better place to live. Specifically, I'd like to recognize the Fifth Avenue Seniors Centre in Salmon Arm.

Last Friday I attended the monthly gathering, where over 100 community members came out to celebrate birthdays. This month we celebrated the birthday of perhaps my oldest constituent at 108 years old, Lena Johnson. This amazing community event is made possible by John Thomson, Laura and Dennis Bennett and the passionate

volunteers who administer and operate the Fifth Avenue Seniors Centre.

I'm also honoured to recognize the work of the Royal Canadian Legions throughout the Shuswap. Legions do everything from developing awareness about hospice to raising capital for enhancing programs and services in local communities. Every year volunteers help with the poppy campaign to foster remembrance. Last year the funds collected through the poppy campaign were donated back to Shuswap communities through bursaries and donations to the hospital foundation, the Salvation Army food banks, the women's shelter, the Children's Emergency Foundation, the Veterans Assistance Society and Relay for Life, just to name a few.

I would also like to recognize the countless community volunteers who organized the four stops in my region for the CP Holiday Train this past Christmas season and who worked hard to collect funds and food for the local food banks. Life in the Shuswap would be a lot harder and a lot less enjoyable without the selfless dedication of so many volunteers. I'm incredibly proud to represent a riding with such a strong focus on service, a desire to help others and a drive to support Shuswap communities.

[1410]

LEGACY OF MAPLE BATALIA

B. Ralston: Last Saturday, March 4, a candlelight vigil took place at Holland Park in Surrey-Whalley to honour victims of domestic violence.

One of the very poignant stories recounted was that of Maple Batalia. She was murdered at the age of 19 in the parking lot of Simon Fraser University's Surrey campus on September 28, 2011. Maple was an extraordinary and vibrant young woman, an SFU student and also an aspiring actress and model. The murderer was a young man prosecutors described as a jealous ex-boyfriend. He ultimately pleaded guilty to second-degree murder with no eligibility for a parole application for 21 years. An accomplice was found guilty of being an accessory to the murder and was sentenced to 22 months in jail.

The Batalia family has responded to the tragedy in a strong and resilient way. Maple's sister Roseleen has dedicated her life to ending violence against women. To honour Maple's legacy, the Batalia family has established a bursary to support students in SFU's health sciences department. Her mother, Sarbjit, told me on Saturday that as a result of her work, the fund now exceeds \$100,000. A separate Maple Batalia Memorial Scholarship of the Arts was also established in partnership with Emily Carr University of Art and Design. The family continues to advocate publicly to prevent future cases of domestic violence.

Speakers at the vigil spoke of the important conversations that are required with both men and women to change attitudes to women and girls, and to act with re-

spect for their decisions and their personal autonomy. Roseleen said that the warmth and strength of her younger sister's spirit will never disappear. She says: "These people may take Maple away, but they will never take away her legacy. Even after her death, her legacy goes on."

As we mark International Women's Day today, Maple's tragic death reminds us of the distance we still must travel to achieve true equality for women and girls.

Speaker's Statement

RULES FOR QUESTIONS IN QUESTION PERIOD

Madame Speaker: Hon. Members, let me say that yesterday's question period did not uphold the intent of Standing Order 47A, to which I refer all members. Broadly speaking, oral questions may be asked of ministers of the Crown relating to their responsibilities within their respective ministries or relating to a statute under their authority. Matters relating to caucus or party activity or the independent operations of a statutory officer, such as Elections B.C., are well outside the administrative responsibility of any ministers of the Crown.

Oral Questions

CHANGES TO PROPERTY TRANSFER TAX AND ROLE OF FUNDRAISER

D. Eby: The week after realtor Bob Rennie told a reporter that he had advance knowledge of B.C.'s foreign buyers tax and people got upset, he said it was all a big mistake. Even though Mr. Rennie was chair of the Premier's fundraising committee and had pledged to raise \$10 million for the Premier through private dinner parties, he said he couldn't possibly have known about the tax in advance. Why not? Well, according to Mr. Rennie: "I don't speak to them about that because it's my core competency."

Both the Premier and her Housing Minister knew that their chief fundraiser's explanation, about how he couldn't possibly know, simply wasn't true. To the Premier, why didn't she set the record straight?

Hon. C. Clark: Thank you, Madame Speaker. I will do my best to observe your admonition of a few moments ago in my answer today.

Let me start by saying this. The tax on foreign purchasers in British Columbia has done exactly what the government and what citizens hoped it would do, and that is slow down the tremendous growth in the cost of housing in the Lower Mainland. We did it. The NDP opposed it. It turned out that it did exactly what we expected it would do.

The foreign buyers tax. The luxury tax on homes over \$2 million. The almost \$1 billion investment in affordable

housing — the biggest investment from any government in a single year in Canadian history. The changes in the property purchase tax for first-time and new home buyers. The HOME program — again, one that the member of the opposition said he would scrap but one that is tremendously important for getting young people into their first home by helping them scrape together their first down payment.

[1415]

Housing is something we need to keep within the reach of middle-class people in British Columbia. Our government is taking action. We are going to make sure that we continue to take this action, because every British Columbian deserves the opportunity to own their own home.

Madame Speaker: The member for Vancouver–Point Grey on a supplemental.

D. Eby: I know the Premier doesn't want to talk about her cozy relationship with Mr. Rennie and how that led to two years of the opposition trying to get her attention while home prices in Metro Vancouver spiked over \$600,000. But we're going to talk about that, because the Premier's relationship and her Housing Minister's relationship with Mr. Rennie, as chief fundraiser, is very clear.

The Housing Minister exchanged multiple emails with Mr. Rennie in which he and Mr. Rennie discussed budget measures related to real estate and the environmental approval process in relation to a major housing development near Squamish that Mr. Rennie surely hoped to market. They also talked about classic cars.

As for the Premier, Mr. Rennie forwarded a proposal for the Metro Vancouver real estate market to Carole Taylor, the Premier's special adviser, saying: "We need a very visible approach to curbing speculation and the optics of working towards affordability." That email was forwarded by the Premier's special adviser to the Premier's director of policy. Mr. Rennie apparently forgot that he talks to the highest levels in this government about real estate policy.

Will the Premier now admit that Mr. Rennie — major fundraiser, dinner party host, B.C. Liberal Party insider and friend — had it right the first time when he talked to the reporter and said he had advance notice of the foreign buyers tax?

Hon. C. Clark: I'm sure a lot of developers and people in the development industry had a lot of feelings about the foreign tax. What we discovered after we introduced it is that almost to a person, they don't like it. Just like the NDP, they oppose the foreign buyers tax.

We charged ahead with it anyway, because we want to make sure that housing stays affordable for middle-class British Columbians. It's part of a long suite of changes that we've made. The member might be interested to know that the HOME program, that's designed to help

young people scrape together that first down payment — the program that he says he would like to see scrapped — has already had over 100 approvals from people buying homes in just the city of Vancouver.

I know the foreign tax was not popular with developers. But I do know that it's popular with British Columbians because it did exactly what we had hoped it would do, and that's slow down the explosive growth in the cost of housing in the Lower Mainland. It's been popular because it works. It's something that the government has supported because we believe in the right of middle-class British Columbians to be able to have a part of the dream of owning their own home.

Madame Speaker: Vancouver–Point Grey on a final supplemental.

D. Eby: I know the Premier doesn't want to talk about her relationship with Mr. Rennie. Again, no answer to the question.

But it wasn't just email access to the highest levels of this government that Mr. Rennie got for being chief fundraiser for the Premier and dinner host. It got him so much more. Mr. Rennie met with the Premier's special adviser in April of 2016 and again in June of 2016, just weeks before the foreign buyer tax was announced.

Imagine Mr. Rennie's joy when the Premier formally announced, a few weeks later, that she'd be bringing in a foreign buyer tax but that she'd be exempting the speculation on presale condos. Now, why would Mr. Rennie be happy about that? Well, selling presale condos is why Mr. Rennie is the Condo King. That's his core competency.

How can the Premier defend giving her chief fundraiser access to the most senior policy members in her office weeks before the foreign buyer tax was introduced and then exempting his core business from that same foreign buyer tax and then, when he told the media that he never talked to the Premier's office and never talked to her ministers about real estate policy in B.C., not setting the record straight, because it wasn't true?

[1420]

Hon. C. Clark: Just like all the members of this House who, on that day when the legislation was introduced, were shocked because they had no advance notice, nor did anyone in the industry have any advance notice that this was going to happen.

Just to point out how silly the member's argument is: after the fact, we saw all kinds of media coverage of developers and people who depend on the development industry complaining loudly and tenaciously, along with the NDP, that the foreign tax was exactly the wrong thing to do. Well, guess what. It turned out to be absolutely the right thing to do.

It slowed down the explosive growth in the real estate market — inflated prices — all of which benefit the

people who sell homes professionally. We slowed that down exactly as we had planned to do. And in doing so, we are making sure....

I know the NDP don't care if people get to own their own home. But on this side of the House, we believe that home ownership — the opportunity to wake up in a place you can call your own, a place that you can raise your children in, a place where you won't have to move at the end of every month or that you know you can be in for the rest of your life — is an important dream for thousands and thousands of British Columbians.

On the free enterprise side of this House, we understand that that dream is real, we understand why it's important, and we are going to continue to make sure we keep that dream within the reach of middle-class British Columbians.

ACTION ON HOUSING AFFORDABILITY AND ROLE OF FUNDRAISER

C. James: For two years, the Premier said there was no housing crisis in the Lower Mainland. Not only did the government not have a plan; they refused to believe there was even a problem for two years. As the market got out of control, the Premier was quite content to collect billions in property transfer taxes while families looking for a place to buy or a place to rent got left behind.

What did the B.C. Liberals' chief fundraiser tell the Premier to do? He told her to deal with "the optics of working towards affordability."

My question is to the Premier. Why were the Premier and her chief fundraiser more interested in the optics of affordability than actually helping struggling families be able to find a place to live?

Hon. C. Clark: There is nothing optical about a 15 percent tax on real estate in the Lower Mainland. And because there is nothing optical about it, it had a very real impact on the incredible, distorted housing market and the growth that we'd seen in the price of housing.

There is nothing optical about the biggest budget for affordable housing — by the way, which the NDP have been set to vote against — in British Columbia's history. There is nothing optical about a luxury tax on homes over \$2 million, which again...

Interjection.

Madame Speaker: Nelson-Creston.

Hon. C. Clark: ...was contained in a bill that the NDP also voted against.

On this side of the House, we are committed to making sure we keep the dream of home ownership alive for the middle class. It may not be something the NDP cares about. It is certainly — some of these moves — things

that developers have not liked. But my job is to represent citizens and make sure that the children of those who own homes today can have the chance to own their own homes when it's their time to take the lead in British Columbia.

Madame Speaker: Victoria-Beacon Hill on a supplemental.

C. James: Two years. For two years, this Premier, her cabinet and the members on the other side said there was no housing crisis. The Minister of Finance said that the government would not make policy for B.C. based on "a few neighbourhoods on the west side of Vancouver." The Housing Minister said: "I guess some people just have to get up and whine every day." The Premier said: "The heavy lifting needs to come from the cities."

Meanwhile, the number of affordable family homes across Metro Vancouver dropped, and rents across the region kept rising. And it's not just the Lower Mainland. Affordable homes are out of reach for working families and communities across this province.

[1425]

My question again is to the Premier. Why does the Premier put optics in front of families?

Hon. C. Clark: If the member and her party would just once vote in favour of one of the bills that our government has introduced to make sure that housing remains within the reach of the middle class in British Columbia...

Interjections.

Madame Speaker: Members, this House will come to order.

Victoria-Swan Lake.

Hon. C. Clark: The members voted against the 2 percent luxury tax. They voted against the budget that will provide for affordable housing, the biggest budget ever in British Columbia's history. They voted against the property purchase tax changes. They spoke against and ultimately voted in favour of the 15 percent foreign tax. And their leader has said....

Interjections.

Madame Speaker: Members.

Hon. C. Clark: A little sensitive, I notice.

Interjections.

Madame Speaker: Surrey-Newton.
Please continue.

Hon. C. Clark: Our government has been working hard to make sure that we keep home ownership within the reach of the middle class.

While the Leader of the Opposition calls municipal mayors and councils “cowardly,” on this side of the House, we are committed to working with them to make sure that we can also — in addition to the many tax changes that we’ve made on the demand side — work with them to try and increase the supply of housing so that there is more supply out there for people to choose from, for people to bid on, which will, again, have an impact on making sure that we keep the dream of home ownership within the reach of the middle class.

We do need to work together on that. We’re looking forward to continuing that work with municipal councils and mayors. Frankly, I think that the Leader of the Opposition’s comment that they’re “cowards,” is entirely unhelpful.

REGULATION OF LOBBYISTS AND IMPLEMENTATION OF RECOMMENDATIONS

L. Krog: Well, let’s talk about something we know the government is afraid of. It’s clear to everyone that the lobbyists’ rules in this province aren’t working. Indeed, Jay Fedorak, the deputy registrar with the Office of the Registrar of Lobbyists, says that the reason these rules aren’t working is due to lack of oversight and transparency.

Mr. Fedorak says one way to fix this broken system is to change the rules and make them stronger. He is calling on the government to require a lobbyist to register the meetings and interactions they actually had, instead of registering the ones they intend to have.

My question is for the Attorney General. Will she listen to Mr. Fedorak and make these changes and reforms today?

Hon. S. Anton: This government did establish B.C.’s first-ever lobbyist registry in 2002 to ensure transparency, so British Columbians could see who was lobbying and on what issues they were lobbying. That was new in the province.

In 2009, we updated the Lobbyists Registration Act, creating one of the strongest regimes in Canada. This increased the lobbyist registrar’s powers and duties so that they now have the powers to conduct investigations, compel testimony and compel documents.

British Columbians should have confidence in the commitments that we’ve made, the steps that we’ve taken, so that there is a strong lobbyist regime in the province so that people can know who the lobbyists are and who they are lobbying.

Madame Speaker: The member for Nanaimo on a supplemental.

L. Krog: The reforms that Mr. Fedorak is calling for shouldn’t be news to the Attorney General. It was part of a report the B.C. registrar of lobbyists gave to the Attorney General four years ago. Four years ago. That report made 13 recommendations to make lobbying rules stronger in this province. The Attorney General, it appears, has ignored all of those recommendations, or she’s afraid to implement them for harming the B.C. Liberal Party.

My question is to the Attorney General. Has she ignored the recommendations because the current system serves the financial interests of this government so well?
[1430]

Hon. S. Anton: I might have thought better of the member for Nanaimo than that particular question. I will go straight to what updates we did make in 2009, which were very significant.

Administrative penalties of up to \$25,000 for contraventions of the act or its regulations. Increases up to \$100,000 to the maximum fine for conviction of a subsequent offence. These are very significant penalties.

Power for the registrar to prohibit a person from lobbying for a period of up to two years if convicted of an offence under the act. A prohibition against lobbying on behalf of a client while under contract to advise the government on the same subject matter. A requirement for consultant lobbyists to name each individual they engage to lobby on behalf of the client. A requirement for lobbyists to disclose whether they are former public office holders.

This is an act that has teeth. It is administered, of course, by an independent officer of the Legislature, and British Columbians are well served by it.

S. Simpson: Will the Attorney General tell us why she chose not to implement the recommendations of Mr. Fedorak’s report?

Hon. S. Anton: I think that through the last couple of answers, I have demonstrated the commitment of this government to registration and to a good lobbyist regime in the province, starting in 2002 with the first-ever lobbyist registry and continuing through to the very significant changes that were made in 2009 to give the lobbyist registrar authority and to give the ability to administer penalties. It’s a strict act. It has very strict penalties and a very strict compliance regime with it, and as I said, British Columbians are well served by it.

CASE COMPLETION TIMES AT INDEPENDENT INVESTIGATIONS OFFICE

N. Simons: Though their son died over a year and a half ago following an altercation with police, Myles Gray’s parents, family and friends are still awaiting answers from the independent investigations office, the

IIO. This is one of a number of cases where loved ones of deceased have been left without any answers because of delays to the IIO investigation. It's taking longer and longer for cases to be resolved. Based on recent figures, the average length for investigation is approaching a year and is longer for cases involving a fatality.

What is the minister going to do to resolve this problem so that families, communities and police officers can get timely answers about tragic deaths?

Hon. S. Anton: I gather that the family of Myles Gray is here today. I haven't had the opportunity to meet them, but I would like to say, on behalf of everyone in this House, the sympathy that we feel for their loss. It is a terrible thing to lose a son.

I appreciate the member from Powell River bringing this issue to my attention. Ten days ago or so he met with me in my office. My assistant deputy minister should, I hope, be meeting with the family today.

I really do think it's important that we are all aware of the time that this has taken, but I will say that the independent investigation office is aware of it as well. They are working diligently to complete the investigation. It is taking some time. It's taking longer than they would wish.

It's certainly taking longer than the family would wish. I'm very sympathetic to them, and I can assure them that everybody is working very hard to get this investigation done as soon as it can be. There are some things.... Anyway, I won't go into details on it, but certainly, everybody is very aware of the issue.

As I said, I do appreciate the member bringing it to my attention.

N. Simons: Thanks to the minister.

Reports say that the delays are related in part to increased workload, but the budget for the IIO has remained the same after being cut two years ago. Upon his departure, the former director urged this government to provide better resources to the office.

Again to the Minister of Justice. The IIO's goal is to complete investigations within six months. It's an acknowledgement that families need timely resolutions to their questions. What is the minister going to do to make six months the norm instead of the rare exception?

[1435]

Hon. S. Anton: The IIO is an extremely important office that was formed about five years ago in order to conduct investigations of police incidents involving death or injury where police are involved. It is extremely important that it be, of course, independent and that it be independent of police officers themselves, which is how the office is set up. They deal with complex investigations. Some of those investigations, necessarily, are very time-consuming. It is not a question of resources; it is a question of the complexity of the investigation.

As I said a moment ago, I am extremely sympathetic to the family. It's tough to wait. It's very hard to wait, and it's painful to wait. Everybody involved is aware of that and is working hard to complete the investigation.

FOSTER CARE CASE AND SUPPORT FOR YOUTH TRANSITIONING OUT OF CARE

G. Heyman: Last week a constituent contacted me seeking help for her former foster son, a young First Nations man, now 19, whom I'll call K.C.

K.C. was prenatally exposed to drugs and alcohol, and at 16, he began self-medicating to deal with severe anxiety. At 19, MCFD said he had to move out of the foster home where he's lived as part of the family since he was one month old. K.C.'s mom says CLBC told her they do not have any mental health or other services to help individuals with FASD or substance issues.

To the Premier: K.C. clearly needs help. That's why he was in government care. Why didn't her B.C. Liberal government support him with a solid transition plan?

Hon. Michelle Stilwell: On behalf of the family that is involved in this situation, I can't speak to the personal circumstances, of course, here in the House. It is an issue that CLBC is aware of, and we are working through the transition plan.

We have many individuals, through CLBC, who are working through their transitions as they age out of the care of Children and Families and into CLBC, and we will continue to work with this family.

Madame Speaker: Vancouver-Fairview on a supplemental.

G. Heyman: Hon. Speaker, we have a young man who is desperate. We have his foster mom who is desperate to help him. After being separated from the only family he's ever known, K.C.'s anxiety escalated, and his mental health deteriorated.

His mom calls him "a very loved member of our family" and asks CLBC for more support for him. She says his caseworker told her it wasn't any of her business. It wasn't the business of the only mom that he's ever known. This government consigned K.C., a young man on disability benefits because of the impacts of FASD, to an agency where he gets minimal supports.

Why does the Minister of Social Development and Social Innovation continue to allow young people in government care to fall through the cracks of her broken system?

Hon. Michelle Stilwell: CLBC has a careful process for assessing and determining the needs of the clients that we work with, for making the funding allocations.

That being said, this year CLBC saw a \$510 million increase in funding over the next three years. It's in addition

to the \$2.9 billion that my ministry sees to serve individuals across this province who need extra assistance.

CLBC is certainly committed to ensuring that we are supporting families, as they transition, as they need the supports to support them in their lives.

M. Mark: K.C. wants to go into treatment for his alcohol problems, and his mom has been trying to help him seize this opportunity. At a meeting they had with CLBC staff in mid-February, she says K.C. was told he would have to either live on the street, in a homeless shelter or couch-surf.

K.C. told his mom: "I just tuned everyone out because that made me feel like I am not important enough and don't deserve a place to live."

[1440]

Does the minister responsible for CLBC think it's acceptable for a young First Nations boy who grew up in government care to couch-surf or live in shelters? Or does she, too, believe that he's not important enough?

Hon. Michelle Stilwell: Again, I'd like to remind the member that in this House I can't speak to specific cases and files that are within the CLBC mandate. There is a commitment by CLBC to ensure that we are working with families and individuals, whether they have developmental disabilities, FASD or autism.

There's a transition process in place. We have the STADD program. We have seen an increase in the budget for CLBC, \$510 million this year, to help fund the additional supports to serve those people. There are about 18,900 individuals that we care for under CLBC. We are committed to ensuring that we are providing excellent supports for those individuals and their families.

Madame Speaker: The member for Vancouver–Mount Pleasant on a supplemental.

M. Mark: With all due respect, Minister, we can hear all we want about budgets, but it's not working for people like K.C. I know that we're not supposed to be speaking about cases, but budgets that are a service for people really should be improving their lives.

K.C.'s mom asked if he could use his home-share money to help pay for his treatment centre. She says CLBC told them that he would have to get a job and figure that out for himself. She then asked, advocating for K.C., if he could use the rent portion of his disability cheque for a proper winter coat and boots. She says CLBC told her that it's a natural consequence for him to be cold and that maybe he will get a job...

Interjections.

M. Mark: Pardon me?

...save his money and buy proper winter clothes.

While K.C. may be an adult, he is with CLBC because he has a disability. His former foster mom is still standing up for him, while the government responsible is just shutting him...

Interjection.

Madame Speaker: Minister.

M. Mark: ...and vulnerable young people down.

When will the minister stop stonewalling and ensure that K.C. and others have the resources and services they need, instead of ignoring them and leaving them to fend for themselves?

Hon. Michelle Stilwell: I can tell the member opposite that there are 3,500 service providers in this province that are helping assist the families and the individuals who rely on the supports from CLBC. To imply that they are not doing the work, that CLBC is not providing supports, is disheartening to me — knowing that those people, each and every day, are on the front lines trying to provide the best support possible.

There are staffed residential homes. There's supportive living. There's shared living. There are respite resources that are provided. There are incredible resources out there and people, each and every day, who work with those individuals with developmental disabilities, with autism, with FASD to ensure that we are providing the best outcomes we can for them.

[End of question period.]

Tabling Documents

Hon. S. Anton: I have the honour to present the Public Guardian and Trustee of B.C. annual report, 2015-2016.

Hon. M. de Jong: Pursuant to the Financial Administration Act, I present reports for the fiscal year ended March 31, 2016 — firstly, all amounts borrowed by government and, secondly, all amounts loaned to government bodies. These reports provide an overview of the province's borrowing activity in fiscal 2015-2016.

P. Pimm: I rise today to seek leave of the House to present a report entitled *MLA First Nations Stakeholder Advisory Committee* report.

Leave granted.

P. Pimm: I've had the great honour of chairing this non-partisan committee of Peace country residents for the past....

[1445]

Madame Speaker: Member for Peace River North, you have tabled the report. Thank you.
Any other items?

Petitions

K. Conroy: I'd like to present a petition. I have a petition from over 2,400 residents in the Kootenays demanding that they need prosperity now in rural B.C. and asking the government to transfer immediately \$100 million from its LNG prosperity fund to the public school systems across the province to increase levels of service to all students and to stop any further erosion of the same.

D. Donaldson: I rise to present a petition that was created by Kristin Spooner and her daughter Hailey. Hailey is a grade 12 student at Hazelton Secondary and was a member of the B.C. Youth Parliament. She drafted the petition. It's a petition signed by 350 residents from the Hazelton area calling on government to fix the safety issues with the Highway 16 overpass crossing between New Hazelton and South Hazelton above the CN Rail line and Mission Creek.

Point of Privilege (Reservation of Right)

M. Mungall: I just want to reserve my right on a point of personal privilege, please.

Madame Speaker: So noted.

Orders of the Day

Hon. M. de Jong: I call continued committee stage debate on Bill 7.

Committee of the Whole House

BILL 7 — PREVENTION OF CRUELTY TO ANIMALS AMENDMENT ACT, 2017 (continued)

The House in Committee of the Whole on Bill 7; R. Chouhan in the chair.

The committee met at 2:49 p.m.

On the amendment to section 1 (continued).

L. Popham: There is an amendment on the floor. Just because we started so long ago, maybe I'll remind the minister what it was.

[1450]

My amendment said I would like to move an amendment that adds a definition to section 1(1) of the act,

wherein "broker" will be used to describe pet stores or any individuals or incorporated businesses who purchase or acquire animals for the purpose of sale or distribution. So I was going to add the word "broker" into the definitions. That's the amendment that I put forward.

Hon. N. Letnick: As we discussed two days ago, the government does not support the amendment, for the reasons that are in *Hansard*.

Amendment negated.

L. Popham: Well, maybe the minister could run through the definitions for me that he's accepted into this legislation — a complete list of definitions that are added.

Hon. N. Letnick: Again, thank you to the hon. member opposite for her questions.

I'd like to reintroduce the team. We have Derek Sturko, deputy minister, Ministry of Agriculture; Arlene Anderson to my left, manager of the legislation unit; and Lorie Hryciuk to my far left, executive director, corporate governance, policy and legislation.

It's indeed a privilege to be here to discuss this important piece of legislation. I also have the MLA for North Vancouver–Seymour, who was a key and instrumental person in bringing this legislation to the government's attention.

Section 1 of the act has five terms that are being defined: "designated agency" means a person or body designated by regulation to establish, administer and enforce a licensing or registration scheme in respect of a particular regulated activity."

We have "employee," which includes a person providing services "(a) under contract to an operator, or (b) under the direction or supervision of an operator, whether or not for a fee."

We have "licensing inspector," which means "a person appointed as a licensing inspector under section 9.98"; "licensing officer," which means "a person appointed as a licensing officer under section 9.98"; and "reviewing officer," which means "a person appointed as a reviewing officer under" — you guessed it — "section 9.98."

L. Popham: With regards to the designated agency, will the designated agency be considered a government agency and be funded accordingly?

Hon. N. Letnick: Thank you to the member for the question.

A designated agency does not have to be a government agency. It could be another agency — for example, the BC SPCA. As far as the costs go, if the legislation is passed and the consultations begin on the regulations, that will be part of the consultation process — to work out the right balance between taxpayer-funded services

as well as some fee that's not too high for those that are being regulated.

The reason why we don't want to make it too high is that we don't want people to try to avoid getting registered by making the fee so exorbitant that they decide they'll go without being registered. So it'll be a conversation that will happen, if the legislation gets passed, as to what the balance will be between taxpayer-funded versus user-pay.

[1455]

L. Popham: I guess, getting back to the definitions, I've got some questions about the definitions the minister has given me.

I'm just wondering, at this point, why a certain definition wasn't added in to section 1. Perhaps it already exists in legislation and I can't see it. Is "commercial breeder" defined in this legislation?

Hon. N. Letnick: The term "commercial breeders" is not defined, but the activity will be defined and fleshed out through the regulations.

L. Popham: Can the minister tell me why that's not defined in this legislation?

Hon. N. Letnick: As per regular modern practices when defining legislation and regulation, rather than defining the term in the regulations, we would define the activity. So it could be breeding, but it could also include sale, transportation, boarding or any other activity that the government of the day deemed necessary to include under the regulations. That's why it's not one specific term that's defined.

L. Popham: The reason I ask is because I've had quite a lot of correspondence over the last couple of days with breeders who consider themselves hobby breeders rather than commercial breeders. They're very concerned that this isn't defined.

When I was looking through the legislation, I did see that there is one reference to the activities that these commercial breeders, hobby breeders, backyard breeders might be doing. I think the word that's being used is "operators." Is that true?

[1500]

Hon. N. Letnick: We're not defining the term. What we're saying, by using the term "operator," is: anyone that is doing a regulated activity. So through the regulations, as we decide what the regulated activities are, we have the term "operator" to capture that.

Now, the member opposite did bring up the question that she's been getting some emails from people who are concerned as to whether or not they are going to be captured by this law and the regulations that follow. I know

it's been a couple of days since I read this, but just for their comfort, I'll read it again.

The intent is to regulate people who regularly, deliberately and repeatedly breed or sell dogs and cats for some form of compensation, regardless of whether they produce pedigreed, purebred or mixed-breed dogs and cats. We will not be targeting individuals who are selling or adopting out their pets because they can no longer care for them or those looking for a home because of an unexpected or accidental litter of puppies and kittens.

Hopefully, that makes some people more comfortable.

L. Popham: As far as cats go, I think that we're well aware of community groups and individuals who trap feral cats and then find homes for them. They don't sell them; they adopt them out. Would that also be included?

Hon. N. Letnick: No.

L. Popham: Could the minister read out the first part of that statement that he read to me?

Hon. N. Letnick: Tell me when you want me to stop.

The intent is to regulate people who regularly, deliberately and repeatedly breed or sell dogs and cats for some form of compensation, regardless of whether they produce pedigreed, purebred or mixed-breed dogs and cats.

L. Popham: The wording "regulate people" — does this allow for people that incorporate their businesses to get around that?

Hon. N. Letnick: "Persons" include corporations under the act, so they won't be able to get around it, as was postulated.

L. Popham: Okay, thank you very much.

The concerns that I've been getting are mostly around how, I think, that the breeders are defining themselves right now, the ones that are contacting me, so getting back to how either they consider themselves a commercial breeder or a hobby breeder.

Currently the responses that I'm getting are generally from people who are registered with the Canadian Kennel Club. These breeders in Saanich also register with the district of Saanich, so they have two levels of registration already. I'm just going to just read out one of the paragraphs from one of the emails that I have received.

"All Saanich licensed breeders have a very good working relationship with the local animal control." We also have a CRD animal control working in our area. "Animal control officers currently enforce bylaws that deal with animal cruelty. Will these professionals not have a job when their function is replaced by the BC SPCA?" That's a question from a constituent.

[1505]

Hon. N. Letnick: Thank you to the hon. member opposite. Just a few points. In the statement, you alluded to the potential of the BC SPCA being a designated agency. Absolutely, there's a potential, but there's no agreement yet — so we can't move forward, according to a letter — that they are. But I think everyone understands that there's a front-runner here.

During the summer, as the ministry consults with stakeholders, of course they'll consult with the Canadian Kennel Club and other breeders in the province, other organizations. The local governments, through UBCM, will also have an opportunity to provide their input to the process.

I appreciate that Saanich has a system that maybe not all parts of the province have. This legislation is to cover the whole province. So there will be some opportunities for communication between local governments, through their UBCM, and the ministry as proposed regulations are crafted for the next government to consider.

L. Popham: Yes, that would be great, and I hope that each municipality participates in that consultation, because I think we are seeing different situations in a lot of municipalities.

Getting back to the definitions, again, I hate to harp on it, but I find it to be important to define the breeder or seller part of the equation. The reason is because after going through the legislation and after having many phone calls, I still don't quite understand, without defining more of the terms for the legislation.... Perhaps they're coming by regulation, but for me, I'm dealing with the legislation right now. So without being able to define those terms, I'm having a hard time understanding how we're going to reach the goal that we're looking for, which is to stop inhumane and cruel breeders from operating.

I'm getting emails from.... I'll use the example from Saanich again, because that's where I've been getting the emails from over the last 24 hours. There are 11 registered breeders, through the Canadian Kennel Club, operating in Saanich. I would assume that there are a lot more breeders than that in Saanich that aren't registered currently. I don't know what percentage of those breeders would be considered the type of breeders we're trying to stop. I don't understand....

The registration will be mandatory. If you don't register, you're breaking the law. But they found a marketplace. The breeders we're trying to stop have a marketplace to sell their animals into. How will you ever stop those types of breeders? If they're doing it in a way that's illegitimate, what would make the minister believe that they would all of a sudden register their business? I don't see any of their retail opportunities diminishing because of this legislation.

Hon. N. Letnick: Quite a number of topics. Let me say it for the fourth time that the intent is to regulate

people who regularly, deliberately and repeatedly breed or sell dogs and cats for some form of compensation, regardless of whether they produce pedigreed, purebred or mixed-breed dogs and cats and, I guess I could add to that, whether or not they want to get registered.

The intent is to capture all people who fall under that definition in the legislation, if it's passed, and the regulations. The thresholds will be something that the ministry will consult with, with the breeders and other associations and UBCM and SPCA, of course, over the course of the summer, if the legislation is passed. So there will be an opportunity there to say what that threshold is.

Again, I'll give a shout-out to all the reputable breeders out there that are producing great dogs and great cats and taking care of them. That's what we want. They will, I'm sure, want to be registered under this legislation and registration, and they'll want to make sure that those businesses, those people that aren't complying with the registration, are called out.

[1510]

That's when compliance and enforcement comes in. I think we did discuss roughly what we think that will cost: somewhere around \$550,000 a year the first year and then an estimated about \$400,000 a year thereafter to do compliance and enforcement inspections.

I would say that given my 20 years of business experience and almost ten years teaching it.... People like to point out those that aren't complying with the rules that they have to comply with. It gives people a competitive advantage if they can get away with doing things that are against the law, and it puts the reputable dealers in a disadvantage economically if they have to pay whatever the fee is, plus the administration of being registered.

I would suspect that if not the clients.... You're insinuating that the clients won't want to blow the whistle. I can certainly assure you that those reputable dealers out there will be calling whoever the designated agency is to point out that someone else is putting our pets in harm's way.

L. Popham: What the minister is saying is that this will be a complaint-driven system. They will be relying on people who notice something that's gone wrong and hoping that a neighbour might turn in the person who's not running a reputable animal breeding business.

If that's true, then it still begs the question, to me: why would we not be putting part 2 in legislation, to make sure that the avenue where these animals who are being bred with not-reputable breeders are ending up...? Why would we not add definitions and legislation regarding the retail of these animals? I don't understand, at this point, how we're going to catch the ones we're trying to catch.

Hon. N. Letnick: Well, in several ways. One, there'll be a requirement for breeders to show their registration number in the public space. Also, there'll be proactive en-

forcement based on complaints, as I've already said. This will ensure that those who do not initially comply will be visited by inspectors. There'll be risk-based inspections that will be set up. This means that higher-volume, large-scale operations will be visited first. There'll be random audits of those registered. They'll be scheduled in order to ensure everyone is in compliance. And there'll be public education as part of the process, telling people to look for a breeder registration number to help uncover breeders that are not in compliance.

I think that with all of these initiatives, including the fundamental desire for reputable breeders to point out the disreputable breeders, we should have a very good system. Of course, if something else is required, with the passage of time, because it is under regulation and not through the legislation, the government of the day can easily modify regs to make it even more difficult for people to get away without complying with the registration scheme.

I just want to add one more thing. The legislation is proposed to look at both registration and licensing. It does not presume one over the other at this point. We are, obviously, leaning towards a registration system first, because that's the easier of the two options. It's easier to get people to register rather than to go through the licensing. But I just want to make sure it's clear that that option is still going to be part of the discussion this summer between the ministry and the stakeholders.

L. Popham: I guess my question right now is: why would a disreputable breeder register or apply for a licence?
[1515]

Hon. N. Letnick: In the regulations that, of course, we'll be consulting with over the course of the summer — or the ministry will, anyway — there'll be penalties associated with not being registered if you are found to be doing the service. Those penalties, of course, would be progressive. The amounts of those penalties will be determined after the consultation.

At the maximum end, it's the same as what we have now for harm to animals, which is up to a \$75,000 fine or two years in jail. I would imagine that the breeders who are trying to avoid getting registered.... Through this progressive amount of ticketing and then, eventually, potentially getting a \$75,000 fine or two years in jail should a judge find them guilty of an offence under the act, I think that would be enough encouragement for them to get registered in the first place, or just get out of the business if they're not going to be reputable breeders.

L. Popham: I guess I'm looking at it from a different perspective than the minister.

When I think about puppy mills or people that are breeding improperly and they're trying to get rid of animals, they're not selling them from their home. They're

advertising to get rid of these animals. The animals were most likely removed from their mothers at an early stage. They're living in a different spot. They are being sold on line with no way of tracking the originating address. They're being advertised in a classified ad, perhaps. And there's no way, at that point.... That, to me, would be an obvious place to have to use your registration number.

Don't get me wrong. I'm absolutely supportive of the idea of this legislation — absolutely. But I just think: why would we miss an opportunity by legislation? I know it can always be filled in by regulation, if it happens. But why would we not want to take an even stronger stand and make sure we don't miss an opportunity?

In my view, to sell any pet, you should have a registration number. If you're in a classified ad in the paper, that number should be registered. If you're selling it through a pet shop, that number should be accessible with the animal. If you're selling it on Kijiji, that number should be there. That's the place where you catch the person who's not registered and has never had any intent to register.

I think the people that register are probably, most likely, in the majority, running a reputable business.

[1520]

Hon. N. Letnick: I appreciate that the member is supportive of the legislation. I think and I hope that the legislation gets passed unanimously in the House, because it's important legislation.

One thing, amongst many things, that I've learned in my eight years here, and more recently working on this particular file, is that I understand that 80 percent of animals are actually sold out of the home. That was news to me as well.

I remember when I purchased my dog, Nikki. I guess I'm going to get sentimental here. Jeez, that would have been 20, 25 years ago. Nikki was a show dog, a sheltie, and her ears dropped. After her ears dropped, they couldn't use her as a show dog anymore. Standards are interesting.

So Nikki was for sale. Our family got Nikki. She was just an amazing companion for our family. Unfortunately, Nikki got ill around at around 14 years of age, just before I became an MLA, and was not able to stay with us after that. But Nikki was bred and sold through somebody's home, and apparently, that's about 80 percent of these animals.

Specifically to the question of promoting or advertising for sale an animal, with the legislation.... It's not even in the regulations but right in the legislation, in section 9.21. We'll get to it later, obviously. If I may just allude to it here for a second. Section 9.21(2)(ii) says that they must: "include the operator's licence number or certificate of registration number on any advertising of animals available for disposition by the operator."

So if you see something on Kijiji or wherever in the classifieds, they'll need to put in their registration num-

ber. If they don't have one, then it will be quite obvious. If they're forging one, that will be up to the compliance and enforcement officers that we contract with — if that is indeed a contract versus in-house in the ministry — to catch these people.

L. Popham: Thank you for that answer, and that brings up two more questions for me. In that section of the legislation — which we'll be getting to later — again, the word "operator" is used. It bothers me that we don't define that word "operator." I know that we will at a later date over the summer, but I still think that we have enough information to be able to define that term.

The second part of it was that the minister has stated that if you're going to be having an on-line ad, you will need to, by legislation, provide that registration number. Is that correct? Okay.

If on line, which is a reseller or a place of sales, retailer for animals.... At that point, you need a registration number. But you don't need to do that if you're doing it through a pet shop? To me, it seems like a very similar thing. Will pet shops be required to show their registration number, where the animals originated from?

Hon. N. Letnick: The answer to the second question is yes. And "operator" is already defined in the existing legislation. Maybe that's why we don't see it here. This is text to amend the existing legislation.

In the existing legislation, "operator" means "a person who engages in a regulated activity, and includes any person who assists, directs, supervises or employs that person for the purpose of doing the regulated activity."

L. Popham: Brokers of animals will have to provide a registration or a licence number of where the animals are obtained. Is that correct?

[1525]

Hon. N. Letnick: Yes. The proposed changes will impact any establishment — pet stores, for example — where the regulated activity of breeding and selling dogs and cats occurs. The proposed amendments to the Prevention of Cruelty to Animals Act have been drafted to allow flexibility to regulate other activities in the future if other issues are identified, including the sales, for example, of hamsters, gerbils and snakes. So the answer is yes, the proposed changes will impact those places.

L. Popham: But it's not in the legislation. That's to be worked on later, but I think it's really clear that there are only so many avenues that these animals can be sold through. Why would the minister choose not to define those right now?

Hon. N. Letnick: Well, just like pollsters can't get elections right, it's very difficult to know exactly what the av-

enues of distribution will be tomorrow. It's much easier just to have the flexibility in regulations and let the government of the day put in the appropriate avenues.

L. Popham: Well, that's not the answer that I really wanted, but I guess I'll have to accept it. The minister does refer to the fact that this is a modern way of doing legislation. I guess I'm an old-fashioned girl, then, because I really like to see what we're agreeing to before we vote on it.

I think it's modern right now because we know this legislation is going to pass regardless of what we bring forward from the opposition. We'll never win a vote in this chamber. That's why I think it's especially important, when you put forward legislation, that we know what we're voting on. I may vote yes for this legislation, and then something is going to pop up in regulations that I never agreed to or would never agree to. That's why I think it needs to be more clear.

Anyway, I'll move on. I think I'm done with section 1.

Section 1 approved.

On section 2.

L. Popham: Can the minister explain section 2 to me, please?

Hon. N. Letnick: Before I explain or read out the explanation for section 2, I just want to make sure that I remember correctly.... You know, I am approaching 60 years of age this year.

A. Dix: You're kidding.

Hon. N. Letnick: No, I'm not kidding. I am approaching 60 this year. I'm 59.

I know the member opposite is considerably younger, and her memory is far better than mine.

Interjection.

Hon. N. Letnick: I don't believe that she's going to be that age. I'm glad that we didn't get that on *Hansard*.

But if I remember correctly, the FAPCA legislation, which we actually debated not too long ago in this House, there were some amendments proposed by the hon. member that I accepted.

[R. Lee in the chair.]

So if the hon. member brings good, worthwhile amendments, proposes those amendments, I'm totally open to accepting them on behalf of government if it's going to make the legislation better. I just wanted to put that clearly out there — that I think, even with my lim-

ited memory at almost 60, that there was an opportunity for amendments for this legislation as well.

I would imagine that there will be other amendments proposed by the member on this legislation, and again, if they are appropriate and in the best interest of the legislation and the people that we serve, then, of course, we'll look at that carefully.

[1530]

Amending section 7, powers of society, is what section 2 is about, and the amendment expands the power of the society.

As a statutory body, the society's powers are set out in the Prevention of Cruelty to Animals Act. The amendment will allow the society to perform the duties of a designated agency if it is appointed as one by regulation. It is intended that the society will be the body designated to administer the licensing and administrative scheme contemplated by these amendments to the Prevention of Cruelty to Animals Act.

L. Popham: That gives me great hope that my amendment, which I'll be proposing, might be accepted. Thank you to the minister. I think it's probably worth accepting. I've given him previous notice of that amendment. Maybe he's just foreshadowing that he's going to take my suggestion.

Getting back to section 2. Obviously, this legislation and regulation, at a later date, will increase the responsibility that the BC SPCA has if they are chosen. We're going to assume at this point that they will be the chosen ones. Because of the increase in responsibility, I would like to know: is there assurance that the funding for the BC SPCA will be increased?

Hon. N. Letnick: Hon, Chair, good to see you, sir, in that position, as always.

Again, as I read out the definition of section 2.... It's the intention that we will be working with the SPCA. There's no guarantee right now, obviously, but that's the intention. First, the act needs to pass. Then the government needs to negotiate with the SPCA on what a reasonable amount would be for the work that's being done.

As far as the amount is concerned, the estimates, as I've said before, are.... First year would be \$550,000 and \$400,000 a year thereafter. That will be partly tax-funded compensation and partly user-pay. That balance will be reviewed in consultation with the industry and other key stakeholders over the course of the summer as the ministry consults on the regulations.

L. Popham: Can the minister tell me...? If it is the BC SPCA that's chosen, is the BC SPCA a charity?

Hon. N. Letnick: To the best of my knowledge, they are a non-profit society.

L. Popham: As a non-profit society, does the SPCA require public funds, public donations to operate?

[1535]

Hon. N. Letnick: Yes, the SPCA does rely on donations for a lot of its work.

L. Popham: That's what I understand as well. But I have noticed that there are a lot of legislative responsibilities that they have which are legislated by government and tasks that they are, by law, to carry out. I know they get some funding from the government, but as the minister will know through meetings with the BC SPCA, their workload is huge, and they are constantly looking for ways to increase the money that they have to operate on.

Now, one of the things that the minister, I am sure, understands is that with this new legislative responsibility comes a huge portion of public education. That portion must, in my view, be funded by government. I don't think going out and asking the public for donations in order to successfully run a program that they are legislated to carry out would be a good way of doing business. For one thing, you may not be able to get the level of education that you would need to have a successful program.

From what I understand about what the BC SPCA would need financially to undergo these legislative changes and then operate at the level that would be effective to stop puppy mills and kitten mills, I think it's between \$750,000 and \$1.8 million. Some of that is education. Some of that is a brand-new computer system. They need a year to get that up and running, and then they need an annual budget. Does the minister understand this as well?

Hon. N. Letnick: I think, hon. Chair, you and the member opposite recognize that we have a great working relationship with the BC SPCA. Successive governments, I imagine, over 100 years, including during the '90s, the '80s, the '70s and before that.... Government has had a great relationship with the BC SPCA and really believes in their mandate and the support provided to them by citizens all across our province, including taxpayers.

Not only do we support the BC SPCA in some of our properties that we provide them leases on at a nominal rate, but thanks to the Minister of Finance, over the last three years in our balanced budgets, we're able to provide them with two contributions of \$5 million each, for a total of \$10 million, towards their capital campaign, which I can assure you — and I know the member opposite agrees — they've been very appreciative of and have made significant investments, thanks in part, to that \$10 million contribution from taxpayers.

The relationship that we have with the SPCA.... You can see it all the time with dogs in hot cars — how we want to make sure that people don't leave their animals in hot cars and how the SPCA has had a great oppor-

tunity, a great program, to promote the care of dogs in hot cars with the citizens. Again, something that they get a lot of attention for from the media which costs no one any money and gives the media a good story to tell. Something public to improve the care of our animals. We can do that with the BC SPCA as our partner.

[1540]

I'm not too sure if the media would be as interested if it was just a government initiative, but being with the BC SPCA and their wherewithal with making sure that the right people hear the right message about taking care of their animals I think is a great partnership.

The cost of education that we are talking about here is something that is included in that estimate of \$550,000 in the first year and \$400,000 going out. That estimated cost was calculated in collaboration with the BC SPCA.

L. Popham: I'm sure the SPCA is completely appreciative of the money that was given to them for their capital projects, but capital projects are completely different than operating budgets for legislative responsibilities.

The \$550,000 commitment. Does the \$550,000, in the minister's mind, include the computer system and the year of getting the system up and rolling?

Hon. N. Letnick: Actually, before I answer this question, it did bring to mind something that happened yesterday.

Yesterday morning the Minister of Finance was answering questions regarding his bill, and there was a \$500,000 capital expense that he was asked for. It just so happened that I happened to be here, so he looked over to me for the answer, and I unfortunately gave him the wrong answer. I told him that this was for computers. I'd like to clear the record now on behalf of the Minister of Finance.

The actual reason for the \$500,000 was mostly for vehicles for the ministry staff and for the land commission. So if I can record that — which I guess I just did — officially so that everyone understands what the money was for.

Over the course of the summer, as we work through the regulations, the ministry staff will be working with the BC SPCA to iron out exactly the details as to what this relationship would look like, how much exactly would be required for operating and capital. The initial estimate we have from the BC SPCA, working with the ministry, is \$550,000 in the first year and \$400,000 going out. But that can change, as they get right down to the table and start looking at their Excel spreadsheets to really see what the intention is.

At the end of the day, if the BC SPCA doesn't want to do the job, they don't have to. There's nothing in the legislation that says: "It shall be the BC SPCA, and they have no choice." That's obviously not the intent. The intent here is that it could be the BC SPCA. Our hope is that it

is and that we can have the two willing partners, the government and the BC SPCA, come to an agreement as to how they would go about doing the job and how much they would need financially from taxpayers.

L. Popham: If it is the BC SPCA and they decide to take this on and an agreement is made, is the minister assuring me that the amount of money required to operate this program at the highest level will be given to the BC SPCA?

[1545]

Hon. N. Letnick: I don't want to repeat my whole answer from before. To achieve brevity, I'll just say that we'll do the best we can. We'll sit down with the BC SPCA. We'll identify what exactly is required. We'll obviously negotiate with them and come to some agreement as to what amount of money is necessary to do what's required, according to the act and the proposed regulations, if the act should pass.

L. Popham: Over my eight years, and I'm almost 50, so you know, I've....

Interjection.

L. Popham: Yeah, it is.

I've got some experience as well. It's been my experience that there always seems to be a little bit of a disagreement on what the BC SPCA needs and what the government thinks they need to operate their programs. I also support the funding that they get. But education, enforcement, compliance — it does take financial support to do that right, and I think the choice the government will have in its consultation is to figure out at what level they want to come in and support legislation like this.

You can choose, as a government, to go after breeders at a certain level — a minimum level or a maximum level. You can go after the highest-risk offenders only and leave the smaller bad breeders out of the question. I think that's where it's going to be very important to figure out what our end goal is with this legislation. If we're just going to go after high-risk breeders, because it will be less expensive to just focus on the higher-risk bad breeders, then I'm not sure we're going to capture the whole problem.

I would encourage the minister.... If we're going to be spending the time in this chamber to bring in legislation with the intent of making sure that animals aren't suffering in breeding businesses, then I think we need to make sure we're listening very carefully to the BC SPCA on the level of enforcement that's needed. That's not a question; that's just a statement.

E. Foster: I seek leave to make an introduction.

Leave granted.

Introductions by Members

E. Foster: On behalf of Madame Speaker, I am pleased to welcome students from the Az-Zahraa Academy — according to Madame Speaker, this is one of the finest group of students she's ever met — accompanied by their teacher Mrs. Jaffer and parent volunteers. Would the House please make them welcome.

Debate Continued

Hon. N. Letnick: Just for one of the best groups of students that we've ever met, for your edification, we are debating a bill that would protect puppies and kittens in our province from disreputable breeders. The member opposite is my critic. She's asking me tough questions, and as the Minister of Agriculture, my job is to defend the legislation and explain it so that we can later vote on it. That's what we're doing here today.

With that, I think we're ready to move onto the next section.

Section 2 approved.

On section 3.

L. Popham: Can the minister explain section 3 to me?

Hon. N. Letnick: The amendment adds an obligation for operators to keep and produce records to licensing inspectors and authorized agents. An existing section of the act allows for the inspection of records kept by operators, but there's no explicit requirement on operators to keep records — for example, breed, sex, death, breeding frequency, etc. An explicit requirement for operators to keep records will facilitate monitoring for compliance and enforcement of a licensing or registration scheme.

L. Popham: Can the minister repeat that, please?
[1550]

Hon. N. Letnick: Section 3 of the act amends section 9.2, "Duties of operators." The amendment adds an obligation for operators to keep and produce records to licensing inspectors and authorized agents.

An existing section of the Prevention of Cruelty to Animals Act, section 15.2, allows for the inspection of records kept by operators, but there's no explicit requirement on operators to keep records — for example, breed, sex, deaths, breeding frequency, etc. An explicit requirement for operators to keep records will facilitate monitoring for compliance and enforcement of a licensing registration scheme.

L. Popham: What kind of recordkeeping will be prescribed? Is it records that will need to be on site upon

inspection? Will these be on-line records that will be submitted annually? Does the minister have any idea?

Hon. N. Letnick: The answer to the question by the hon. member is that that will be determined through consultation and be part of the regulations.

L. Popham: Does the minister have any examples of the types of recordkeeping that might be most effective in this situation?

Hon. N. Letnick: Assuming I understand what the question means, it could be computers, it could be recordkeeping on index cards — things like that. But that will be determined through consultation with the industry and then decided through regulation.

L. Popham: I actually was thinking more along the lines of: will you be submitting records on line? Will breeders be required to submit their records on line so that the database for breeders is kept with the BC SPCA or with the government? Are there any other jurisdictions who have brought in legislation like this that would have a database where they keep their breeders, in B.C.? Or would it just be written documentation that the breeder would look after themselves?

Hon. N. Letnick: Once again, through consultation and then in regulations, the prescribed method will be identified. New Brunswick is another province, another jurisdiction, that does this.

Section 3 approved.

On section 4.

L. Popham: Can the minister explain section 4 to me?

Hon. N. Letnick: Section 4 is a new section, to be numbered 9.21 — "Operators who must be licensed or registered." The amendment adds a new section to establish that if a licensing registration scheme for a regulated activity is established, there is an obligation on an operator to be licensed or registered to engage in the regulated activity and to display the licence or certificate of registration and provide copies and information as required.
[1555]

The act already provides for certain activities described as regulated and allows for standards to be prescribed for these regulated activities, but there's no licensing registration scheme that requires operators to be licensed or registered to engage in the activity.

The amendments create the ability for government to require operators to be licensed or registered to engage in certain regulated activities like the ones we're talking about here. It also imposes duties on a licensed or

registered operator to display evidence of their licence or registration, and to share prescribed information and records — for example, vet care records — to a person acquiring an animal or to the public at no cost.

The amendment also prohibits an operator from holding themselves out as licensed or registered if they do not hold a licence or registration or if their licence or registration has been suspended.

L. Popham: What types of activities, specifically, are going to require the licensing and registration? Did I understand that there are a lot of different activities that this section entails, but only some of them are going to be licensed and registered?

Hon. N. Letnick: The types will be whatever the government puts in regulation after consultation this summer, if the legislation passes. And the intent right now is to regulate the breeding of cats and dogs.

L. Popham: But what other activities are included in this section? What other activities currently?

Hon. N. Letnick: None.

L. Popham: Okay. I have an amendment that I've tabled for section 4.

[SECTION 4 by adding the following:

Commercial Engagement with Operators

9.22 (1) A Broker must do the following:

- (a) ensure that all animals within their care are purchased or obtained from licenced or registered operators;
- (b) maintain records of how all animals offered for sale or consignment were acquired, including:
 - (i) name, physical address and telephone number of the licensed or registered operator from whom the animal was acquired; and
- (c) produce records referred to in paragraph (b) on the request of, and within the time requested by a licensing inspector; and
- (d) provide written documentation of records referenced in (b) to the purchasers of animals.]

On the amendment.

L. Popham: It adds section 9.22 to the act, under section 4 of this bill. This amendment would also make it so that brokers can only buy or obtain animals from licensed or registered breeders. It would also set up provisions that would require pet stores to keep records of how they obtained animals that they wished to sell; would mandate that they provide, in writing, acknowledgment to consumers that animals to be purchased have come from registered or licensed breeders; and would enable inspectors to access records regarding how animals are obtained.

That's my amendment. I've been alluding to the fact of how important I think this amendment is to this legislation. I have stated previously that I support the legislation,

but I think it's incomplete, and I think this amendment completes it.

I think that breeders who are not doing the job that they should be doing and are bringing harm and cruelty to animals in the breeding process, specifically cats and dogs.... I don't think asking them to register or to have a licence is going to be a way that we're going to catch people trying to do something that's not right.

I think that this specific amendment allows a place where consumers would have the ability to track the.... And if it's the BC SPCA who is doing enforcement and compliance, this is a specific place where they will be able to track animals coming in from bad backyard breeders, where there would be no other avenue that these people could be caught. It may be a small percentage of people that are doing it badly in their backyard, but there is absolutely no incentive for them to register or get a licence.

I think that the minister's example of how this will be a complaint-driven system, depending on good breeders or neighbours to turn somebody in.... I don't think that's an effective way of handling this legislation. I think that the recordkeeping needs to be 100 percent, and this completes the process.

I'm going to sit down, and I'd like the minister to explain to me why he may or may not accept this amendment. But if he's going to tell me that he's not going to accept it, I don't think brushing this off to the next step of consultation is where to put it. I think this makes this legislation extremely strong.

[1600]

There's support for it. I haven't got a formal letter of endorsement from the BC SPCA, but I know that they would like to have the checks and balances in place as well, although they would most likely be okay having this done over the summer to make sure it's done right. I have consulted, myself, and I do think that this amendment at least is the skeleton legislation in order to make this legislation stronger.

The Chair: Hon. Members, the amendment is in order.

Hon. N. Letnick: Thank you to the member opposite for her proposed amendment. The question was: if the government's not going to support it, why?

[1605]

What's being proposed is inconsistent with the framework of the act. The framework of the act provides for the vessel, which then goes to regulations to see what activities would be regulated and how they'll be regulated. So I cannot accept it into the framework of the legislation, but should the legislation pass and then we go out to consultation on the regulations, I can assure the member opposite that we are sympathetic with the principle, and we will try to achieve that principle within the regulations.

It's not a no. It is: let's work together through the regulations, if the act passes, through consultation with the

stakeholders, and move towards what both sides are trying to achieve here.

L. Popham: The minister has said that it's inconsistent with the vessel of the legislation. I don't really know what that means, but I'm going to go through my amendment point by point, and the minister can explain how each point is inconsistent and how it wouldn't fit within this legislation.

The amendment is in section 4, and it adds the following section: "Commercial Engagement with Operators 9.22. (1) A Broker must do the following..." And "broker" is a term that's already in the legislation. Or it's not. Maybe we could change that to "operator". But I think broker... Everybody understands what that means.

"A Broker must do the following: (a) ensure that all animals within their care are purchased or obtained from licensed or registered operators."

How is that inconsistent?

Hon. N. Letnick: For example, "all animals" would include livestock.

L. Popham: Okay. And (b): "Maintain records of how all animals" — and I guess the minister is going to say "animals" again — "offered for sale or consignment were acquired, including: (i) name, physical address and telephone number of the licensed or registered operator from whom the animal was acquired."

How is that inconsistent?

Hon. N. Letnick: "All animals" would include livestock.

L. Popham: And (c): "Produce records referred to in paragraph (b) on the request of, and within the time requested by a licensing inspector." How is that inconsistent?

Hon. N. Letnick: I'm looking at the proposed amendment, and if we define this activity as a regulated activity in the regulations, then all these other things — the recordkeeping and everything else — will be captured.

L. Popham: And (d): "Provide written documentation of records referenced...to the purchasers of animals." Now, I'm going to ask, "What's the inconsistency," and the minister is going to say "animals" again. But I would ask the minister: what would the minister use instead of the word "animals" to make this consistent?

[1610]

Hon. N. Letnick: The interesting part is that if this was accepted, then all the other provisions of the act and the regulations that come if the act is passed would no longer apply to brokers. It would limit what happens to brokers

to only these four sentences that the hon. member has proposed. It actually won't achieve what the hon. member wants to achieve, with all due respect.

The best way to go forward is to do the regulations and look for the principle that the hon. member is trying to achieve — as I said, I'm sympathetic to it — as we work through the regulations. That way, everything would be covered. For example, if we accepted this, then the administrative penalties wouldn't cover brokers. Brokers could get away with doing whatever they want without penalties, because the rest of the provisions of the act wouldn't cover them. It would be overwritten by this. So I cannot support the proposed amendment.

L. Popham: Okay. Well, that would be a consequence that I wouldn't intend, then — if it would make brokers not accountable or the rest of the act to apply to them. I'd still like an answer to my question, regardless of if the minister is going to accept this amendment or not. What word would the minister use instead of "animals"?

Hon. N. Letnick: I wouldn't use any word instead of "animals." As I said before, I think the amendment that's being proposed would actually be counterproductive. It would actually make it more difficult to get what we want out of brokers than what's being proposed through the legislation and the subsequent regulations if the legislation passes.

L. Popham: All right, then it's not going to pass. But I'd still like to make a comment on it.

This legislation that we're passing today is really focused on the breeders. To me, it's saying that brokers — if we're going to use that term, if that's allowed at the moment — don't have a responsibility in this equation. In my view, they have as much of a responsibility as the breeders.

So the focus is on the breeders. We are going to deal with brokers at another time. Perhaps my amendment wasn't well written, and perhaps it's not good enough to be accepted by the minister. But I still think — and I'd like it on record — that the minister has missed a huge opportunity to complete this legislation and make sure that brokers carry just as much responsibility for supporting bad breeding as the bad breeders who are doing it.

[1615]

If this legislation goes into place... I know the regulations have to be drawn up, but it becomes a law in British Columbia. I would hope that the minister... It's going to take a year, possibly, to draft these regulations and put them in place. That's another year that we'll have lost. I assume that if we were able to get this skeleton legislation in with at least some stipulations that brokers would have to adhere to, we would be seeing less opportunities for bad breeders to have an opportunity to sell their animals in a way that I don't believe, at this point, will be regulated at all.

I will accept the fact that the minister won't accept this amendment, and we'll move on to the rest of section 4.

Hon. N. Letnick: Thank you to the member opposite for her passion for agriculture and for the companions that we have in our province.

I just want to repeat, for the benefit of the member opposite and so that I'm also clear.... I did say before that these proposed changes will impact any establishment where the regulated activity of breeding and selling of dogs and cats occurs. Brokers will be covered. We just have to work through the regulations to get there.

L. Popham: Where does it say that?

Hon. N. Letnick: It'll be part of the regulations they will be consulting with us on.

L. Popham: That's my whole point. It doesn't say that anywhere that I can see, but I'm going to have to just have faith that this will happen in regulation at some point. If it's in legislation, then I know. So when I vote on it, I know that I'm voting on legislation that I can completely support. Now I have to vote on legislation that I just hope will end up being what I want at some point in the day. But I think that's the state of the way we do legislation right now.

Okay. I think I'll accept that the amendment won't pass.

Amendment negated on division.

Section 4 approved.

On section 5.

L. Popham: Can the minister please explain section 5?

Hon. N. Letnick: In section 5, new section 9.4 is "Licences." The amendment adds a new section to establish a framework for the licensing scheme. As you can imagine, I have quite a bit of notes explaining all of section 5. I'll just hit the highlights. If the member opposite has specific questions on a specific subsection of section 5, I'd be happy to hit that as well.

New section 9.5 is "Variation of licences." This amendment adds a new section to allow for — you guessed it — a variation of licences. Section 9.6 is "Registrations."

The amendment adds a new section to establish a framework for a registration scheme. Section 9.7 is on licences and certificates of registration. The amendment adds a new section to outline matters a licensing officer may consider when deciding whether to issue a licence or certificate of registration. [1620]

Section 9.8 is a new section. The amendment adds a new section to permit administrative actions being taken against operators for particular contraventions.

New section 9.9. The amendment adds a new section

to allow reconsideration of decisions of a licensing officer if additional relevant information is made available.

New section 9.91 adds a section to allow review of decisions of a licensing officer following a reconsideration. New section 9.92 establishes the circumstances in which a licensing inspector may inspect premises. New section 9.93 outlines the powers of a licensing inspector when conducting an inspection. New section 9.94 establishes conditions for a licensing inspector to enter premises or a vehicle for inspection purposes.

New section 9.95 establishes conditions for a licensing inspector to obtain a warrant to enter a private residence for purposes of inspection or search and seizure. New section 9.96 requires a licensing inspector to identify themselves as such when conducting an inspection. New section 9.97 defines the role of an agency designated to administer a licensing or registration scheme. New section 9.98 authorizes the minister to appoint licensing officers, reviewing officers and licensing inspectors.

New section 9.99 — reminds me of Gretzky — respects to training, qualifications and standards that may be established for licensing officers, reviewing officers and licensing inspectors. Last but not least, new section 9.991 creates a process to deal with complaints against licensing inspectors.

If the member opposite wishes me to get into a fuller explanation of any of those, I'd be more than happy to do so.

L. Popham: I guess I'll start with section 9.8. My question: is it standard process for there to be four opportunities for a licensee to challenge a decision made by the licensing body?

Hon. N. Letnick: You get a decision. If you don't like the decision and you have new information, you can get a reconsideration. In either case, if you don't have new information and you want to get it reviewed, you can then get it reviewed. Or you can through with reconsideration if you have new information and then go and get it reviewed. Then, last but not least, you also have the opportunity for judicial review.

L. Popham: Can the minister give me a real-life scenario where this would happen?

Hon. N. Letnick: I'm a registered person. I've done something that is in contravention of the regulations. My person has come in and inspected me — potentially the SPCA, for example — and issued me a ticket for something. I disagreed with the ticket, because there was some new information that they didn't have.

I then ask them to reconsider that. After looking at the new information, they decide that the ticket still stands. I still don't like the answer, so then I have someone who is superior in authority review the situation.

As long as there's no new information, they can do that. I still don't like the answer. I can then, of course, avail myself of the court.

L. Popham: Section 9.94. This section deals with the authority that a licensing inspector has to enter premises without a warrant. Are there certain ordinary business hours that would pertain to this section?

[1625]

Hon. N. Letnick: The actual law says, under 9.94(2)(b), that entry is during ordinary business hours.

L. Popham: Does the minister happen to know what those are?

Hon. N. Letnick: It's not defined. It would be, typically, the regular business hours of the establishment that's conducting the business.

L. Popham: I'm thinking, as an example, of somebody who's breeding dogs, but they're not really a business that's open to the public at all. There are no business hours, so how would we do that?

Hon. N. Letnick: Thank you to the member for the question. So 9.94(2) says: "Entry under subsection (1) may be without a warrant or the consent of the person responsible for the premises or vehicle if (a) the premises or vehicle is not used as a dwelling house" — so it can't be used as someone's home — "and (b) entry is during ordinary business hours."

In the case of using someone's home.... Actually, it would come under the next section. They have to provide consent. If they don't provide consent, then the inspecting officer can, of course, ask for a warrant — it doesn't mean they will get one, but they can always ask for a warrant — and then inspect at that point.

If they believe asking for consent would tip off the operator, they could just ask for a warrant without asking for consent in the first place. But again, it would be up to the court to determine whether or not they would get that warrant.

Section 5 approved.

On section 6.

L. Popham: Actually, I would like the minister to explain section 6.

Hon. N. Letnick: Section 6 amends section 13 of the act, "Authority to enter with a warrant." The change amends the existing section to clarify that it does not apply to the new offences in the Prevention of Cruelty to Animals Act related to the licensing and registra-

tion scheme.

Existing provision, section 13, provides authority for authorized agents to enter any premise, with a warrant, to relieve an animal in distress and to search for and seize evidence of an offence under the authorized agent's jurisdiction. The amendment ensures that the authority for authorized agents to enter premises with a warrant does not overlap with the authority for a licensing inspector to enter premises to monitor for compliance with the licensing or registration scheme or to search for and seize evidence of an offence related to the licensing registration scheme.

It is intended that the jurisdiction of an authorized agent will be separate and distinct from that of a licensing inspector.

[1630]

By the look on your face, you want me to explain some more.

Under the Prevention of Cruelty to Animals Act, we have authorized agents who can enter premises. We want to make sure that there's no overlap between those people and the people that are going to be enforcing the registration and licensing scheme. Different authorities, different levels, and they have to be separate.

L. Popham: I understand what the minister said. Thank you for taking further time to explain it.

Can the minister tell me why it is that we have two different systems, then? Why can't there be any overlap?

Hon. N. Letnick: One is a peace officer, and the other one is an inspector. I don't want to say just an inspector, but is not a peace officer.

L. Popham: This is just mostly out of curiosity. Why could we not have tasked the peace officer with an additional responsibility?

Hon. N. Letnick: It's a very good question. The peace officer is an employee of the SPCA. This way it gives us flexibility in case, at some point, the government wants to do the inspections themselves. They're not tied to the peace officer through the SPCA. It provides the government that flexibility of dealing with another organization that's not the SPCA or doing it in-house.

L. Popham: Up in the rural communities, we have people doing a variety of tasks and being assigned jobs for enforcement. Would there be a different way of handling it for the rural communities, then? Would we be tasking people that are already in place with these new tasks because, perhaps, we don't have the bodies on the ground?

Hon. N. Letnick: The minister actually gets to determine what the qualifications are for these inspectors. Let's assume for a second that it is the SPCA. The SPCA would

provide a list of qualifications that it thinks are required for the job to the minister. The minister — assuming, after discussion — would say: “Yes, that works.” And then they would be employees of the SPCA, not the ministry.

[1635]

That doesn’t preclude the authorized agents — the SPCA, for example, as we’re talking about here — to then say: “We want to use bylaw enforcement officers up in rural B.C. who are already there in municipal governments, for example.” As long as that meets the qualifications as determined by the minister, in consultation with the authorized agent, then that could provide an opportunity for people to multi-task, which I think is what the member is looking for so that in more rural parts of British Columbia, we are enforcing these regulations just as much as we are in the more urban parts of British Columbia.

L. Popham: Yeah, that’s basically what I was asking. But I guess this leads to another question around new hirings. Will there be people specifically hired to do these inspections? Are we talking about new employees, or does the minister believe that we will be multi-tasking around the province?

Hon. N. Letnick: I think that for \$540,000 in the first year and \$400,000 going out, the hon. member can be comforted that there will be a lot of employees hired under that scheme. There will be new employees hired under that scheme.

L. Popham: That actually surprises me — that we are going to be hiring a lot of new bodies. The amount of money that it would take to roll out the program — I didn’t think that meant new bodies. I thought we were going to incorporate that into people that were possibly working for the BC SPCA already having a larger educational budget. So \$540,000 is a lot of money, but it’s not that much money, if you’re looking at an annual budget to monitor the whole entire province.

That’s good news. I’m sure the BC SPCA will be happy to know that there are going to be a lot more bodies. I guess I’m going to leave it there for that question.

Section 6 approved.

On section 7.

L. Popham: Can the minister explain section 7?

Hon. N. Letnick: Section 7 amends section 15.1, “Inspection.” The new section 15.1 establishes that an authorized agent, like the SPCA, does not have the jurisdiction to inspect on matters related to the licensing/registration scheme. The amendment to subsections (1) and (2) ensures that these subsections are also subject to

the new subsection (4).

The existing provision in 15.1 outlines the circumstances in which an authorized agent may enter premises for inspection, and the amendment provides that an authorized agent must not inspect premises where an activity that falls under the licensing and registration scheme is taking place, as this is outside their jurisdiction.

However, they may provide information — for example, an operator’s name and contact information, the location of an animal, the grounds for suspecting an operator is engaging in an activity governed by this scheme or any other relevant information — to a designated agency to follow up or conduct an inspection. The intent is to keep the jurisdiction of an authorized agent separate and distinct from a licensing inspector, as we talked about before.

L. Popham: I’m not sure if I understand this right. Are we taking power away from authorized agents in this section?

Hon. N. Letnick: We want to make it clear that, for example, the peace officer who right now is looking for contraventions to the Prevention of Cruelty to Animals Act working for the SPCA is separate from the person that is checking on people’s licence or registration under this scheme.

It also says, however, that they may provide information to the designated agencies. So let’s say we have two agencies. Let’s say the SPCA does not come to be the authorized agency. Then the peace officer that is out there and sees something can provide that information to the designated agency.

L. Popham: For argument’s sake, let’s say that it is the BC SPCA. There will be employees of the BC SPCA specifically checking licences and registration for puppy and kitten breeding. How exactly would they do that? Would these be on-site visits? Would this be telephone calls? How does it happen?

[1640]

Hon. N. Letnick: It would depend on whether they’re operating a business. During normal business hours, if it’s open to the public, they can just walk in and check the registration, that they are registered. If it’s in a home — and as we discussed before, the estimate is that 80 percent of these are homes — then they would have to have consent to go into the home, or they could get a court order.

L. Popham: If it is the BC SPCA, I guess I’m still.... I need another explanation so I can understand it. Why would we designate two different types of employees for that? Why would we not overlap?

Hon. N. Letnick: We are doing this so we can give the

government of the day the flexibility to have someone else do the licensing or registration scheme other than the BC SPCA. I think we have all made it clear that we would like to do it with the BC SPCA, but they might decide, at the end of the day, that they can't do it. Or the government might decide that two willing partners aren't there and that it needs another partner to do this or, for that matter, decides to take it in-house. That's another option.

L. Popham: Okay. If I understand this, then, the flexibility is being built in, in case it's not the BC SPCA. But if it is them, then there can be overlap within the BC SPCA for the officer to do both the inspections and enforcement.

Hon. N. Letnick: There's nothing in the act that currently says that a peace officer cannot also be a licensing inspector. I would find it difficult to understand why the SPCA would give their very expensive — I guess that's relative; their probably more expensive — peace officers the job of also doing this. But that would be up to the SPCA if, in the member's scenario, they actually do get the contract for doing the work.

L. Popham: The officers that work for the BC SPCA and that are in charge of compliance and enforcement.... This seems like it's just another part of compliance and enforcement — a licence check. If there are backyard breeders running a puppy mill, the enforcement side of it would certainly fall under an enforcement officer, and I'm guessing it's after the registration and licensing person found something they didn't like and then reported it to a compliance and enforcement officer. But maybe I don't understand why you wouldn't just be capable of doing it all.

[1645]

Hon. N. Letnick: Let me try it this way. The authorized agent, who's out there right now looking for violations of the Prevention of Cruelty to Animals Act, could be provided the authority to also do the inspections — if it was the SPCA, as the example, and if the minister agreed that the authorized agent had met the criteria necessary to be a licensing and registration person. I don't see why the minister would not, right?

But that would be the business model that the SPCA would have to decide whether or not it made sense for them — to take their authorized agents away from those duties of enforcing the Prevention of Cruelty to Animals Act on all animals and focus them just on catteries and dog breeders. That could work.

It couldn't work the other way around, of course. It could not work where we come up with the licensing and registration inspectors and make them authorized agents that then look for Prevention of Cruelty to Animals Act contraventions.

So the answer is yes, it could happen one way. I could see

it potentially, on paper, happening that way, but in practice, from a business perspective, I'm not sure whether the SPCA would want to use those resources for this other duty.

L. Popham: I guess if it's more of a complaint-driven process, there would maybe have been a suspicion that something wasn't quite right at a breeder's operation. At that point, do you call in someone who's checking the licence and registration, or do you call in someone to check an animal cruelty complaint?

Hon. N. Letnick: Again, this is quite hypothetical. I would just say that over the course of the summer, as the ministry works with the SPCA, they'll figure out pretty fast whether or not the SPCA wants to use authorized agents to be licensing or registration inspectors. If they do, I don't see why the minister would care, whoever the minister may be at the time.

L. Popham: Was there any consultation done with the BC SPCA on this section, or is it just standard legislation?

Hon. N. Letnick: The ministry consulted with the SPCA on all sections of this act.

Section 7 approved.

On section 8.

L. Popham: Could the minister explain section 8?

Hon. N. Letnick: Section 8 is amending 15.2, "Inspection powers." It provides for additional powers to an authorized agent conducting an inspection. The existing provision 15.2(1) outlines powers that an authorized agent may exercise during an inspection — for example, be accompanied by an expert, take samples, make copies of records, etc.

Some additional inspection powers are needed to better conduct inspections for the purposes of determining compliance with the Prevention of Cruelty to Animals Act and its regulations. These additional powers will authorize passing through an area to reach the premise to be inspected — for example, passing through a property in order to inspect a barn on the property; requiring an operator to produce records, to gather animals or to open cages; requiring a person to answer questions; and conducting postmortems to determine the cause of an animal's death.

L. Popham: What happens now when there's a complaint with a puppy mill?

[1650]

Hon. N. Letnick: Currently the authorized agents or the SPCA do an inspection to see what the alleged violation is. If they believe, after conducting their inspection

and gathering their evidence, that charges should be laid, they propose that to Crown counsel. Then it would be up to Crown counsel as to whether or not to lay charges, as we've seen successfully done very recently in our province, thanks to having the toughest penalties in the country.

That doesn't change with this registration or licensing system. If someone is causing distress to an animal, the authorized agent will still do the same work. That's separate from checking if someone has a registration or a licence, depending on what scheme we go with.

Section 8 approved.

On section 9.

L. Popham: Can the minister explain section 9?

Hon. N. Letnick: Section 9 amends section 16, which deals with identification. The amendment expands the circumstances in which an authorized agent must show their certificate of appointment. The existing section 16 requires an authorized agent to produce identification on demand to an owner or occupant of premises that the authorized agent is intending to enter on the authority of a warrant, to enter to relieve an animal of critical distress or to enter to determine whether an animal is in distress.

The amendment requires an authorized agent to also produce identification on demand to the owner or occupant of premises that the authorized agent is intending to enter for inspection under sections 15.1 and 15.2 for the purpose of determining compliance with the PCAA and its regulations.

L. Popham: What was the reason for doing this?

Hon. N. Letnick: The simple answer is that we're forcing the authorized agent to provide their identification under more circumstances than is currently provided for under the existing legislation. Specifically, they have to show their identification when they're entering under a warrant, when they're entering to relieve an animal of critical distress or when they're entering to determine whether an animal is in distress, which currently they don't have to do.

Section 9 approved.

On section 10.

L. Popham: Can the minister explain section 10?

Hon. N. Letnick: A couple of things under section 10. There's a new section, 22.2, which provides the designated agency and the society to collect, use or disclose personal information for purposes necessary to administer the act. Personal information such as the person's name and address likely will be collected as part of the monitoring and

enforcement of requirements related to animal welfare and the licensing and registration application process.

Such information is protected under FOIPPA. For those people who are listening, FOIPPA is the Freedom of Information and Protection of Privacy Act. However, FOIPPA permits private information to be collected, used and disclosed if it is expressly authorized. This information is not permitted to be collected, used or disclosed except for the purposes of the Prevention of Cruelty to Animals Act and may not be disclosed outside our country. [1655]

The other part to section 10 is a new section, 22.3, which enables the minister, society and designated agency to enter into agreements to exchange information, including personal information, with any person or body. Agreements to share information with other governments on the import, export and interprovincial transportation of animals for sale or breeding may be necessary to monitor and enforce compliance with the act.

L. Popham: Is this a way of trying to control operators that may be shut down in British Columbia and move into a different province or a different country — or vice versa? Do we have the same information-sharing agreement with other provinces or other countries?

Hon. N. Letnick: I think everyone agrees that we respect people's privacy. We have built the law, FOIPPA, to make sure that happens. However, the member's allusion is correct. There could be some times when a puppy mill could be set outside our borders, not only within our country, like in Alberta, Saskatchewan, Manitoba or other provinces, but also just across the border to the south — or to the north, I guess, for that matter. This would give us the ability to exchange that information with those other jurisdictions.

L. Popham: I don't know if this fits in this section, but I'm going to ask it anyway. If a puppy mill is set up in a different province or a different country and they're shipping puppies into British Columbia, what way would we have of tracking that? That actually is a problem. How would we try and control that situation?

Hon. N. Letnick: Currently there's nothing that we have with Canada Border Services to.... There's no agreement to stop animals from coming across the border. What this does is it creates the ability for us to actually exchange information and get into those discussions. So it's not perfect, but at least now we have a foot in the door that we can exercise and see if we can do some of that work.

L. Popham: This isn't a question; this is just a comment. If a reseller of animals was required to, by legislation or regulation, they would be covered because they would

have to provide that information — if that was built into the regulations, which I'm hoping it would be.

Section 10 approved.

On section 11.

L. Popham: Can the minister explain section 11?
[1700]

Hon. N. Letnick: Section 11 amends 24, "Offences." The amendment provides that contraventions of two new sections of the act, 9.21 and 22.2(4), are offences. Section 24(1) of the Prevention of Cruelty to Animals Act provides that the contravention of sections 9.1, 9.2 and 9.3 is an offence and will enable penalties to be attached to non-compliance with the new licensing registration scheme and for the unauthorized collection, use and disclosure of personal information.

Under the act, the penalty is a fine — and I know everybody knows this — of up to \$75,000 or imprisonment of up to two years in jail, or both.

Sections 11 and 12 approved.

On section 13.

L. Popham: Can the minister explain section 13.

Hon. N. Letnick: This is a standard provision of immunity which we are extending to the designated agent.

[R. Chouhan in the chair.]

Section 13 approved.

On section 14.

L. Popham: This section basically explains that most of the bill will be done by regulation at a certain date. I guess my question is: when does the minister expect the regulations to be complete?

Hon. N. Letnick: I understand, from the ministry, that they will begin consultations some time shortly after May 10. The intent is to develop regulations through the fall.

L. Popham: So does the minister expect this legislation and regulation to be in effect by the new year?

Hon. N. Letnick: I'm hopeful that the legislation will pass sometime in the very near future. The regulations will be up to the government of the day and the cabinet within the government of the day, as to when they will pass. I cannot predict when that will be or who that will be.

Sections 14 and 15 approved.

Title approved.

Hon. N. Letnick: I move that the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 5:03 p.m.

The House resumed; Madame Speaker in the chair.

Report and Third Reading of Bills

BILL 7 — PREVENTION OF CRUELTY TO ANIMALS AMENDMENT ACT, 2017

Bill 7, Prevention of Cruelty to Animals Amendment Act, 2017, reported complete without amendment, read a third time and passed.

[1705]

Hon. T. Lake: I now call committee stage of Bill 2, intitled the Adoption Amendment Act, 2017.

Committee of the Whole House

BILL 2 — ADOPTION AMENDMENT ACT, 2017

The House in Committee of the Whole on Bill 2; R. Chouhan in the chair.

The committee met at 5:06 p.m.

On section 1.

M. Mark: I appreciate the opportunity to speak to this bill. I'd like to ask the minister standing in for the Minister of Children and Family if she can confirm that this is a response to B.C. Supreme Court *A.A.A.M. v. Director of Adoption*, the ruling that stopped the adoption of a six-year-old girl by an Alberta couple, due to the act restricting putting children into the care of someone outside of the province?

Hon. M. Polak: The answer is yes.

Maybe before we move on, I'll just introduce who I have with me. You'll have to indulge me. I've had responsibility for this ministry before, but it was many, many years ago. But our Minister of Children and Family Development has no voice today, so I am taking her place.

I'm joined by Cory Heavener, the assistant deputy minister, provincial director of child welfare; by Cheryl May,

executive director, child welfare, quality assurance, adoptions and aboriginal policy; and behind me, Evon Soong, director, SDSI, legislation.

Interjection.

Hon. M. Polak: Yes, at the very first.... Yes, it is in response to that ruling.

M. Mark: Can the minister confirm that placing kids out of B.C. is already in practice, with 50 families being impacted?

Hon. M. Polak: Yes, in fact, that has been the case since the act was first brought in, in 1997. And over that time, out of a total of 3,934 adoptions, 130 of those have been outside of the province.

M. Mark: I'd just like to read an excerpt from the court ruling. Section (59) states.... We're referring to this, as a background:

"The director says that it would be absurd to prevent her from placing a child for adoption outside of British Columbia."

[1710]

The court says:

"I do not agree. The director has no statutory authority outside of British Columbia to control the process of adoption, and presumably the director is concerned that parents are suitable to adopt B.C.'s children and that they were well prepared to do so. If the adoption breaks down, the director would want the authority to remove the child. Once a child is placed out of the province, the director has no reach to retrieve the child."

I guess my question is: can we have more explanation or understanding about the impetus of bringing forward these amendments to the Adoption Act from that court ruling last year?

Hon. M. Polak: The member is correct. There aren't very many reasons to adopt a child outside of the province, but the reasons that there may be are significant. They, of course, are based on the welfare of the child, primarily. That's at the centre. Typically, if you see an adoption out of province, it's because there are family, siblings, extended family or other significant relationships to the child that are existing and that are being recognized in that move outside of the province.

M. Mark: Can the minister explain what "a significant relationship" means?

In the briefing, we were notified that placements would only happen outside of province for the best interests of the child. It would be because of siblings. It would be because there is a relationship. But can I get more of an explanation on that definition of what significant means?

Hon. M. Polak: As an example, in some cases a child, in previous years, may have experienced the development of a significant relationship with another adult, another

family who were friends with their family. We're all familiar with cases where children will call someone auntie or uncle. They're not really a blood auntie or uncle, but they have that type of relationship with the child.

M. Mark: With respect to the court decision, the court had ruled that these placements out of province were *inter alia*. They were out of jurisdiction.

[1715]

Moving forward, as we talk about the act, it would be good to have confidence and understanding that if we're going to move forward with changing this bill for children to move outside of British Columbia to be in a significant relationship, for that relationship to be really clear and explicit. Having a relationship with an adult doesn't really bring a lot of confidence to such a permanent decision where B.C. would no longer have any jurisdiction over that child.

Are there any plans to, perhaps, add a definition that will make it explicit on what grounds a child would be leaving the province — under what relationship?

Hon. M. Polak: The rationale for not defining it is to not unduly limit the options that are there in front of the decision-maker. We want always for that decision-maker to be thinking about the best interests of the child. Part of the reason that the amendment is coming forward is because a limitation on placing the child outside of the province, if it's thought that that placement is the best in the interests of the child, is unduly limiting that.

We wouldn't want to imagine what possible relationships there are and try to define those. What we would rest the decision on is the criteria that's already in the act as to what should be considered in the best interests of the child and what considerations that decision-maker should have.

M. Mark: In the minister's statement, the press release, there was reference to Grand Chief Ed John's report, the report that was commissioned by the Premier. My question, in the context of that, is: how does placing children out of the province reconcile with government's stated commitment to keep children in their own community?

In my remarks, speaking to the bill a couple of days ago, I had mentioned, made reference to the Sixties Scoop. How will First Nations or the Métis Nation of British Columbia have any confidence, knowing that children are going to go to another province? How are those considerations going to be made?

Hon. M. Polak: Of course, first, to draw attention to the numbers, it's clear just from the fact that there were close to 4,000 adoptions since 1997 and only 130 have been out-of-B.C. placements that the ministry takes that very, very seriously. Community is extremely important for aboriginal children. There are, of course, occasions

when the child's First Nation community is not in B.C. Perhaps family has moved here over years.

[1720]

This amendment here does not take away from the obligations that the ministry has under section 7 to ensure that before an aboriginal child is placed for adoption, there are discussions about the child's placement with those who are involved with their First Nation community to make sure that the decision is considering that attachment to their First Nation community.

M. Mark: Going back to the question of what is significant. Let's say a 14-year-old has lived here their whole life. Now they've got a new sibling in Nunavut. That sibling is a baby. Their roots are here. They've lived here their whole life, but under the interpretation of this act, that sibling could become a variable. Who decides what a significant relationship is?

Hon. M. Polak: It would be the director of adoption. Of course, they would have to take into account not just the fact that there is a sibling somewhere else, but also all these other factors, including what happens if it's an aboriginal child, what discussions take place with the community to which they belong. But again, always looking at: what are the best interests of the child overall?

M. Mark: With respect to this clause, we are talking about removing the requirement for each prospective adoptive parent to reside in B.C. Were the First Nations or the Métis Nation consulted on the amendment of this clause?

Hon. M. Polak: Consultations have taken place with the Office of the Representative for Children and Youth, the Information and Privacy Commissioner's office, the Office of the Public Guardian and Trustee, all treaty First Nations, provincial adoption agencies and delegated aboriginal agencies. There are two, of course, who have authority to adopt.

I understand that, in turn, these also have been considered in terms of being consistent with Grand Chief Ed John's recommendations. It has been provided to him.

All of those with whom the consultations were held were comfortable with the amendments.

M. Mark: My understanding, with all due respect.... I've reached out to the First Nations Leadership Council, the First Nations Summit, the Union of B.C. Indian Chiefs, the Assembly of First Nations, the Representative for Children and Youth, the Métis Nation and the Métis Council. All have not indicated that they were consulted on this bill.

They were notified that there were amendments that were going to be made to the Adoption Act. They learned of this information last year. But from my understanding, they did not have a chance to review the proposed legislation.

The question is whether they were consulted. I guess the second question would be: what was their feedback to the proposed amendments?

[1725]

Hon. M. Polak: I'll go through some of the instances here of consultation.

With respect to the Representative for Children and Youth, representatives from their office were briefed and, in fact, did receive and were briefed on the actual text of the amendments. As well, treaty First Nations — several requested copies of the draft legislation. They received it and were able to provide input.

There were some issues raised. They were fairly minor, and I'm told that those were resolved to the satisfaction of those with whom they were consulting — the office of the representative and also the treaty First Nations.

With respect to the other organizations mentioned — the Métis Nation, the leadership council — those organizations were provided with information about what was coming forward and were asked to provide their input. Some did; some didn't.

As to why there wouldn't have been broader consultation, when a set of amendments are technical in nature, as these are considered to be, then typically the consultation revolves around the representative; those who have adoption authority, like delegated agencies; or, then, treaty First Nations, for whom it could affect their laws and the way they operate within their nations.

M. Mark: Just to break down my questions to your response, can you please identify which treaty First Nations?

Hon. M. Polak: That would be the Nisga'a Lisims Government, Tsawwassen First Nation, the Maa-nulth First Nations, Tla'amin and the Yale First Nation.

M. Mark: The minister had said that there were some minor issues raised. Can you please identify what those issues were and how they were resolved?

Hon. M. Polak: Resolution didn't involve any changes to the draft. What it involved was simply walking through the draft with the treaty First Nations representatives and helping them to better understand what the changes were. At that stage, they were comfortable with the wording the way that it appeared.

M. Mark: The minister had just said not too long ago that this bill is more technical in nature. With all due respect, we are talking about a court ruling that came out.

[1730]

There was a ruling last year that identified that the government has been acting out of jurisdiction *inter alia* for the last 20 years. It may only be 150 children that

have gone out of this province, but if we're talking about making amendments, we want to make sure that they're within the law and also that they're within the spirit of reconciliation.

The emphasis of asking these questions about consultation with the First Nations.... There are 203 First Nations. The First Nations Leadership Council is elected to represent the nations in their jurisdictions. It is imperative that there be confidence, especially in this House, to know that that meaningful consultation took place. For example, I'd like to know what the UBCIC's response was to the proposed amendment.

Hon. M. Polak: I misspoke earlier. It was not sent out to FNLC, UBCIC, etc. It was treaty First Nations and delegated agencies.

While it is a very serious issue, the reason that we consider it technical in nature is because this has been the practice of the ministry. Since the beginning of the legislation in 1997, it has always been considered to be appropriate activity. The judgment of the Supreme Court that this was *inter alia* is precisely why the amendment is here. If the amendment goes forward, then no longer would it be illegal to engage in the activities that have been engaged in, as practised since 1997.

M. Mark: Can the minister advise: what was the response from the DAAs? I understand that there are 23 DAAs. They're all delegated C3, C4 and C6. Of those that have a delegation for adoption, what was their reaction to this proposed amendment?

Hon. M. Polak: There are only two that have the designation for adoption authority, and they were quite pleased to see the amendments come forward, to bring clarity to this since the justice's decision.

M. Mark: Going back to the UBCIC, the BCAFN and the First Nations Summit not being consulted, may I ask the minister again: in the spirit of reconciliation, why wasn't that action taken? I think to have confidence in knowing that this is a bill that upholds the best interests of children and is within their rights — to have that endorsement is really critical. Without it, without that information to know whether or not they have any concerns or if there was an opportunity to correct those concerns.... I'd just like to know more about why that measure wasn't taken, in the spirit of reconciliation.

Hon. M. Polak: Because there is no change in practice contemplated here, the consultation with the treaty First Nations and the two delegated agencies that are responsible for adoption was engaged in. Of course, legal changes affect laws that treaty First Nations make, and delegated agencies as well. Delegation can be impacted in terms of whether or not they have clarity around the judge's deci-

sion, but because there is no change in practice, then typically, we would not engage in broader consultation.
[1735]

M. Mark: With all due respect, the judge stated that the actions, the practice, were illegal and that children were being adopted outside of the province without jurisdiction. That underscored that even the interprovincial agreements, which are stated as a practice that operates across the country, aren't legal either.

There isn't, to my understanding, the legal footing for some of those adoptions to take place. And as we get into the clauses later that say the government wants indemnification from the decisions that have been made going back to 1996, I think it's important as we go through clause by clause to acknowledge that adoptions are serious, for one, but consultation is really critical when we're making such permanent decisions.

Hon. M. Polak: Absolutely. Very, very serious. Which is why, when practices change, there is significant consultation. I've been a part of that over many years with First Nations, quite broadly.

In this case, though, let's remember that one of the reasons that the judge ruled that there was no jurisdiction is because of the language that we are here proposing in amendment 2. So the amendment, in and of itself, makes the practice legal. It's not that it is illegal as a concept. It's illegal in terms of the jurisdiction provided under the current act, and that necessitates the amendments that we have in front of us proposed today.

M. Mark: In the minister's statement, the press release about making these amendments to the act, there's reference to Grand Chief Ed John's report. Is this the section of the act that we're referring to the amendments being made from Grand Chief Ed John's report?

Hon. M. Polak: It's consistent with Ed John's findings and recommendations in two ways, one of which is this section, one of which we'll deal with a little later on around information-sharing.

[1740]

Maybe I'll say it this way. Everything should be centred around the best interests of the child, and the best interests of the child should not be fettered by the idea that an adoption is better just because it's located in B.C. It should be evaluated based on what's the best interest of the child and not restricted as a result of location or residency of the guardians.

M. Mark: Thinking about reconciliation, thinking about the title of his report that talked about getting to the root causes and the importance of connectedness, Grand Chief's recommendation 48 was: "The province commit to the creation of an indigenous custom adop-

tion registry for indigenous children and youth, such as those models existing in Nunavut and the Northwest Territories.” The suggestion from the Grand Chief was that B.C. “amend the Adoption Act to provide a mechanism, such as a custom adoption registrar, to register indigenous custom adoptions.”

Can the minister explain whether or not this section of that report will be a part of this Adoption Act?

Hon. M. Polak: I am advised that the ministry is wanting to bring into force that recommendation of Ed John. To our earlier discussion, though, about consultation, that would be a very significant change in practice. It's not part of what you see here, but the ministry is already preparing for that significant consultation and work with First Nations in order to accomplish what's in that recommendation.

M. Mark: Yes, I understand that that recommendation has been put forward a number of times for a number of years. Is there any indication of timelines of when the public could expect that this consultation would be happening?

Hon. M. Polak: Consultation on developing custom adoption, as Ed John recommended, is currently in the multi-year action plan for the ministry. In terms of timing, it's difficult to say, given the particular timing that we find ourselves in. It likely will not begin until we pass a certain date in May. Then, of course, new things get underway, regardless of who finds themselves on which side of the aisles.

M. Mark: Going back to the Representative for Children and Youth, who has made a number of recommendations regarding permanency and adoption, how does this act, the proposed act, line up with the recommendations from the representative's office?

[1745]

Hon. M. Polak: Perhaps no direct alignment with an individual recommendation, but certainly in the recommendations of the representative around permanency, the ability to place a child outside the province when it is in their best interest is something that is consistent with what the discussions have been with the representative, as the ministry has worked to try to improve adoption practices and, in fact, increase the number of permanent placements that are taking place.

M. Mark: I guess my question is broader in the context of adoptions. Why so narrow in scope, with respect to these amendments? The First Nations have had their requests for amendments to the Adoption Act, talking about the custom adoption registry, etc. The representative made some recommendations around amending the Adoption Act. So why so narrow and only making amendments to these clauses?

Hon. M. Polak: The many other requests for amendments and response to recommendations would represent, in many cases, significant change in practice, if not even just change in practice generally. Of course, then it would take significant consultation in order to bring them to the floor of this Legislature.

In the interest, then, of a number of placements that are currently on hold since the decision — so placements that were underway but then were placed on hold as a result of the decision — this narrow scope was brought forward to deal with the technical matter of the out-of-province placements being ruled not within the jurisdiction under the act.

M. Mark: Can the minister tell us how many families or children are on hold, waiting for the amendments to the Adoption Act?

Hon. M. Polak: There are currently 25 placements that are on hold.

M. Mark: So there are 7,000 children in care. I believe the Minister of Justice had mentioned in her remarks that there were 600 children that are eligible for adoption. In the grand scheme of who needs permanency here and the Premier's commissioned report from Ed John that said that indigenous children should be staying home and that repatriation should be a real emphasis,

I'm just trying to get some understanding here around changing the law that has a permanent nature for children. It's going to have an impact on 50 children outstanding. It has had an impact on 150 children in the past, but right now we have 600 children that are waiting to be adopted.

Again, I just want to have an understanding of why that broader amendment wasn't made to this legislation at this time in this House.

Interjection.

[1750]

M. Mark: Just overall amendments. The representative has made some significant requests for amendments to the Adoption Act that haven't been enacted, and those reports go back to 2014 or 2015. Time is passing, and we know that kids are waiting for adoption, which is great. We want that to move forward. But if we're going to change the law, why not change the engine instead of just change the oil?

Hon. M. Polak: It's similar to a previous answer. There are very many significant changes in the legislation that need to be made to reflect current practice and changes in practice that have been recommended by the representative. I mean, the act is 20 years old, right? Certainly, it could use some addressing.

We're here with these amendments because there is an urgency around these placements that are being stalled as a result of the court decision. I'm told that the 25 that are currently on hold are all children who are to be placed with extended family. So you can see where the best interests of the child come into play.

M. Mark: I'll go back to my remarks that I made earlier around the definition of who those significant relationships are. That is important to know, right? We're talking about children that could be placed with their extended family as we speak versus someone who just comes out of nowhere, who met a kid at a summer camp and now wants to become their adoptive parent over in New Brunswick. There could be many interpretations to the act.

My question is regarding jurisdiction. Are we talking about making an amendment for children to be adopted outside of B.C. within Canada, or are we talking about international adoptions beyond the borders of Canada?

Hon. M. Polak: This amendment would mean that there were no limitations to just being inside Canada. I know the member will be aware, as I've experienced in my time in MCFD, that there are circumstances where, especially for an aboriginal child, their nation may actually be a United States-located nation. They may have extended family there with whom they have a quality placement.

This act is silent on that. It simply speaks to the need to place a child for adoption with one adult or two adults jointly.

M. Mark: I just want some clarity, then. If we're talking about making amendments to the act to allow a child to be adopted outside of British Columbia, the state — the director of adoption here in B.C. — will be negotiating with the director of New Zealand, the director of Britain, the director of the United States, the director of Mexico.

I'm just trying to think about the interface of the ministry here in B.C., adopting a child from British Columbia to another province, and how those mechanisms were considered.

[1755]

Hon. M. Polak: It's important to note that, first of all, of course amendments here don't affect all the other range of criteria that a director would look at for making a placement. Also, the placements outside of B.C. function under protocols. There are protocols currently in place with all of the provinces and territories except for Quebec. There are also international protocols that are existing for an out-of-country adoption under the Hague convention.

The director would consider not only the criteria that exist generally for evaluating a placement but also those protocols that exist between provinces and for inter-

national adoptions. I should say that based on the data we have here, the number of children adopted internationally is very, very small. I believe we have three that are listed since 2010. We don't have data that goes back further than that. It's a very small number.

M. Mark: Going back to the court decision that was ruled last year, section 73 says: "I see no statutory foundation for the provincial-territorial protocol." One question about this. Counsel said that under section 76, "the minister is granted authority to make agreements with the government of Canada, the government of a province of Canada, the government of a jurisdiction outside Canada or an official or agency of those governments. This general power to make agreements is not clear enough in my mind to override a specific jurisdictional restriction."

My question, technical in nature, is to understand whether or not any revisions were made to this inter-provincial protocol, which the courts said the director of adoptions had no authority to be using in the first place with respect to adoptions. I just want to know that they're in line.

Hon. M. Polak: In the section that the member read out, the judge points to the fact that the protocol cannot override the jurisdictional failing. The jurisdictional failing is what we are seeking to correct here with the amendment. The judge didn't rule on the quality of the protocols themselves but, rather, that the province didn't have the jurisdiction to enter into those, given the existing restriction unamended, as it stands currently, which places the restriction that a prospective adoptive parent must be a resident of British Columbia. So in the judge's decision, the protocols were not sufficient to overcome the restriction that existed in the act.

M. Mark: I think we're getting close to wrapping up clause 1 here, but I do have one final question related to the Representative for Children and Youth's recommendations that have come forward and that the minister is saying there has been consideration of. I want to indicate one that came out of the adoptions report. Recommendation 1: "That the Ministry of Children and Families administer its permanency planning and adoptions services as a central provincial program under the authority of the director of child welfare, thereby eliminating the ministry's current practice of regional decision-making and diffused responsibility."

Bullet 2 says, in relation to this: "Undertake legislative changes to support this model of service delivery, including centralization of delegation authority under the Adoption Act." This recommendation was requested to be made into effect by December 1, 2014.

My question is whether or not that recommendation from the representative's office was implemented.

[1800]

Hon. M. Polak: There is now one centralized designated director in the province — one central policy office, I guess you would call it — and also, centralized quality assurance as well.

Section 1 approved.

On section 2.

M. Mark: Can the minister confirm that currently approval is based on a B.C. home study and that this section will not allow approval to be based on regulations in other provinces?

[R. Lee in the chair.]

Hon. M. Polak: The prospective adoptive parents must be approved based on the requirements that exist in that other province or territory. However, we're not aware of a province or territory that does not include a home study in that evaluation.

M. Mark: I'm just trying to understand the purpose, the intent, of this section. Can the minister just give us an overview of what was the purpose in making this amendment?

[1805]

Hon. M. Polak: These provisions are added to this section because, of course, as the legislation as it existed did not contemplate out-of-province adoptions, therefore it was necessary to include requirements on those placements.

The requirement being added here is that those placements take place within the laws of the jurisdiction where those prospective parents reside if they happen to be outside B.C. This is adding requirements for out-of-province placements that wouldn't have existed because, of course, the act didn't contemplate out-of-province placements.

M. Mark: So 150 children have been adopted through the previous legislation under the practice that the minister has described. Was there a requirement before to have home studies conducted for all of those 150 children that were adopted out of province?

Hon. M. Polak: That's correct. There would have been home studies as part as of the evaluation of the placement.

Just to make sure the record is clear, it's 130 that were placed, rather than 150.

M. Mark: Sorry, just for clarification. Were home studies required as a practice over the last 20 years? If there were no standards, if now we're amending the Adoption Act, where was it stated that the guardianship worker or what have you had to do a home study?

Hon. M. Polak: It has not been spelled out in legislation, because the legislation did not contemplate out-of-province adoption, but it has been the practice since 1997. In the 130 cases here, a home study was involved in the evaluation of those placements.

M. Mark: Just for our understanding. We know that there's a difference between a practice and a required body of law — that law trumps policy. How can we can have confidence that that practice was followed, that home study was followed, for all 130 children?

Hon. M. Polak: While the existing language and the language that would have been relied upon since 1997 didn't contemplate out-of-province adoptions, it did specify that part of the criteria for a placement was a home study. I'm assured by staff that that certainly was followed. Again, we are not aware of any other province or territory that does not require a home study.

In the case of the new language, requiring that that placement be conducted under the laws and jurisdictions of that province or territory would, in fact, require a home study.

M. Mark: Who did the home studies? Was it B.C. or the receiving province?

Hon. M. Polak: The home study would be conducted by people within the province or territory that would be receiving the child. That report would then be provided to the director here in British Columbia for review as part of the review of the placement.

[1810]

M. Mark: Was there a review done before making these amendments to the Adoption Act to see that there are no standards less than B.C.'s standards, or are there other standards in other provinces that have higher standards with respect to home studies in pre-placements?

We know that adoptions break down. We know that this is a permanent decision. It's a huge decision. A child has been in care, and let's say they've gone through ten, 15 different placements. They've moved to permanency. You're getting to the point of a pre-adoption. They're on their way. They're getting on the plane to go to another province. We should have every confidence, knowing that every rock was unturned when the guardian, the Ministry of Children and Families, transfers that guardianship to another province.

It would be very helpful to know if that review was done for each province, because if there are any gaps.... It's very hard to know that we're going to transfer a kid to where there are less standards, and let's say.... I don't want to pick on any provinces, so I won't say anything. But we want to make sure that we have the highest standards.

Hon. M. Polak: While the protocol was amended in April 2016 — and, of course, that involved some discussion between provinces and territories around their relative practices — nevertheless, it wouldn't be fair to say that there's been any comprehensive study of the different jurisdictions and how they operate. Instead, what occurs is that each individual home study is examined by the director, and decisions are made as to its completeness and as to whether or not it has been thorough to the standards we would expect. Of course, the director has the authority not to make the placement if that's not satisfactory.

Some important safeguards, though, we maintain even in the case of out-of-province placements. We still require that an out-of-province placement have a six-month residency, after which there's a post-placement report before the adoption would become permanent.

M. Mark: The minister had mentioned earlier that on the rare occasion — because we are talking about out of province, presumably within Canada — there may be adoptions that happen internationally. Can the minister provide a couple of examples of what those situations look like?

[1815]

Hon. M. Polak: It may take a few moments to get that information. Does the member want to continue with some other questions, and as the information comes in, we'll jump in and pass it along?

M. Mark: Thank you, Minister. Sure. With respect to safeguards and not having time to do a review, I appreciate that. Fundamentally, my question is: do we have confidence that our standards are high? What confidence do we have when we are sending a child out of province to another province?

We've got the pre-placement. We've got the home study. Is the guardianship worker physically going to view the home? Is the guardianship worker physically travelling with the child out of province? I would like to know some of those details around the practice to have confidence — not just policy on paper but policy in practice.

Hon. M. Polak: In practice, what occurs is that we expect the conduct of the receiving province would be such that they meet our requirements. However, if they don't, if they're not up to our standard, then those processes are discussed and negotiated and completed by the other province.

In fact, for each child that is placed outside of the province, there is an interprovincial agreement and a written adoption plan specific to that placement. It's signed by both provinces, and the responsibility for placing the child still rests with British Columbia. There are safeguards in place to ensure that.

From time to time, it means that a worker from British Columbia will visit, physically, the placement. That isn't

always the case, but it would happen where there were still questions that had arisen that they felt could only really be answered by a visit.

M. Mark: Is it required or is it a policy? Is it optional? Is it mandated for a social worker, adoption worker, or guardianship social worker to physically go see the home that the child is going to be living in?

One would think that that would be.... As a parent, if I were to.... I mean, I don't even send my kid to school without physically knowing that she's opened the door. If we're going to transfer a child outside of this province, having confidence and faith that another province is going to do that work.... I would just like some more detail and assurances. Where's the evidence of this?

Hon. M. Polak: There's no requirement that someone from British Columbia physically visit the placement, but the collaborative work that goes on between the provinces and territories means that they know one another. They know the work of the other province.

Again, if there are concerns they have that that province hasn't met the standard that British Columbia has for the home study or for other resources that they're providing into the evaluation of the placement, then we always have the option of visiting. There's more information that can be requested. Of course, those matters are resolved before that adoption plan is put in place.

M. Mark: I've travelled across the country twice and have seen the distinct nature between Happy Valley-Goose Bay and the people of Sheshatshiu, Labrador, that of the people living in Nunavut, those that are living in Summerland or Kahnawake.

[1820]

B.C. is unique. We've got 203 First Nations. We've got 13 different service delivery areas in this province. We've got 7,000 children in care. There's a lot to consider before moving a child to another province, to have confidence that they know our province and that they know our unique needs here in B.C.

As an example, we're a west coast province. I'm thinking, again, to culture. What does culture look like for a child who's grown up on the coast to go live on the Prairies? What does that mean for them, fundamentally? As a First Nations person, if I had to move to the Prairies and never see salmon again, that would be almost like a constitutional violation.

I don't mean to be theatrical here, but I'm just curious to know: how do we have confidence that those provinces understand the unique needs and interests of British Columbia's kids?

Hon. M. Polak: I know I'm not telling the member anything she doesn't know when I say that every situation is entirely unique. Every child that is placed out of

province is required to have a cultural plan developed around their placement. The issues that the member raises are serious, and they're considered very carefully with respect to a placement. They would be balanced against the interest in an out-of-province placement, if there was extended family or what have you.

Now, it is one piece of a pretty intricate puzzle when you're doing a placement. It's really important to emphasize — and the director emphasizes to me — that all of the other requirements for analysis of a placement remain very serious considerations for the director. The location of the province, the location of the placement, is just one of those factors. But a cultural plan does have to be in place for the child.

M. Mark: I guess broadly speaking, then, what are the specific requirements for B.C. to monitor the transfer, to see the new home? We've discussed it a little bit, but the other piece is to assess the transition — to monitor the transfer, to see the new home and to assess the transition.

Hon. M. Polak: The receiving province would be conducting monitoring visits and then, of course, would provide the post-placement report after the six months of the child in residence there. That monitoring, the visiting — all of that information that results from that — would be reported to the director in B.C. and would form part of that evaluation of the post-placement at six months.

M. Mark: Just thinking practically, the receiving province is going to take on all of this extra duty to monitor, evaluate and do the home studies for children in their province, in addition to their workload.

[1825]

I'm just wondering about the capacity here. We know that in B.C., we have capacity issues for workers in B.C. to go out and do those home visits and those home studies and do the practical things that move adoptions along. I mentioned earlier that there are 600 children that are eligible for adoption. I'm just thinking, again: what is the practicality of this, to expect another province to carry out the assessing, the monitoring and the transition?

Hon. M. Polak: Before I answer that question, I'll just provide to the member the information that was requested before. The three children that were adopted internationally — one went to the U.S., one went to New Zealand, and one to Barbados. In all three cases, it was family that they were going to.

With respect to the work that the other province or territory would do — home study, monitoring and all that — it is the same that we would do for provinces who are adopting children to a B.C. location. In fact, it's part of the provincial-territorial protocol that has been negotiated, so all of the provinces and territories do this for one another.

M. Mark: What if the mandates aren't in line? For example, let's say that you're dealing with a delegated agency similar to a delegated agency here in B.C., like that in Manitoba. I'm wondering: if the mandates aren't in line, what would happen? If you're dealing with an aboriginal agency or... I think in Ontario, they've got the children's aid agencies that carry out the work. I'm just wondering: if they're not in line, who would have the ultimate jurisdiction?

Hon. M. Polak: In those cases, the responsibility would still remain with the province of British Columbia to ensure that the placement is appropriate and make the final decision as to whether or not that placement goes ahead.

M. Mark: Sorry to jump around, but we'll go back to the three children — the U.S., New Zealand and Barbados. In the event where children aren't placed with their families, who is monitoring that the standards are in line with B.C.'s standards? Who is reviewing the standards of these other receiving countries? And, again, whose standards trump... Sorry. I didn't mean to mention that name in this House, but you know where I'm going here.

[1830]

Hon. M. Polak: Just talking with staff, we're not aware of any instances where an international adoption has taken place where it wasn't family — so difficult to speculate on the member's question from a practical standpoint. However, in general, all of that would be governed by the Hague convention on international adoptions.

M. Mark: This clause really is about having some certainty, doing that review for prospective adoptive parents outside of B.C., making sure those checks and balances are in place. I'm curious to know: what happens if a placement outside of B.C. breaks down?

Hon. M. Polak: Before I answer that question, I'll just add to the answer I gave previously about the international adoptions. I'm advised by staff that in fact we do not do international placements unless they are family.

With respect to what happens if there's a breakdown in an out-of-province adoption, then dealing with that situation would be the jurisdiction of the province or territory in which the child then resides. Certainly, we would expect that they would reach out to the province from whence the child came. But at that stage, if an adoption breaks down, it would be under the jurisdiction of the province in which they reside at that stage.

M. Mark: With all due respect, that's a bit concerning to me. If a child has been here, as described — if they've come into the continuing custody of the ministry and they've moved to adoption status and they've gone outside of the province and things fail for reasons unbeknownst to everyone involved — doesn't the minister

think that the child should come back to where they came from, granted the likelihood of their family being here? If they were, most likely, born in British Columbia, that they should come back to the province they originate from?

[1835]

Hon. M. Polak: Within the placement arrangements, they do write repatriation agreements within all of those; however, that doesn't necessarily mean that the child is repatriated to B.C. But in each case, there's a repatriation agreement that would facilitate that if it seemed the most appropriate placement when the original placement breaks down.

M. Mark: Does the receiving province who has the child...? If the placement breaks down, do they notify the director of adoption here in British Columbia? Does each province notify?

[1840]

Hon. M. Polak: When you have a complicated question, you phone a friend. In this case, we've asked Renaa Bacy to join us. She is the director of adoptions, so she's given us even more complicated matters to outline to you, which I'll do my best to do.

We're talking about placements that break down. Well, the repatriation agreements apply during that first six months. If there is a breakdown at that point, the repatriation agreement would have already been discussed between the two jurisdictions as to what is going to occur for the child. Of course, that might mean that they're coming back to B.C.

In some cases, I know that when I was involved in our school district, we had many aboriginal children who were Cree. Their best placement may be in a place in the Prairies, right?

In a case, though, where the six months have gone by, the post-placement report has come out and been reviewed and now a permanent placement is there.... In that case, then, the parents are now the permanent guardians, right? They are the guardians of the child.

To give you an anecdote, it could be that you have a child that is adopted at the age of two, and then somewhere along the line, when the child is 16 or 17, problems arise, and the family breaks down. At that point, if there's a breakdown, the situation would be treated as any other family breakdown, because the parents are the parents. Even though they're adoptive parents, they're the parents.

A province or a territory may, as a courtesy, reach out to British Columbia. They may not. But British Columbia doesn't.... At that point, when the parents are the parents, there's no further jurisdiction beyond that. They're the guardians. They're the parents, once the placement is final.

M. Mark: Are there exceptions that are made in policy if something breaks down beyond the six months? I'm just thinking of the cases.

I spent eight years at the representative's office. I've spent a great deal of time advocating on behalf of families with the best intentions. But sometimes that attachment doesn't happen. Sometimes the transition wasn't done in a meaningful way. Things break down. Then we've got B.C. kids dealing with other jurisdictions.

Is there some room to advocate to change these policies, the interjurisdictional protocol, around improving these lines of communication so that it's not just a notification or a courtesy but that the standard is across the board?

We're talking about changing the law, here, of B.C. kids moving out of the province. It would be good to know that there's some certainty that if there is a breakdown, there's some dispute resolution that doesn't rest within another jurisdiction but that we take ownership and try another route.

[1845]

Hon. M. Polak: I'm going to start at the back end of this and then go forward. First, it's important to say that we're not actually changing that law. It's already the law that when you adopt a child, when that adoption is permanent, they are legally just as much your child as if you gave birth to them. There's no legal difference. The law doesn't recognize the difference.

Just as the Ministry of Children and Family Development here or the agency in another province or territory wouldn't step into a birth-family situation unless there were extenuating circumstances, so, too, they wouldn't step into a problematic situation in an adoptive family if that situation is permanent. They would legally be looking at it the same way they would look at any other family situation.

That's why all of what goes into the front end is so important. In the case of an out-of-province adoption, the six-month residency is not the first time that the child is interacting with the family. Long before that six-month residency starts, there would be interactions organized with the parents. Whether it's by Skype; it could be by visits — all involving workers, both in the territory or province that they're going to but also from B.C. Those interactions are part of the evaluation process, once they've decided that this is the likely permanent home for this child.

It's all the more reason why all of this evaluation up front is so important, because when that decision is made, that's permanent. If B.C. or the other jurisdiction were to hold on to a bit of that, then the parent isn't a parent. In an adoptive situation, once that permanent decision is made, they are as much a parent, legally, as a parent that has given birth to that child.

M. Mark: With that in mind, I guess I would reiterate that I think it makes it that much more important to have

the physical eyes from a B.C. worker, in whatever province it is that the child is going to, to make that transfer of the child to another province.

At this point, we are saying that the standards are left with the other province and that they will do the work. But to me, the transfer of a child going from here to another province and the adoption worker not physically seeing what that home looks like, the conditions that they're going to live in, the community that they're going to be raised in.... I think there's just too much risk to have such faith.
[1850]

Hon. M. Polak: Boy, are we glad to have Renaa joining us. She's a wealth of information.

Firstly, and we probably could have used her on this one earlier, legislation across the country, in other territories and provinces, is pretty much standard. It's pretty much the same. There aren't wide variations. In fact, many of them have adopted British Columbia's legislation because at the time that it was brought in, it really was leading the country. So there's that.

With respect to the evaluation at the beginning, we are relying on their professionals, their social workers, but we do so with the ability to request additional information. The home study report that is received by our director here is very extensive. If there are concerns raised by that home study, if there are additional questions, it is not unusual for the director to say: "I want to see photographs. I want to see what the neighbourhood looks like." So all of that is very, very carefully thought of.

It's not left to simply a hope and a prayer that the person on the other end is doing the right thing. We rely on their professionalism, their legislation, but then also our ability to ask for additional information that may not be seen within the home study report.

M. Mark: It's not specific to aboriginal as much as it is to the fact that B.C. is so diverse, so culturally diverse and rich in its history. I'm just thinking about.... The ministry recently rolled out the aboriginal policy and practice framework. It suggests that an indigenous lens will be the framework where you carry out your decisions, which I think is awesome. If we're talking about B.C. being a leader, that's fantastic, but how do we have confidence that the other provinces are going to have the same indigenous lens or the same competency in their practice? Again, we're trusting other jurisdictions to carry this out.

I was thinking as the member was speaking about other ministries carrying out these home visits. I'm thinking about Ontario and how vast that province is. Travelling out to some of the remote communities, let's say — who's physically going to do that? That's where I'm going here. It's really just having the confidence that people are physically going out and making sure that the conditions are top-notch.

Hon. M. Polak: First, and very important, we would not make a placement out of our province without that receiving province having performed a physical, on-the-ground presence in the home, a home study.

There is a strong argument to be made that.... Say, for example, a child is being placed from British Columbia with family who are in some northern Ontario town. Chances are that a person who is familiar with the region, familiar with that part of Ontario, would probably be able to do a better evaluation — a better understanding of the home and the circumstances in that community — than somebody from Victoria, Vancouver, Terrace, something like that. But we certainly would never make that placement without that physical visit having taken place.
[1855]

M. Mark: I only have about 20 more questions. I'm kidding. This is my last question.

Interjection.

M. Mark: I know. It's going to be an easy one.
Is this the section, Minister, in response to the Grand Chief Ed John report?

The Chair: Minister, noting the time.

Hon. M. Polak: Thank you, Mr. Chair. I will note the time shortly.

We believe it's consistent. There certainly isn't any direct tie to any one recommendation, but we do believe it's consistent with the philosophy of ensuring that permanency is something we can achieve without undue delay and restriction on that.

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

Motion approved.

The committee rose at 6:56 p.m.

The House resumed; Madame Speaker in the chair.

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

Hon. M. Polak moved adjournment of the House.

Motion approved.

Madame Speaker: This House, at its rising, stands adjourned until 10 a.m. tomorrow morning.

The House adjourned at 6:56 p.m.

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