

Nos. 68 and 69

VOTES AND PROCEEDINGS
OF THE
Legislative Assembly of British Columbia
Second Session of the Forty-second Parliament

Thursday, October 21, 2021

TEN O’CLOCK A.M.

Prayers and Reflections by Mr. *Stone*.

The Speaker made a statement advising that the House would recess to take part in an international earthquake drill.

The House recessed until 11 o’clock a.m.

Mr. *de Jong* made a statement congratulating the Hon. *M. Farnworth* for his contributions as a Member of the Legislative Assembly of British Columbia since first elected 30 years ago in October 1991.

The Hon. *J. Horgan* (Premier) made a statement.

Ms. *Furstenau* made a statement.

Order called for “Members’ Statements.”

Order called for “Oral Questions by Members.”

The Hon. *R. Chouhan* (Speaker) tabled the Elections BC Annual Report, 2020/21 and Service Plan, 2021/22–2023/24, October 21, 2021.

And then the House adjourned at 12.04 p.m.

Thursday, October 21, 2021

ONE O’CLOCK P.M.

The Speaker delivered his reserved decision as follows:

Honourable Members:

On Wednesday, October 20, the Member for Saanich North and the Islands raised a question of privilege regarding Bill (No. 22), *Freedom of Information and Protection of Privacy Amendment Act, 2021*, and the work of the Special Committee to Review the *Freedom of Information and Protection of Privacy Act*.

In his submission, the Member stated that the introduction of Bill (No. 22) while a special committee has been tasked by the House to carry out a time-constrained statutory review of the Act that Bill (No. 22) proposes to amend breached his privileges as a Member of the Special Committee to Review the *Freedom of Information and Protection of Privacy Act*.

The Chair thanks the Government House Leader for his submission with respect to the provision under the provincial *Constitution Act* that enables the Lieutenant Governor, acting on the advice of the Executive Council, to transmit bills for consideration by this House. The Chair also thanks the Official Opposition House Leader for his submission with respect to section 80 of the *Freedom of Information and Protection of Privacy Act* that requires that a review of that Act be undertaken every six years by a special committee appointed by this House.

In considering a question of privilege, the Chair must first assess whether the initial criterion has been met. That criterion is whether the question was raised at the earliest opportunity. This strict requirement and the inability of the Chair to relax it is canvassed in detail in *Parliamentary Practice in British Columbia*, 5th edition, at pages 401 to 403.

The Member for Saanich North and the Islands reserved his right to raise a question of privilege on this matter during the afternoon sitting on Tuesday, October 19. Bill (No. 22) was introduced by the Minister of Citizens' Services and was read a first time at the outset of the afternoon sitting on Monday, October 18. In my view, the Member for Saanich North and the Islands had a reasonable opportunity to reserve his right to raise a question of privilege prior to the conclusion of the afternoon sitting on Monday, October 18.

On this basis, I conclude that the initial criterion that the Chair must use in determining whether a *prima facie* breach of privilege has occurred, that being the requirement that the matter be raised at the first opportunity, has not been met. It is therefore not necessary for the Chair to evaluate the arguments put forward by the Member for Saanich North and the Islands as it relates to his question of privilege.

However, the Chair does wish to take this opportunity to provide advice for the record of this House as it relates to some of the matters at hand. The crux of this matter is complex and nuanced, and little guidance exists on how such a situation ought to be addressed.

In his submission, the Member for Saanich North and the Islands noted a ruling of one of my predecessors, Speaker Sawicki, of June 1, 1993, which notes that "...it is the acknowledged practice of this House to preclude any reference in detail to specific issues before a committee, prior to the report of the committee, or discussion of evidence being presented to a committee, but to allow general references to a subject matter even although that matter may have been previously referred to a select standing or other committee. The rationale of this practice is to avoid any direct intrusion into the functioning of committees which might pre-empt the committee's activities. The House itself, at the same time, does not totally preclude itself from alluding to a particular subject matter which it has referred to one of its committees." The Chair acknowledges that the findings of Speaker Sawicki continue to represent the practices of this House as they stand today.

Once the House has tasked a select standing committee or a special committee with a line of inquiry through a terms of reference, the House has no knowledge of what transpires in such a committee or what conclusions or recommendations the committee intends to make in respect of those terms of reference until such time that the committee reports to the House.

Respecting this principle and reality, the Chair can appreciate the difficult situation that a parliamentary committee would find itself in if, while it is nearing the completion of a public consultation resulting from a statutory review of an Act, substantial amendments to that same Act were brought forward for the consideration of this House. It may have a significant impact on the work of such a committee, especially if that committee is required to report to the House within a time-constrained period.

Parliamentary committees fulfill a very important function within our democratic process. They allow small subsets of Members to engage directly with British Columbians on matters that they are tasked with by this House. Committees often do this by undertaking extensive public consultations, which require a great deal of resourcing. The Chair appreciates that, in certain circumstances, the effectiveness of the work of such a committee could be undermined by the introduction of a bill that relates directly and substantively to the work of that committee.

That is not to say that committee proceedings may preclude the introduction of legislation—there may be unique, urgent, or otherwise necessary circumstances that may require the House to act swiftly through the consideration of legislation.

Finally, let there be no doubt about the right of the government and of all Members to introduce legislation for the consideration of this House. But there are instances when the timing of the introduction of a bill could be discourteous to the House or one of its committees.

Timing of the introduction of legislation should be carefully considered, so as not to diminish or be perceived to diminish the important work that this House and its committees undertake outside of core legislative functions.

I trust that this guidance will be given due consideration going forward. Thank you.

HON. RAJ CHOUHAN, *Speaker*

The House proceeded to “Orders of the Day.”

Bill (No. 21) intituled *Miscellaneous Statutes Amendment Act (No. 2), 2021* was again committed.

Clauses 33 through 40 and the title of Bill (No. 21) passed.

Bill (No. 21) reported complete without amendment, read a third time and passed.

The House resumed the adjourned debate on the motion for second reading of Bill (No. 22) intituled *Freedom of Information and Protection of Privacy Amendment Act, 2021*.

The debate continued.

On the motion of Mr. *Shypitka*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 5.26 p.m.

HON. RAJ CHOUHAN, *Speaker*

NOTICE OF MOTIONS

Monday, October 25

17 Mr. *Doerkson* to move—

Be it resolved that this House recognize the lessons learned from this year’s historic wildfire season and implement them to better prepare our response to future wildfires and needed post-wildfire recovery.

PROGRESS OF BILLS

GOVERNMENT BILLS

(Listing printed for convenience only)

Bill No.	Title	Member	First Reading	Second Reading	Committee	Report	Amended	Third Reading	Royal Assent	S.B.C. Chap. No.
1	An Act to Ensure the Supremacy of Parliament	Hon. D. Eby	Apr. 12							
2	Public Interest Disclosure Amendment Act, 2021	Hon. D. Eby	Apr. 15	May 10	May 12	May 12		May 12	May 20	11
3	Employment Standards Amendment Act, 2021	Hon. H. Bains	Apr. 19	Apr. 20	Apr. 26	Apr. 26		Apr. 26	Apr. 27	10
4	Budget Measures Implementation Act, 2021	Hon. S. Robinson	Apr. 20	May 11	May 20	May 20	May 20	Jun. 3	Jun. 17	18
5	InBC Investment Corp. Act	Hon. R. Kahlon	Apr. 27	May 11	May 19	May 19		May 19	May 20	13
6	Accessible British Columbia Act	Hon. N. Simons	Apr. 28	May 10	Jun. 3	Jun. 3		Jun. 3	Jun. 17	19
7	Electoral Boundaries Commission Amendment Act, 2021	Hon. D. Eby	May 10	Jun. 9	Jun. 10	Jun. 10		Jun. 14	Jun. 17	20
8	Public Safety and Solicitor General Statutes Amendment Act, 2021	Hon. M. Farnworth	Apr. 29	May 11	May 31	May 31		May 31	Jun. 17	15
9	Finance Statutes Amendment Act (No. 2), 2021	Hon. S. Robinson	May 17	May 20	May 20	May 20		May 20	May 20	14
10	Municipal Affairs Statutes Amendment Act, 2021	Hon. J. Osborne	May 13	May 31	Jun. 1	Jun. 1		Jun. 1	Jun. 17	16
11	Miscellaneous Statutes Amendment Act, 2021	Hon. D. Eby	May 12	May 31	Jun. 1	Jun. 1		Jun. 1	Jun. 17	17
12	Insurance (Vehicle) Amendment Act, 2021	Hon. M. Farnworth	Jun. 16	Oct. 4	Oct. 7	Oct. 7		Oct. 7		
13	Employment Standards Amendment Act (No. 2), 2021	Hon. H. Bains	May 11	May 12	May 19	May 19		May 19	May 20	12
14	Early Childhood Educators Act	Hon. M. Dean	Jun. 8	Oct. 5	Oct. 18	Oct. 18		Oct. 18		
15	Early Learning and Child Care Act	Hon. M. Dean	Jun. 8	Oct. 4	Oct. 5	Oct. 5		Oct. 5		
16	Supply Act, 2021-2022	Hon. S. Robinson	Jun. 17	Jun. 17	Jun. 17	Jun. 17		Jun. 17	Jun. 17	21
17	Protected Areas of British Columbia Amendment Act, 2021	Hon. G. Heyman	Oct. 5	Oct. 6	Oct. 7	Oct. 7		Oct. 7		
19	Societies Amendment Act, 2021	Hon. S. Robinson	Oct. 6	Oct. 7	Oct. 18	Oct. 18		Oct. 18		
21	Miscellaneous Statutes Amendment Act (No. 2), 2021	Hon. D. Eby	Oct. 7	Oct. 19	Oct. 21	Oct. 21		Oct. 21		
22	Freedom of Information and Protection of Privacy Amendment Act, 2021	Hon. L. Beare	Oct. 18							
23	Forests Statutes Amendment Act, 2021	Hon. K. Conroy	Oct. 20							

OCTOBER 21, 2021

COMMITTEE OF SUPPLY

(Listing printed for convenience only)

ESTIMATES, 2021 – 22

Legislative Assembly	June 17, 2021
Officers of the Legislature	June 17, 2021
<i>Ministry</i>	<i>Estimates Completed</i>
Advanced Education and Skills Training.....	May 12, 2021
Agriculture, Food and Fisheries.....	June 8, 2021
Attorney General.....	June 7, 2021
Children and Family Development.....	June 17, 2021
Citizens' Services.....	May 18, 2021
Education	May 20, 2021
Energy, Mines and Low Carbon Innovation.....	May 20, 2021
Environment and Climate Change Strategy.....	May 18, 2021
Finance.....	June 17, 2021
Forests, Lands, Natural Resource Operations and Rural Development.....	June 10, 2021
Health.....	June 17, 2021
Indigenous Relations and Reconciliation.....	May 13, 2021
Jobs, Economic Recovery and Innovation.....	June 14, 2021
Labour.....	June 1, 2021
Mental Health and Addictions	June 3, 2021
Municipal Affairs	May 17, 2021
Premier.....	June 17, 2021
Public Safety and Solicitor General.....	June 14, 2021
Social Development and Poverty Reduction	May 31, 2021
Tourism, Arts, Culture and Sport	May 11, 2021