

Nanninga, Tanera AG:EX

From: Smith, George AG:EX
Sent: Sunday, April 8, 2018 10:03 PM
To: Eby, David AG:EX
Subject: Fwd: KM Q&A.docx
Attachments: KM Q&A.docx; ATT00001.htm

Begin forwarded message:

From: "Howlett, Tim GCPE:EX" <Tim.Howlett@gov.bc.ca>
Date: April 8, 2018 at 9:32:29 PM PDT
To: "Frampton, Caelie ENV:EX" <Caelie.Frampton@gov.bc.ca>, "Smith, George AG:EX" <George.Smith@gov.bc.ca>
Subject: KM Q&A.docx

Page 02

Withheld pursuant to/removed as

s.13

What happens with the reference case on regulating bitumen?

- We have retained expert legal counsel and are preparing a reference case as we have said we would.
- This isn't about any one project, it is about ensuring that the government of BC is able to stand up for British Columbians' interests.
- We have an obligation to protect our land, air and water and the tens of thousands of jobs that depend on them.

Page 04 to/à Page 05

Withheld pursuant to/removed as

s.13

Nanninga, Tanera AG:EX

Subject: Meeting with MDE/MGH on KM
Location: Room 112 MOE office

Start: Thu 2018-01-25 3:30 PM
End: Thu 2018-01-25 4:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: MINCAL, ENV ENV:EX
Required Attendees: Plecas, Bobbi ENV:EX; Heyman, George ENV:EX; Smith, George AG:EX; Eby, David AG:EX; Howlett, Tim GCPE:EX

Update on Kinder Morgan

MGH
MDE
Bobbi Plecas
AG staff

Issues manager Tim Howlett
MA George Smith
MA Caelie Frampton

Nanninga, Tanera AG:EX

Subject: Meeting with MDE/MGH on KM
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Show Time As: Tentative

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Required Attendees: Plecas, Bobbi ENV:EX; Heyman, George ENV:EX; Smith, George AG:EX; Eby, David AG:EX; Howlett, Tim GCPE:EX

Update on Kinder Morgan

MGH
MDE
Bobbi Plecas
AG staff

Issues manager Tim Howlett
MA George Smith
MA Caelie Frampton

Nanninga, Tanera AG:EX

From: Milne, Gala AG:EX
Sent: Friday, February 23, 2018 2:35 PM
To: Eby, David AG:EX
Subject: FW: BC Wine Stats-Feb 1-Feb 22 2018vs2017 - BCLS.xlsx
Attachments: BC Wine Stats-Feb 1-Feb 22 2018vs2017 - BCLS.xlsx; ATT00002.htm

Fyi!

Gala

From: Milne, Gala AG:EX
Sent: Friday, February 23, 2018 1:57 PM
To: MacDonald, Alex GCPE:EX; Howlett, Tim GCPE:EX
Cc: Smith, George AG:EX; Godfrey, Sam AG:EX
Subject: Fwd: BC Wine Stats-Feb 1-Feb 22 2018vs2017 - BCLS.xlsx

FYI

BC VQA wine sales by litre up +30.1% over 2017 figures. And 25.4% in financials.

Gala

Sent from my iPhone

Begin forwarded message:

From: "Lawson, R. Blain LDB:EX"
Subject: BC Wine Stats-Feb 1-Feb 22 2018vs2017 - BCLS.xlsx

Gala,

Attached is the BCLS BC wine sales for Feb.

This is only what we have sold at retail. The wholesale data has up to a six week lag as the LBW self-report their sales to us.

Blain

R. Blain Lawson

General Manager and Chief Executive Officer,
BC Liquor Distribution Branch
2625 Rupert Street, Vancouver BC V5M 3T5
T: 604 252-3021 E: blain.lawson@bclldb.com

Type	2018 Litres	Sales \$	2017 Litres
BC WINE 100% VQA	224,158	\$ 4,930,161	172,345
BC WINE NOT 100% CIC	758,478	\$ 7,052,847	814,188
Grand Total	982,635	\$ 11,983,008	986,534

Data Connection: Retail, Perspective=BCLS

Time: Feb 1-Feb 22, 2018 versus Feb 1-Feb 22, 2017

Sales \$		Litres YoY%	Sales \$ YoY
\$	3,933,066	30.1%	25.4%
\$	7,415,646	-6.8%	-4.9%
\$	11,348,712	-0.4%	5.6%

Nanninga, Tanera AG:EX

From: Milne, Gala AG:EX
Sent: Friday, February 16, 2018 11:39 AM
To: Eby, David AG:EX
Subject: For approval FW: AG media wrap - Feb. 8, 2018

FYI on this outstanding request. Sam and I have both signed off on it. Wanting to check and ensure you're alright with the background info being provided here.

Gala

From: Butler, Liam GCPE:EX
Sent: Friday, February 16, 2018 10:43 AM
To: Milne, Gala AG:EX
Subject: RE: AG media wrap - Feb. 8, 2018

Hi Gala,

Just wanted to follow up on this one. Were you able to take a look at it?

Thanks!

Liam Butler
Public Affairs Officer
Ministry of Attorney General
Government Communications and Public Engagement
Email: Liam.Butler@gov.bc.ca
Phone: 778 584-2433

From: Butler, Liam GCPE:EX
Sent: Friday, February 9, 2018 8:39 AM
To: Milne, Gala AG:EX
Subject: RE: AG media wrap - Feb. 8, 2018

Hi Gala,

No problem, here it is:

Reporter
Bob Mackin, Reporter
Freelancer
Bob.mackin@mac.com
604-982-9130 c: 604-724-5604

Deadline ASAP

Request

The reporter would like to know if the Ministry of Attorney General has any comment about the RFP by the Liquor

Distribution Branch to develop online liquor sales, similar to the LCBO in Ontario, and the move by BCLC to hire a company to develop virtual reality gambling products?

The reporter would also like to know if the ministry will be directly involved in advising and monitoring either program, as both may have adverse impacts on vulnerable people.

Background – the online solution being developed by LDB may be used for online cannabis sales, should the Province direct this. The BCLC virtual reality games are in very early stages and have not been approved by the AG.

Recommendation – provide background

s.13

From: Milne, Gala AG:EX
Sent: Thursday, February 8, 2018 5:38 PM
To: Butler, Liam GCPE:EX
Subject: RE: AG media wrap - Feb. 8, 2018

Can you re-send this? I have lost track of the original request.

Bob Mackin - Freelancer
ISSUE: RFP by the Liquor Distribution Branch
STATUS: With Minister's Office

Gala

From: Butler, Liam GCPE:EX
Sent: Thursday, February 8, 2018 5:12 PM
To: GCPE JAG Media Wrap
Cc: Smith, George AG:EX; Godfrey, Sam AG:EX; Milne, Gala AG:EX; Zadavec, Don GCPE:EX; Howlett, Tim GCPE:EX; Sherlock, Stephanie GCPE:EX; Zanolco, Viviana LDB:EX; Turner, Caeli LDB:EX; Tam, Dixon LDB:EX
Subject: AG media wrap - Feb. 8, 2018

AG media calls

Ongoing:

Bethany Lindsay - CBC - Vancouver
ISSUE: Criminal case judgement
STATUS: With Minister's Office

Jason Proctor - CBC - Vancouver
ISSUE: ICBC claims
STATUS: With Minister's Office

Bob Mackin - Freelancer
ISSUE: RFP by the Liquor Distribution Branch
STATUS: With Minister's Office

Bob Mackin - Freelancer
ISSUE: ISA suspension
STATUS: With Minister's Office

Greg Meckbach - Canadian Underwriter Magazine - Insurance Media Group
ISSUE: ICBC changes
STATUS: With GCPE

Sam Cooper - Province
ISSUE: River Rock Casino employee investigation
STATUS: With GCPE

Liza Yuzda - CKNW AM 980
ISSUE: ICBC audit
STATUS: With Program Area

Completed:

Terri Theodore - Canadian Press (BC Bureau)

ISSUE: SLAPP suits

STATUS: Provided Statement

- “British Columbians should have the right to participate freely in public debates without fear of retribution. Government is committed to introducing legislation to address lawsuits that unduly limit expression on matters of public interest. We are currently considering the means of ensuring that such legislation will be as fair and effective as possible. I appreciate hearing from leaders in the legal community who have shared their support on this important matter.”

Sam Cooper - Province

ISSUE: AML software

STATUS: Provided Background

- • Upon request from the Attorney General, Dr. Peter German is investigating SAS as part of his independent and thorough review of British Columbia’s anti-money-laundering policies and practices in relation to B.C. casinos. He has been asked specifically to identify issues of money laundering in Lower Mainland casinos and to advise government on connections, if any, to other areas of B.C.’s economy.
- *Dr. German has since provided two interim recommendations that I have reviewed and approved.*
- The goal of these recommendations and those that will follow in the coming months is to ensure, as soon as possible, that B.C. casinos are meeting high anti-money laundering standards, that these standards are consistently enforced, and that criminals are kept out of casinos.
- I expect Dr. German’s full report by the end of March.

Nanninga, Tanera AG:EX

From: Milne, Gala AG:EX
Sent: Tuesday, February 13, 2018 7:00 PM
To: Eby, David AG:EX
Subject: FW: Wine options
Attachments: updated ABB CWI CLIFF 139852.docx

Apologies for not sending this earlier today. This is a DBN made last week for JTT regarding their options.

Gala

-----Original Message-----

From: Howlett, Tim GCPE:EX
Sent: Tuesday, February 13, 2018 10:09 AM
To: Milne, Gala AG:EX
Cc: Smith, George AG:EX
Subject: Wine options

Draft options note prepared by JTT

From the note:

The BC Wine Institute (BCWI) met with the Minister of Agriculture, the Honourable Lana Popham on February 6, 2018 and with representatives of the Ministry of Jobs, Trade and Technology and the Liquor Control and Licensing Branch of the Ministry of Attorney General on February 7, 2018.

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Withheld pursuant to/removed as

s.16;s.13

Nanninga, Tanera AG:EX

From: Milne, Gala AG:EX
Sent: Tuesday, February 13, 2018 7:00 PM
To: Eby, David AG:EX
Subject: FW: Wine options
Attachments: updated ABBCWI CLIFF 139852.docx

Apologies for not sending this earlier today. This is a DBN made last week for JTT regarding their options.

Gala

-----Original Message-----

From: Howlett, Tim GCPE:EX
Sent: Tuesday, February 13, 2018 10:09 AM
To: Milne, Gala AG:EX
Cc: Smith, George AG:EX
Subject: Wine options

Draft options note prepared by JTT

From the note:

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Page 25 to/à Page 32

Withheld pursuant to/removed as

s.16;s.13

Nanninga, Tanera AG:EX

From: Smith, George AG:EX
Sent: Thursday, February 8, 2018 1:03 PM
To: Eby, David AG:EX
Cc: Milne, Gala AG:EX
Subject: FW: Anti-KM protest - police on site

Fyi

From: Howlett, Tim GCPE:EX
Sent: Thursday, February 8, 2018 12:48 PM
To: Frampton, Caelie ENV:EX; Smith, George AG:EX; Hannah, Matt GCPE:EX; Machell, Aileen GCPE:EX; MacDonald, Alex GCPE:EX
Subject: Anti-KM protest - police on site

Heads up.

It appears that a woman has occupied a piece of equipment. Police are on scene and appear to be making an arrest

Livestream on facebook:

https://www.facebook.com/100010644240785/videos/555531358145001/?hc_ref=ARSe_pGqD6Zfv98njXMmi0jnRmGkzHtKhWX93C-QS9iAT2o3aGli5lxkd2igFNIUFZw

Tim Howlett
Issues Manager
Strategic Issues Division, GCPE
250.208.4828

Nanninga, Tanera AG:EX

From: Milne, Gala AG:EX
Sent: Monday, January 8, 2018 2:07 PM
To: Eby, David AG:EX
Subject: FW: TNO: Alarm sounded over 'big cracks' in B.C. legal aid - Ian Mulgrew - Vancouver Sun

F.Y.I...

Gala

From: Harris, Megan A GCPE:EX
Sent: Monday, January 8, 2018 6:20 AM
To: Godfrey, Sam AG:EX; Smith, George AG:EX; Milne, Gala AG:EX
Cc: Howlett, Tim GCPE:EX
Subject: Fwd: TNO: Alarm sounded over 'big cracks' in B.C. legal aid - Ian Mulgrew - Vancouver Sun

A heads up that Benton spoke to great length. A heads up to MDE would be good - is he still off?

Megan

Begin forwarded message:

From: <tno@gov.bc.ca>
Date: January 8, 2018 at 3:48:50 AM PST
To: Undisclosed recipients;;
Subject: TNO: Alarm sounded over 'big cracks' in B.C. legal aid - Ian Mulgrew - Vancouver Sun

Alarm sounded over 'big cracks' in B.C. legal aid
Vancouver Sun
08-Jan-2018
Page A03
By Ian Mulgrew

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imulgrew@postmedia.com [Twitter.com/ianmulgrew](https://twitter.com/ianmulgrew)

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s.14

Nanninga, Tanera AG:EX

From: Nelson, Tiffany GCPE:EX
Sent: Friday, February 9, 2018 10:12 AM
To: Howlett, Tim GCPE:EX; Smith, George AG:EX; Milne, Gala AG:EX; Godfrey, Sam AGRI:EX
Cc: Robins, Shawn GCPE:EX
Subject: RE: QP notes list

Hi Tim – we're preparing INs on the following topics. Aiming to have through program today or Tues latest for an initial binder, with notes added as needed.

Branch	Note
BCPS + CSB	Time to trial delays
CSB	Sheriff shortages
CSB	Conference at River Rock
Gambling	Money laundering + German review
ICBC	Product changes
ICBC	Rate fairness + engagement
ICBC	PwC review + vendor management
JSB	Whistleblower protection
JSB	Electoral Reform
JSB	Human Rights Commission
JSB	Indigenous Justice Strategy
JSB	CRT/Civil Justice Reforms
JSB	Legal aid – general and refugee support
LSB	Legal Indemnity for Civil Servants
LSB	Turpel-Lafond v TMTQBC
LSB	West Vancouver charitable trust
Liquor	Liquor seizures
Liquor	Liquor Policy Advisory Panel
Liquor	Interprovincial trade
Liquor	Hospitality Pricing

Tiffany
250 858-4680

From: Howlett, Tim GCPE:EX
Sent: Monday, February 5, 2018 3:30 PM
To: Smith, George AG:EX <George.Smith@gov.bc.ca>; Milne, Gala AG:EX <Gala.Milne@gov.bc.ca>; Godfrey, Sam AG:EX <Sam.Godfrey@gov.bc.ca>; Nelson, Tiffany GCPE:EX <Tiffany.Nelson@gov.bc.ca>; Robins, Shawn 1 FIN:EX <Shawn.1.Robins@gov.bc.ca>
Subject: QP notes list

Hi team AG (and hi Shawn, look forward to working together),

Our team is working on drafting/updating QP notes in preparation for the return of session. I've prepared a short list of topics for the AG portfolio and would appreciate your thoughts on any additions or key information to flag on the topics.

- ICBC finances
- ICBC product reform
- Liquor enforcement (drafted – could use some detail on the Mark Hicken review process/timelines)
- Electoral reform engagement and referendum

To the MO folks – would you be able to review the Minister's current folder and flag any notes that you think need updating or that we could remove?

Happy to chat through any questions with anyone.

Tim Howlett
Issues Manager
Strategic Issues Division, GCPE
250.208.4828

Nanninga, Tanera AG:EX

From: Howlett, Tim GCPE:EX
Sent: Tuesday, February 13, 2018 10:09 AM
To: Milne, Gala AG:EX
Cc: Smith, George AG:EX
Subject: Wine options
Attachments: updated ABBCWI CLIFF 139852.docx

Follow Up Flag: Follow up
Flag Status: Completed

Draft options note prepared by JTT

From the note:

The BC Wine Institute (BCWI) met with the Minister of Agriculture, the Honourable Lana Popham on February 6, 2018 and with representatives of the Ministry of Jobs, Trade and Technology and the Liquor Control and Licensing Branch of the Ministry of Attorney General on February 7, 2018.

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Withheld pursuant to/removed as

s.16;s.13

Nanninga, Tanera AG:EX

From: Howlett, Tim GCPE:EX
Sent: Monday, February 12, 2018 6:21 PM
To: Smith, George AG:EX; Milne, Gala AG:EX; Godfrey, Sam AGRI:EX; Robins, Shawn GCPE:EX
Subject: New Notes
Attachments: 2018.02.02 QP - ATTORNEY GENERAL - Liquor enforcement FINAL.docx; 2018.02.07 QP - ATTORNEY GENERAL - Electoral Reform Process - FINAL.docx; 2018.02.09 QP - ATTORNEY GENERAL - ICBC FINAL.docx

Attached are three new notes for the session.

Tim Howlett
Issues Manager
Strategic Issues Division, GCPE
250.208.4828

Liquor Enforcement

Highlights:

- There was significant public interest to media reports of enforcement action by the Liquor Distribution Branch in January to confiscate whisky that had not been purchased through the proper legal process.

s.13

- The Liquor Control and Licensing Branch operates at arms-length, and enforcement decisions cannot be directed by the Attorney General.
- That said, we recognize that the system has to change.
- Bars or restaurants that specialize in exotic products should be able to access that product legally.
- This is one of the reasons that we appointed Mark Hicken as a Liquor Policy Advisor to reach out to the alcohol manufacturing, retail and hospitality industry.
- Mark is meeting with these stakeholders now and will put forward recommendations to an industry panel about how we can improve the system.
- We recognize the significant contribution to our economy and to our communities from the hospitality sector and we are committed to ensuring liquor regulations work for all British Columbians.

Background:

- Media reports that officials from the Liquor Control and Licensing Branch (LCLB) seized products from four bars: the Grand Hotel Nanaimo, the Union Club, and Little Jumbo Restaurant in Victoria, and Fets Whisky Kitchen in Vancouver.
- Media reports suggest that agents seized 242 bottles of whisky worth about \$40,000 from Fets Whisky Kitchen.
- Licensees who have had product seized may apply to LCLB to have their product returned or to be compensated for seized product provided they can demonstrate they were legally entitled to possess the liquor.
- All liquor products sold by a hospitality customer (bars and restaurants) must be purchased through the Liquor Distribution Branch and must be documented in the establishment's liquor register.
- Hospitality customers must make all their purchases through either the LDB's Wholesale Customer Centre, in a BC Liquor Store, or via direct delivery by an authorized manufacturer.
- Where products are sold via direct delivery, the manufacturer acts as the LDB's agent in selling the product. These products must also be clearly documented in the liquor register.
- The Liquor Control and Licensing Branch (LCLB) does not release private information about any licensee and cannot comment on compliance measures taken against establishments.
- As part of its regular operations, the LCLB performs inspections and follows up on complaints received about establishments.
- An inspector may seize product in an establishment if the inspector believes that it was unlawfully obtained or kept for an unlawful purpose.

Electoral Reform Process

Highlights:

- The Opposition has claimed a referendum threshold of 50% + 1 is too low and that electoral reform will disadvantage rural regions.

s.13

Solution:

- Our government believes it is time **for all British Columbians to have a say** in the fundamental question of how we elect our MLAs.
- We will hold a referendum by November 2018 to give people the opportunity to vote on whether to adopt a more proportional system of government.
- We will ensure that British Columbians are presented with a clear question.
- We will ensure that every British Columbian has an equal voice.
- We believe that British Columbians deserve to have a say on how we conduct elections in this province.

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Withheld pursuant to/removed as

s.13

- The Member for Vancouver – False Creek:
 - “The other issue is about electoral reform. I know that we’ve had referendums in 2005 and 2009, but there will be another one.”
- The Member for Kamloops – South Thompson:
 - “we are committed to enabling a third referendum with a clear question...”
- The Member for Richmond – Steveston:
 - “The discussion around electoral reform is a key facet of our democracy, and renewing a healthy debate on our system is important. That’s why we have committed to a third referendum on electoral reform.”
- The Member for Vancouver Langara:
 - “For many, it’s important that we conduct a third referendum on electoral reform to give British Columbians an opportunity to consider once again what is the best electoral system for this province and its people. Again, we listened, and we’ve acted.”

ICBC

Highlights:

- ICBC posted a net loss of \$935 million for the first nine months of fiscal 2017/18 and projects a net loss of \$1.3 billion for the full year.
- There has been significant media coverage of the previous government redacting a 2014 independent report to remove recommendations to fix financial problems at ICBC.

s.13

Solution:

- ICBC must become financially sustainable to keep rates affordable for British Columbians.
- We are implementing some of the very solutions that the old government was told could have avoided the current financial crisis at ICBC.
- People shouldn't be paying ever higher premiums to pay for ever rising legal costs.
- We are going to focus ICBC resources on providing more care for those hurt in crashes by doubling maximum medical and rehabilitation benefits to help people get better faster.
- And introducing Alternative Dispute Resolution for the majority of minor claims in order to get faster results for people at lower costs.

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Withheld pursuant to/removed as

s.13

Background:

- Figures for the first nine months of the 2017/18 fiscal year show a net loss of \$943 million at ICBC with full year losses expected to reach \$1.3 billion.
- Postmedia has reported that
- The Attorney General announced changes to the Basic Insurance product:
 - \$5,500 cap on general damages for pain and suffering resulting from legally defined minor injuries, with the option to purchase additional coverage;
 - Substantial increases to wage loss, funeral and death benefits;
 - A doubling of the upper limit for medical and rehabilitation costs;
 - Alternative Dispute Resolution for the majority of injury claims through the Civil Resolution Tribunal;
 - Payment of wage loss and medical expenses as they occur rather than lump cash settlements, and ICBC becomes second payer on tort wage loss and medical costs;
- Increases to medical benefits are retroactive to January 1, 2018 with other changes anticipated to take effect April 1 2019.

Accident benefit details:

- Doubling the lifetime allowance for medical care and recovery costs for those catastrophically injured in a car accident from \$150,000 to \$300,000. Legislation will be introduced with the intention of making this benefit retroactive to Jan. 1, 2018, in order to start immediately helping seriously injured British Columbians.
- Covering a greater variety of treatment services.
- Significantly increasing the amount covered for treatments, so customers don't have to pay out-of-pocket.
- More than doubling wage loss payments to \$740 per week, almost doubling home support benefits to \$280 per week, tripling funeral cost coverage to \$7,500, and increasing death benefits to \$30,000.

Alternative dispute resolution:

- Use of the CRT for minor injury dispute resolution means claimants who don't use a lawyer will get to keep their entire settlement, rather than paying a portion of it to lawyer fees.
- The use of the CRT for these disputes will also reduce ICBC's legal costs, which account for 24% of the corporation's total annual costs. These costs are greater than the cost of running ICBC.

Nanninga, Tanera AG:EX

From: Howlett, Tim GCPE:EX
Sent: Tuesday, April 24, 2018 11:14 AM
To: Nanninga, Tanera AG:EX
Subject: RE: AG QP Prep April 27th

Hi Tanera,

That should work yes.
Thanks,

Tim

From: Nanninga, Tanera AG:EX
Sent: Tuesday, April 24, 2018 11:08 AM
To: Robins, Shawn GCPE:EX; Howlett, Tim GCPE:EX
Subject: AG QP Prep April 27th

Are you ok doing QP Prep with the AG from 9:30-9:45 tomorrow?

Thanks,

Tanera Nanninga

Administrative Coordinator to the Honourable David Eby, QC
Attorney General and Minister responsible for Liquor, Gaming, and ICBC
Phone: (250-387-1866)

Nanninga, Tanera AG:EX

From: Nanninga, Tanera AG:EX
Sent: Wednesday, April 25, 2018 9:22 AM
To: Robins, Shawn GCPE:EX; Howlett, Tim GCPE:EX
Subject: RE: AG QP Prep April 27th

I'm sorry...I meant Thursday, not today :S

From: Nanninga, Tanera AG:EX
Sent: Tuesday, April 24, 2018 11:08 AM
To: Robins, Shawn GCPE:EX; Howlett, Tim GCPE:EX
Subject: AG QP Prep April 27th

Are you ok doing QP Prep with the AG from 9:30-9:45 tomorrow?

Thanks,

Tanera Nanninga

Administrative Coordinator to the Honourable David Eby, QC
Attorney General and Minister responsible for Liquor, Gaming, and ICBC
Phone: (250-387-1866)

From: [Howlett, Tim GCPE:EX](#)
To: [Milne, Gala AG:EX](#)
Cc: [Smith, George AG:EX](#)
Subject: Wine options
Date: Tuesday, February 13, 2018 10:08:57 AM
Attachments: [updated ABBWCWI CLIFF 139852.docx](#)

Draft options note prepared by JTT

From the note:

The BC Wine Institute (BCWI) met with the Minister of Agriculture, the Honourable Lana Popham on February 6, 2018 and with representatives of the Ministry of Jobs, Trade and Technology and the Liquor Control and Licensing Branch of the Ministry of Attorney General on February 7, 2018.

Page 64 to/à Page 71

Withheld pursuant to/removed as

s.16;s.13

From: [Howlett, Tim GCPE:EX](#)
To: [Hannah, Matt GCPE:EX](#); [Smith, George AG:EX](#)
Subject: notes on Comeau decision
Date: Sunday, April 22, 2018 9:54:27 PM

Below is a note on the Comeau Decision and suggested lines. s.13

s.13

Comeau Decision from Supreme Court of Canada

Background:

- In a unanimous ruling, the Supreme Court found that provincial liquor laws do not conflict with constitutional protections for the flow of trade.
- Gerard Comeau is a New Brunswick man who was ticketed for bringing alcohol from Quebec in excess of New Brunswick limits.
- He launched a court challenge based on section 121 of the Constitution, which states that goods that are grown, produced or manufactured in any province shall be “admitted free into each of the other Provinces.”
- The Attorney General of BC intervened in the case to argue that NB's provincial liquor laws should be upheld as they have a legitimate policy purpose.
- In their ruling the Court notes that provincial regulations may impact trade so long as they have some other primary purpose (e.g. public health) and are not intended to block trade.
- The BC Wine Institute expressed disappointment with the ruling and said they will continue to work with industry partners and federal and provincial governments to remove barriers to allow direct to consumer shipping of wine.
- The Court stated that provincial governments have the autonomy "to develop their societies within their respective spheres of jurisdiction."
- However, the case did not deal with competing federal and provincial jurisdiction and so does not impact directly on BC's effort to affirm it's jurisdiction to regulate environmental impacts of federally regulated projects.
- The Court made a point of underlining that provincial measures cannot be

used to punish another province which signals trouble for Alberta's proposed gas restrictions.

Message:

- We are taking the time to review the decision.
- The Attorney General noted that the ruling seems to have a message for Alberta with the Court stating that provinces can't block trade in an attempt to punish other provinces.
- We're committed to expanding markets for BC wine, beer and spirits, and that's why we showcased BC wines on our trade mission this past January in Japan and Korea.
- Our government is working to helping all BC businesses diversify and expand into new markets worldwide, so they can grow and create jobs in BC.

From: [Howlett, Tim GCPE:EX](#)
To: [Smith, George AG:EX](#)
Subject: Fwd: CKNW: ROAD BC: say no to injury caps [paid advertisement]
Date: Monday, April 23, 2018 7:41:49 AM

Tim Howlett
Issues Management
250.208.4828

Begin forwarded message:

From: <tno@gov.bc.ca>
Date: April 23, 2018 at 6:38:12 AM PDT
To: Undisclosed recipients;;
Subject: CKNW: ROAD BC: say no to injury caps [paid advertisement]

CKNW (Vancouver)
Paid Advertisement ROAD BC
23-Apr-2018 06:26

Quoted: Unidentified female voice

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TNO...

<https://roadbc.ca/about-us/>

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From: [Howlett, Tim GCPE:EX](#)
To: [Smith, George AG:EX](#)
Subject: RE: CBC online: Family lawyer criticizes B.C. bill that would revoke driver's licences of "deadbeat" parents
Date: Monday, April 23, 2018 8:58:36 AM

Here is the CBC radio hit transcript from TNO. This is from CBC Prince George so it must have just been on the BC news they ran across the province.

CBYG, 21-Apr-2018 13:02

Yousefi - child support legislation

By CBYG

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From: Howlett, Tim GCPE:EX
Sent: Monday, April 23, 2018 8:23 AM
To: Smith, George AG:EX
Subject: CBC online: Family lawyer criticizes B.C. bill that would revoke driver's licences of 'deadbeat' parents
Family lawyer criticizes B.C. bill that would revoke driver's licences of 'deadbeat' parents
CBC Online
Saturday, April 21, 2018

By Maryse Zeidler-1

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Tim Howlett
Issues Manager
Strategic Issues Division, GCPE
250.208.4828

From: [Howlett, Tim GCPE:EX](#)
To: [Smith, George AG:EX](#)
Subject: Lines on Comeau
Date: Monday, April 23, 2018 10:39:17 AM

Can you check with AG that he is ok with the middle line being added to AB legislation note?

The Premier asked for language on that aspect of the Comeau case.

- Section 92 of the Constitution is clear. Laws “may not authorize or provide for discrimination in prices or in supplies exported to another province of Canada.”
- The Supreme Court of Canada went out of their way last week to warn that attempts to punish other provinces through trade measures are not allowed.
- Any attempt to restrict gasoline shipments to BC would not only violate the Constitution, but also the North West Partnership Agreement and the Canadian Free Trade Agreement.

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From: [Howlett, Tim GCPE:EX](#)
To: [Smith, George AG:EX](#)
Subject: RE: SK legislation to be tabled today
Date: Monday, April 23, 2018 1:42:23 PM

Link to the Bill: <http://docs.legassembly.sk.ca/legdocs/Bills/28L2S/Bill28-126.pdf>

It looks (on a quick scan) like a fairly close lift of the AB legislation

From: Howlett, Tim GCPE:EX
Sent: Monday, April 23, 2018 1:34 PM
To: Smith, George AG:EX; Frampton, Caelie ENV:EX
Subject: RE: SK legislation to be tabled today
SK Govt news release.

Confirms that SK govt views bill as “a last resort that will only be used if the Trans Mountain pipeline continues to be stalled by provincial obstruction and federal inaction **and if** the Alberta government acts upon its similar legislation.”

<https://www.saskatchewan.ca/government/news-and-media/2018/april/23/bill-126-safeguard-energy-interests>

Government Introduces Bill to Safeguard Saskatchewan's Energy Interests

Released on April 23, 2018

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From: Howlett, Tim GCPE:EX

Sent: Monday, April 23, 2018 12:46 PM

To: Smith, George AG:EX; Frampton, Caelie ENV:EX

Subject: SK legislation to be tabled today

SK Minister of Energy is to table Bill 126 *The Energy Export Act* today following question period (which is about to begin).

Global News reports that the SK Premier said the legislation would only be used if Alberta acted first.

<https://globalnews.ca/news/4161849/sask-legislation-to-potentially-block-b-c-oil-exports-expected-monday/>

Previous comments from SK Premier Moe:

“We will be asking for the opposition’s support on this legislation. We’d like to pass it this session; as quickly as possible. So in the event Alberta moves on their legislation and does turn off the taps, if you will, to British Columbia, Saskatchewan won’t be filling those fuel tanks up,” Moe said.

“We hope we don’t have to use this legislation. It’s our true and sincere hope that the federal government uses the tools in their toolbox and have been willing to use in areas where they don’t have jurisdiction in this case,” Moe said.

Tim Howlett

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From: [Howlett, Tim GCPE:EX](#)
To: [Smith, George AG:EX](#)
Subject: FW: CKWX: Baby orca sighting
Date: Tuesday, April 24, 2018 6:54:41 AM

From: tno@gov.bc.ca [mailto:tno@gov.bc.ca]
Sent: Tuesday, April 24, 2018 6:47 AM
Subject: CKWX: Baby orca sighting
CKWX (Vancouver)

24-Apr-2018 06:08

Quoted: Reaon Ford

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From: [Howlett, Tim GCPE:EX](#)
To: [Smith, George AG:EX](#)
Subject: updated note
Date: Tuesday, April 24, 2018 9:02:05 AM
Attachments: 2018.04.24 OP - ATTORNEY GENERAL - ICBC FINAL.docx

Tim Howlett
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ICBC – Product Reform

Highlights:

- ICBC posted a net loss of \$935 million for the first nine months of fiscal 2017/18 and projects a net loss of \$1.3 billion for the full year.
- The Attorney General introduced legislation to implement product reform including increasing medical benefits while capping awards for pain and suffering from minor injuries at \$5,500.
- Columnists have suggested it is a form of “no fault lite” and that there may be legal challenges to the cap on damages.

s.13

Solution:

- ICBC must become financially sustainable to keep rates affordable for British Columbians.
- We are implementing some of the very solutions that the old government was told could have avoided the current financial crisis at ICBC.
- People shouldn't be paying ever higher premiums just to pay for ever rising legal costs.
- We are going to focus ICBC resources on providing more care for those hurt in crashes by doubling maximum medical and rehabilitation benefits to help people get better faster.
- Introducing Alternative Dispute Resolution for minor claims will mean faster results for people at lower costs.
- We are working to address this unnecessary crisis created by the old government, while keeping rates affordable and making ICBC work for people again.

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Withheld pursuant to/removed as

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Background:

- Figures for the first nine months of the 2017/18 fiscal year show a net loss of \$943 million at ICBC with full year losses expected to reach \$1.3 billion.
- The Attorney General announced changes to the Basic Insurance product:
 - \$5,500 cap on general damages for pain and suffering resulting from legally defined minor injuries, with the option to purchase additional coverage;
 - Substantial increases to wage loss, funeral and death benefits;
 - A doubling of the upper limit for medical and rehabilitation costs;
 - Alternative Dispute Resolution for the majority of injury claims through the Civil Resolution Tribunal;
 - Payment of wage loss and medical expenses as they occur rather than lump cash settlements, and ICBC becomes second payer on tort wage loss and medical costs;
- Increases to medical benefits are retroactive to January 1, 2018 with other changes anticipated to take effect April 1 2019.
- British Columbia is the last province to have completely uncapped damages.

Accident benefit details:

- Doubling the lifetime allowance for medical care and recovery costs for those catastrophically injured in a car accident from \$150,000 to \$300,000. Benefit will be retroactive to Jan. 1, 2018, in order to start immediately helping seriously injured British Columbians.
- Covering a greater variety of treatment services.
- Significantly increasing the amount covered for treatments, so customers don't have to pay out-of-pocket.
- More than doubling wage loss payments to \$740 per week, almost doubling home support benefits to \$280 per week, tripling funeral cost coverage to \$7,500, and increasing death benefits to \$30,000.

Alternative dispute resolution:

- Use of the Civil Resolution Tribunal for minor injury dispute resolution means claimants who don't use a lawyer will get to keep their entire settlement, rather than paying a portion of it to lawyer fees.
- The use of the CRT for these disputes will also reduce ICBC's legal costs, which account for 24% of the corporation's total annual costs. These costs are greater than the cost of running ICBC.