

**From:** [Smith, George AG:EX](#)  
**To:** [Eby, David AG:EX](#)  
**Subject:** Fwd: Next Steps - Confidential  
**Date:** Saturday, February 17, 2018 2:41:54 PM

---

Begin forwarded message:

**From:** "Lloyd, Evan GCPE:EX" <[Evan.Lloyd@gov.bc.ca](mailto:Evan.Lloyd@gov.bc.ca)>  
**Date:** February 17, 2018 at 1:14:43 PM PST  
**To:** "Frampton, Caelie ENV:EX" <[Caelie.Frampton@gov.bc.ca](mailto:Caelie.Frampton@gov.bc.ca)>, "McColl, John-Michael JTT:EX" <[JohnMichael.McColl@gov.bc.ca](mailto:JohnMichael.McColl@gov.bc.ca)>, "Smith, George AG:EX" <[George.Smith@gov.bc.ca](mailto:George.Smith@gov.bc.ca)>, "Lowe, Mike GCPE:EX" <[Mike.Lowe@gov.bc.ca](mailto:Mike.Lowe@gov.bc.ca)>  
**Cc:** "Gibbs, Robb GCPE:EX" <[Robb.Gibbs@gov.bc.ca](mailto:Robb.Gibbs@gov.bc.ca)>, "Aaron, Sage PREM:EX" <[Sage.Aaron@gov.bc.ca](mailto:Sage.Aaron@gov.bc.ca)>, "Oreck, Mira PREM:EX" <[Mira.Oreck@gov.bc.ca](mailto:Mira.Oreck@gov.bc.ca)>  
**Subject:** Next Steps - Confidential

FYI all

Broad outline discussed and agreed this a.m. with PO.

Please be advised of the proposed roll-out of KM-related initiatives and cabinet leads:

1. Today - done – IB re BC appeal of NEB decision re KM/Burnaby - MGH
2. Sunday 18<sup>th</sup> – PJH video statement re. current dispute KM/AB/Can - PJH
3. Monday 19<sup>th</sup> – Wine Remedy Package – MBR
4. Mon-Fri – Ongoing communications with AB and Canada - reference to (non-specific) work on efforts towards resolution that all reasonable persons would consider appropriate, etc. etc. Staff
5. Mon-Fri – Stakeholder outreach re environmental and business issues. Staff
6. Wed 21 – s.12;s.14
7. Friday 23 (TBD) – s.14;s.16  
s.14;s.16
8. Monday 26 – Intentions paper and signal of on-going efforts. MGH

s.16

**EVAN LLOYD**  
Deputy Minister,  
Government Communications and Public Engagement – GCPE  
[evan.lloyd@gov.bc.ca](mailto:evan.lloyd@gov.bc.ca)  
250 812 9153

**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Eby, David AG:EX](#); [Smith, George AG:EX](#); [Godfrey, Sam AGRI:EX](#); [Milne, Gala AG:EX](#); [Arora, Jasleen MCF:EX](#)  
**Cc:** [Nelson, Tiffany MCF:EX](#)  
**Subject:** FW: Morning Summary - Feb 23, 2018  
**Date:** Friday, February 23, 2018 9:05:53 AM

---

Apologies for the delay in sending this today, Liam is away.

Most significant story for AG is that government intends to proceed with a reference to BXC Supreme Court or Court of Appeal on BC's position in regard to bitumen and TMX. Coupled with this is the end to the Wine War with Alberta ceasing its boycott on BC wine. Miles Prodan of the Wine Institute however says they intend to proceed with legal action to determine if one province can unfairly penalize another through trade sanctions. Impact of budget. Les Leyne comments on ICBC situation and how it was reflected in recent budget materials. On yje national front the acquittal in the Tina Fontaine murder trial is galvanizing indigenous groups on justice issues.

---

**From:** Togneri, Cassandra GCPE:EX  
**Sent:** Friday, February 23, 2018 8:58 AM  
**To:** Robins, Shawn GCPE:EX  
**Cc:** Nelson, Tiffany GCPE:EX  
**Subject:** Morning Summary - Feb 23, 2018

TOP TEN –

Friday February 23, 2018

- **ICBC crisis gets own budget line – Les Lyne – The Daily Courier (Kelowna) 23-Feb-2018**
- **James - taxes - CBYG - CBYG (CBC Prince George) - 22-Feb-2018**
- **A wine war armistice – Vaughn Palmer – Vancouver Sun – 23-Feb-2018**
- **A blink from B.C. and a victory for Alberta, but pipeline battle continues - Gary Mason - Globe and Mail - 23-Feb-2018**
- **Prodan - TMP court reference - CFX Mark Brennae - CFX (Victoria) - 22-Feb-2018**
- **NDP's new taxes could plunge recent mortgages underwater - Rob Shaw & Jennifer Saltman - Vancouver Sun - 23-Feb-2018**
- **James/Stone/Humphrey - health tax - CHNL - CHNL (Kamloops) - 22-Feb-2018**
- **Minimum wage hike plus employer health tax, Chinese restaurant industry slams "tax on tax" - Ming Pao News (Western edition) - 22-Feb-2018**

- **BC judge appointments - CFX - CFX (Victoria) - 22-Feb-2018**
- **Budget to outline long-term Indigenous housing plan: report - Jordan Press - National Post - 23-Feb-2018**

**ICBC crisis gets its own budget line**

The Daily Courier (Kelowna)

Friday, February 23, 2018

Page A10

By Les Leyne

Copyright

Les Leyne covers the B.C. Legislature for the Victoria Times Colonist. !@COPYRIGHT=©  
2018 The Okanagan Valley Newspaper Group. All rights reserved.

**James - taxes**

CBYG

Thursday, February 22, 2018, 06:32

By CBYG

Copyright



**A wine war armistice**

Vancouver Sun

Friday, February 23, 2018

Page A16

By Vaughn Palmer

The anatomy of a backdown:

Page 006 of 428

Withheld pursuant to/removal as

Copyright

[Vpalmer@postmedia.com](mailto:Vpalmer@postmedia.com) [Twitter.com/VaughnPalmer](https://twitter.com/VaughnPalmer) !@COPYRIGHT=© 2018 Postmedia Network Inc. All rights reserved.

**A blink from B.C. and a victory for Alberta, but pipeline battle continues**

Globe and Mail

Friday, February 23, 2018

Page A01

By Gary Mason-3

Page 008 of 428

Withheld pursuant to/removed as

Copyright

Copyright

**Prodan - TMP court reference**

CFAX

Thursday, February 22, 2018, 17:51

By CFAX Mark Brennae

Copyright

**NDP's new taxes could plunge recent mortgages underwater**

Vancouver Sun

Friday, February 23, 2018

Page A04

By Rob Shaw & Jennifer Saltman<sup>2</sup>



[rshaw@postmedia.com](mailto:rshaw@postmedia.com) [twitter.com/robshaw\\_vansun](https://twitter.com/robshaw_vansun) [jensaltman@postmedia.com](mailto:jensaltman@postmedia.com)  
[twitter.com/jensaltman](https://twitter.com/jensaltman) !@COPYRIGHT=© 2018 Postmedia Network Inc. All rights reserved

**James/Stone/Humphrey - health tax**

CHNL

Thursday, February 22, 2018, 16:02

By CHNL



**Minimum wage hike plus employer health tax, Chinese restaurant industry slams "tax on tax"**

Ming Pao News

Thursday, February 22, 2018

Page A08

4

**BC judge appointments**

CFOX

Thursday, February 22, 2018, 14:30

By CFOX

Copyright

**Budget to outline long-term Indigenous housing plan: report**

National Post

Friday, February 23, 2018

Page A08



By Jordan Press

Copyright

\*\*\*\*\*

Copyright

!@COPYRIGHT=© 2018 Postmedia Network Inc. All rights reserved.

**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Eby, David AG:EX](#); [Smith, George AG:EX](#); [Godfrey, Sam AGRI:EX](#); [Nelson, Tiffany MCF:EX](#); [Milne, Gala AG:EX](#); [Arora, Jasleen MCF:EX](#)  
**Subject:** Fwd: AG morning summary - Feb. 27, 2018  
**Date:** Tuesday, February 27, 2018 7:34:54 AM  
**Attachments:** [image001.png](#)

---

Significant coverage of the IIO investigation into the Taser related death of a Chilliwack man. Gordon Hoekstra focuses on lack of action by the B.C. Securities Commission in pursuing penalties. TMX challenge continues to get coverage. In national news speculation on federal budget is a focus.

Sent from my iPhone

Begin forwarded message:

**From:** "Butler, Liam GCPE:EX" <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)>  
**Date:** February 27, 2018 at 7:24:12 AM PST  
**To:** "Robins, Shawn GCPE:EX" <[Shawn.L.Robins@gov.bc.ca](mailto:Shawn.L.Robins@gov.bc.ca)>  
**Cc:** "Nelson, Tiffany GCPE:EX" <[Tiffany.Nelson@gov.bc.ca](mailto:Tiffany.Nelson@gov.bc.ca)>, "Bianco, Catherine GCPE:EX" <[Catherine.Bianco@gov.bc.ca](mailto:Catherine.Bianco@gov.bc.ca)>, "Togneri, Cassandra GCPE:EX" <[Cassandra.Togneri@gov.bc.ca](mailto:Cassandra.Togneri@gov.bc.ca)>, "Joyes, Kieran GCPE:EX" <[Kieran.Joyes@gov.bc.ca](mailto:Kieran.Joyes@gov.bc.ca)>  
**Subject:** AG morning summary - Feb. 27, 2018

### **AG Morning Summary**

Tuesday, February 27, 2018

Top stories

- [\\$35 million in securities penalties shelved - Gordon Hoekstra - Vancouver Sun - 27-Feb-2018](#)
- [B.C. NDP housing plan counts thousands of Liberal units twice - Rob Shaw - Times Colonist \(Victoria\) - 27-Feb-2018](#)
- [Horgan 'standing up for the coast' on oil passage - Vaughn Palmer - Vancouver Sun - 27-Feb-2018](#)
- [Estranged wife of Chilliwack man who died in Taser incident opposed parental visit - Paul Henderson - Chilliwack Progress - 26-Feb-2018](#)
- [Walker/MacDonald - Chilliwack taser death - CBC Early Edition - CBU \(CBC Vancouver\) - 26-Feb-2018](#)
- [No plan to meet with Tina Fontaine's family, ministers say - Rachel Gilmore - iPolitics - 26-Feb-2018](#)
- [Convicted B.C. gunman claimed he was praised for assassination attempt - Kim](#)

Bolan - Times Colonist (Victoria) - 27-Feb-2018

- BC's Universal Child Care Program could initially exclude some families - Katie Hyslop - The Tyee - 26-Feb-2018
- Some gains on FOI and privacy, says Gogolek, but much more to do – The Tyee – 27-Feb-2018
- Sechelt man who murdered mother gets life with no parole for 10 years - Keith Fraser - The Province - 27-Feb-2018

**\$35 million in securities penalties shelved**

Vancouver Sun

Tuesday, February 27, 2018

Page A01

By Gordon Hoekstra  
Copyright

**B.C. NDP housing plan counts thousands of Liberal units twice**

Times Colonist (Victoria)

Tuesday, February 27, 2018

Page A02

By Rob Shaw

Copyright

**Horgan 'standing up for the coast' on oil passage**

Vancouver Sun

Tuesday, February 27, 2018

Page A09

By Vaughn Palmer

Copyright





**Estranged wife of Chilliwack man who died in Taser incident opposed  
parental visit**

Chilliwack Progress

Monday, February 26, 2018

By Paul Henderson

Copyright

Copyright

**Walker/MacDonald - Chilliwack taser death**

CBU

Monday, February 26, 2018, 07:19

By CBC Early Edition

Copyright

**No plan to meet with Tina Fontaine's family, ministers say**

iPolitics

Monday, February 26, 2018

By Rachel Gilmore

**Convicted B.C. gunman claimed he was praised for assassination attempt**

Times Colonist (Victoria)

Tuesday, February 27, 2018

Page A06

By Kim Bolan

Copyright



Copyright

## **BC's Universal Child Care Program could initially exclude some families**

The Tyee

Monday, February 26, 2018

By Katie Hyslop

Copyright

Copyright

**Gains in FOI and privacy, says Gogolek, but still much more to do**  
The Tyee  
Tuesday, February 27, 2018

Copyright









**Sechelt man who murdered mother gets life with no parole for 10 years**

The Province

Tuesday, February 27, 2018

Page A10

By Keith Fraser

Copyright

**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Eby, David AG:EX](#); [Nelson, Tiffany MCF:EX](#); [Godfrey, Sam AGRI:EX](#); [Smith, George AG:EX](#); [Milne, Gala AG:EX](#); [Arora, Jasleen MCF:EX](#)  
**Subject:** Fwd: AG morning summary - March 8, 2018  
**Date:** Thursday, March 8, 2018 7:41:36 AM

---

It's International Women's Day. Continued coverage of ICBC rate engagement. Appointment of Special prosecutor in Luke Strimbold case. Retooling of speculation housing tax. Balanced article on electoral reform by David Chudnovsky.

Sent from my iPhone

Begin forwarded message:

**From:** "Butler, Liam GCPE:EX" <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)>  
**Date:** March 8, 2018 at 7:31:43 AM PST  
**To:** "Robins, Shawn GCPE:EX" <[Shawn.L.Robins@gov.bc.ca](mailto:Shawn.L.Robins@gov.bc.ca)>  
**Subject:** Fwd: AG morning summary - March 8, 2018

Sent from my iPhone

Begin forwarded message:

**From:** Liam Butler · s.22  
**Date:** March 8, 2018 at 7:31:04 AM PST  
**To:** [Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)  
**Subject:** AG morning summary - March 8, 2018

## AG Morning Summary

Thursday, March 08, 2018

### Top stories

- [Eby/Tootill - ICBC public consultation - CFTV Fairchild Evening News - CFTV \(Fairchild TV\) - 06-Mar-2018](#)
- [Family of dead cyclist appeals to AG for justice - Alan Campbell - Richmond News - 08-Mar-2018](#)
- [VPD's response to Myles Gray's death investigation-and police board's silence-should alarm Vancouver residents -](#)

Charlie Smith - The Georgia Straight - 07-Mar-2018

- Financial-crime watchdog eyes politicians - Les Leyne - Times Colonist (Victoria) - 08-Mar-2018
- Bruising B.C. tax battle continues to heat up - Mike Smyth - The Province - 08-Mar-2018
- Wilkinson - payroll & speculation tax - Wilkinson following PM QP - Scrum - 07-Mar-2018
- Foreign cash is 'gasoline' on Vancouver's overheated housing market: RBC CEO - CBC Online - CBC Online - 07-Mar-2018
- IIO seeks two drivers who may have witnessed tasering in Chilliwack - Paul Henderson - Chilliwack Progress - 07-Mar-2018
- Special prosecutor appointed to Strimbold case - Prince George Citizen - 08-Mar-2018
- B.C. wine ban lifted too soon, Alberta's Jason Kenney says - Tom Fletcher - Abbotsford News - 07-Mar-2018
- Crown won't appeal not-guilty verdict in Gerald Stanley murder trial - CBC Online - CBC Online - 07-Mar-2018
- Electoral Reform - Myths and Misinformation that prop up the status quo - The Tyee - 08-March-2018

**Eby/Tootill - ICBC public consultation**

CFTV

Tuesday, March 06, 2018, 19:00

By CFTV Fairchild Evening News

Copyright

**Family of dead cyclist appeals to AG for justice**

Richmond News

Thursday, March 08, 2018

Page A08

By Alan Campbell

Copyright





Copyright

**VPD's response to Myles Gray's death investigation-and  
police board's silence-should alarm Vancouver residents**

The Georgia Straight

Wednesday, March 07, 2018

By Charlie Smith

Copyright

Copyright



Copyright

**Financial-crime watchdog eyes politicians**

Times Colonist (Victoria)

Thursday, March 08, 2018

Page A11

By Les Leyne

Copyright



**Bruising B.C. tax battle continues to heat up**

The Province

Thursday, March 08, 2018

Page A06

By Mike Smyth

Copyright

Copyright

**Wilkinson - payroll & speculation tax**

Scrum

Wednesday, March 07, 2018

By Wilkinson following PM QP

Copyright







Copyright

**Foreign cash is 'gasoline' on Vancouver's overheated  
housing market: RBC CEO**

CBC Online

Wednesday, March 07, 2018

By CBC Online

Copyright

Copyright

## **IIO seeks two drivers who may have witnessed tasering in Chilliwack**

Chilliwack Progress

Wednesday, March 07, 2018

By Paul Henderson

Copyright

**Special prosecutor appointed to Strimbold case**

Prince George Citizen

Thursday, March 08, 2018

Page A01

## **B.C. wine ban lifted too soon, Alberta's Jason Kenney says**

Abbotsford News

Wednesday, March 07, 2018

By Tom Fletcher 

Copyright







**Crown won't appeal not-guilty verdict in Gerald Stanley  
murder trial**

CBC Online

Wednesday, March 07, 2018

By CBC Online





Copyright

**CElectoral Reform: Myths and Misinformation Prop Up  
the Status Quo**

The Tyee

Thursdays, March 08, 2018

By David Chudnovsky

Copyright











**From:** [Smith, George AG:EX](#)  
**To:** [Eby, David AG:EX](#)  
**Subject:** Re: Draft IB for Monday  
**Date:** Saturday, March 10, 2018 5:16:26 PM

---

Got it.

-George

On Mar 10, 2018, at 4:43 PM, Eby, David AG:EX <[David.Eby@gov.bc.ca](mailto:David.Eby@gov.bc.ca)> wrote:

Retained, not secured. Otherwise good.

On Mar 10, 2018, at 1:38 PM, Smith, George AG:EX  
<[George.Smith@gov.bc.ca](mailto:George.Smith@gov.bc.ca)> wrote:

For approval:

**External counsel named to lead government legal reference**

VICTORIA – The provincial government has secured Joseph J. Arvay, OC, QC as external counsel to government, to prepare and present a reference case related to B.C.'s right to protect B.C.'s land, coast and waters.

Mr. Arvay holds law degrees from the University of Western Ontario Law School and Harvard Law School and is called to the Bars of both British Columbia and the Yukon. He has been counsel on a number of landmark cases in the Supreme Court of Canada.

-30-

**From:** [Meggs, Geoff PREM:EX](#)  
**To:** [Smith, George AG:EX](#)  
**Cc:** [Aaron, Sage PREM:EX](#); [Frampton, Caelie ENV:EX](#); [Yuma Morisho, Okenge PREM:EX](#)  
**Subject:** Re: Info bulletin for Monday  
**Date:** Saturday, March 10, 2018 5:47:45 PM

---

Thanks, George, I will phone tomorrow.

G  
Sent from my iPad

On Mar 10, 2018, at 5:19 PM, Smith, George AG:EX <[George.Smith@gov.bc.ca](mailto:George.Smith@gov.bc.ca)> wrote:

Here's the text of the info bulletin:

**External counsel named to lead government legal reference**

VICTORIA – The provincial government has retained Joseph J. Arvay, OC, QC as external counsel to government, to prepare and present a reference case related to B.C.'s right to protect B.C.'s land, coast and waters.

Mr. Arvay holds law degrees from the University of Western Ontario Law School and Harvard Law School and is called to the Bars of both British Columbia and the Yukon. He has been counsel on a number of landmark cases in the Supreme Court of Canada.

-30-

**From:** [Harvey, James AG:EX](#)  
**To:** [Smith, George AG:EX](#)  
**Cc:** [Fyfe, Richard J AG:EX](#)  
**Subject:** Re: media tomorrow?  
**Date:** Sunday, March 11, 2018 4:14:40 PM

---

Thanks George. James.

This communication (both the message and any attachments) is confidential and may be protected by solicitor-client privilege. It is intended only for the use of the person or persons to whom it is addressed any distribution copying or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify my office by telephone or email.

----- Original message -----

**From:** "Smith, George AG:EX"  
**Date:** 2018-03-11 3:32 PM (GMT-08:00)  
**To:** "Harvey, James JAG:EX"  
**Cc:** "Fyfe, Richard J JAG:EX"  
**Subject:** Re: media tomorrow?

Sorry for the delay. Here's the approved text:

**External counsel named to lead government legal reference**

VICTORIA – The provincial government has retained Joseph J. Arvay, OC, QC as external counsel to government, to prepare and present a reference case related to B.C.'s right to protect B.C.'s land, coast and waters.

Mr. Arvay holds law degrees from the University of Western Ontario Law School and Harvard Law School and is called to the Bars of both British Columbia and the Yukon. He has been counsel on a number of landmark cases in the Supreme Court of Canada.

-30-

On Mar 11, 2018, at 1:36 PM, Harvey, James JAG:EX <[James.Harvey@gov.bc.ca](mailto:James.Harvey@gov.bc.ca)> wrote:

Hi George,  
Please see below. Do you have access to the proposed final NR that I can provide to Joe please?  
Thanks.  
James.

---

**From:** Joe Arvay [<mailto:jarvay@arvayfinlay.ca>]  
**Sent:** Sunday, March 11, 2018 1:08 PM  
**To:** Harvey, James JAG:EX  
**Subject:** media tomorrow?

James ..is there going to be a media announcement tomorrow about my retainer?....if

so could I get a draft of what is planned?

**From:** [Harvey, James AG:EX](#)  
**To:** [Smith, George AG:EX](#)  
**Subject:** Fwd: media tomorrow?  
**Date:** Sunday, March 11, 2018 5:11:11 PM

---

Hi George - FYI.  
Thanks

James.

This communication (both the message and any attachments) is confidential and may be protected by solicitor-client privilege. It is intended only for the use of the person or persons to whom it is addressed any distribution copying or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify my office by telephone or email.

----- Original message -----

From: Joe Arvay  
Date: 2018-03-11 4:19 PM (GMT-08:00)  
To: "Harvey, James JAG:EX"  
Subject: RE: media tomorrow?

Looks fine thnx

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

From: Harvey, James JAG:EX  
Sent: Sunday, March 11, 2018 4:14 PM  
To: Joe Arvay ; Catherine Boies Parker  
Subject: Fwd: media tomorrow?

As requested - thanks.  
James.

This communication (both the message and any attachments) is confidential and may be protected by solicitor-client privilege. It is intended only for the use of the person or persons to whom it is addressed any distribution copying or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify my office by telephone or email.

----- Original message -----

From: "Smith, George AG:EX"  
Date: 2018-03-11 3:32 PM (GMT-08:00)  
To: "Harvey, James JAG:EX"  
Cc: "Fyfe, Richard J JAG:EX"  
Subject: Re: media tomorrow?

Sorry for the delay. Here's the approved text:

External counsel named to lead government legal reference

VICTORIA - The provincial government has retained Joseph J. Arvay, OC, QC as external counsel to government, to prepare and present a reference case related to B.C.'s right to protect B.C.'s land, coast and waters.

Mr. Arvay holds law degrees from the University of Western Ontario Law School and Harvard Law School and is called to the Bars of both British Columbia and the Yukon. He has been counsel on a number of landmark cases in the Supreme Court of Canada.

-30-

On Mar 11, 2018, at 1:36 PM, Harvey, James JAG:EX > wrote:

Hi George,

Please see below. Do you have access to the proposed final NR that I can provide to Joe please?

Thanks.

James.

From: Joe Arvay [<mailto:jarvay@arvayfinlay.ca>]

Sent: Sunday, March 11, 2018 1:08 PM

To: Harvey, James JAG:EX

Subject: media tomorrow?

James ..is there going to be a media announcement tomorrow about my retainer?....if so could I get a draft of what is planned?

**From:** [Nanninga, Tanera AG:EX](#)  
**To:** [Eby, David AG:EX](#)  
**Cc:** [Smith, George AG:EX](#); [Godfrey, Sam AGRI:EX](#); [Milne, Gala AG:EX](#); [Arora, Jasleen MCF:EX](#)  
**Subject:** FW: Materials - Reference Instructions Committee telephone meeting today at 2:30  
**Date:** Thursday, March 22, 2018 9:36:56 AM  
**Attachments:** [Reference Instructing Committee - Draft agenda - March 22.pdf](#)  
[Reference Instructing Committee - Meeting Notes - March 15-2018.pdf](#)  
[Instruction Committee ToR march 16-18.pdf](#)  
[image001.png](#)

---

I have added these materials into your calendar and uploaded to the iPad (Daily Material →1.TMX)

---

**From:** Engelbrecht, Maya JAG:EX  
**Sent:** Thursday, March 22, 2018 9:29 AM  
**To:** Richter, Connie JAG:EX; Nanninga, Tanera AG:EX; Higgins, Keira PREM:EX; Cameron, Tara D ENV:EX; Gooderham, Coleen E ENV:EX; Carroll, Deborah ENV:EX; Neilson, Kirsten ENV:EX  
**Cc:** AG LSB ADAG Executive Support Staff; Hill, Hayley JAG:EX; Brown, Nancy E JAG:EX; Harvey, James JAG:EX  
**Subject:** Materials - Reference Instructions Committee telephone meeting today at 2:30

Good morning,

Please see the attached materials for the Reference Instructions Committee telephone meeting this afternoon at 2:30 pm.

**Please note that the dial in number has been updated to:** s.15;s.17

**Participant ID:**

s.15;s.17. Thank you.

**Best regards,**

**Maya Engelbrecht**

Executive Administrative Assistant

Office of the Assistant Deputy Attorney General

Ministry of Attorney General | Legal Services Branch

Phone: s.17 | Fax: 250-356-5111



Please consider the environment before printing

*This communication (both the message and any attachments) is confidential and is protected by solicitor-client privilege. It is intended only for the use of the person or persons to whom it is addressed. Any distribution, copying, or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.*

Page 068 of 428 to/à Page 071 of 428

Withheld pursuant to/removed as

s.14



**From:** [Nanninga, Tanera AG:EX](#)  
**To:** [Milne, Gala AG:EX](#); [Eby, David AG:EX](#)  
**Subject:** FW: Cancelled - Reference meeting today at 3 pm  
**Date:** Tuesday, April 3, 2018 12:56:24 PM  
**Attachments:** image001.png

---

---

**From:** Engelbrecht, Maya JAG:EX  
**Sent:** Tuesday, April 3, 2018 12:56 PM  
**To:** Richter, Connie JAG:EX; Nanninga, Tanera AG:EX; Higgins, Keira PREM:EX; Cameron, Tara D ENV:EX; Gooderham, Coleen E ENV:EX; Carroll, Deborah ENV:EX; Neilson, Kirsten ENV:EX  
**Cc:** AG LSB ADAG Executive Support Staff; Hill, Hayley JAG:EX; Brown, Nancy E JAG:EX; Harvey, James JAG:EX  
**Subject:** Cancelled - Reference meeting today at 3 pm

Good afternoon,

Please note that today's 3:00 pm call has been cancelled. The weekly meetings will commence on April 12<sup>th</sup> at 11 am. Thank you.

**Best regards,**

**Maya Engelbrecht**

Executive Administrative Assistant

Office of the Assistant Deputy Attorney General

Ministry of Attorney General | Legal Services Branch

Phone: **s.17** | Fax: 250-356-5111



Where ideas work

Please consider the environment before printing

*This communication (both the message and any attachments) is confidential and is protected by solicitor-client privilege. It is intended only for the use of the person or persons to whom it is addressed. Any distribution, copying, or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.*

Page 073 of 428

Withheld pursuant to/removed as

s.14

Page 074 of 428

Withheld pursuant to/removed as

s.14; s.17

**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Eby, David AG:EX](#); [Milne, Gala AG:EX](#); [Harder, Derrick AG:EX](#); [Arora, Jasleen MCF:EX](#); [Nelson, Tiffany MCF:EX](#)  
**Subject:** Fwd: AG morning summary - April 10, 2018  
**Date:** Tuesday, April 10, 2018 7:24:43 AM

---

Kinder Morgan continuing dispute, judge recommends Kinder Morgan protesters should be charged with criminal contempt, and German report feature in coverage.  
Sent from my iPhone

Begin forwarded message:

**From:** Liam Butler S.22  
**Date:** April 10, 2018 at 7:20:13 AM PDT  
**To:** [shawn.l.robins@gov.bc.ca](mailto:shawn.l.robins@gov.bc.ca)  
**Subject:** AG morning summary - April 10, 2018

## **AG Morning Summary**

Tuesday, April 10, 2018

[Kinder surprise sets the stage for showdown - Les Leyne - Times Colonist \(Victoria\) - 10-Apr-2018](#)

[Ottawa, Alberta look to finance Trans Mountain - Shawn McCarthy, Kelly Cryderman & Justine Hunter - Globe and Mail - 10-Apr-2018](#)

[Defiant Horgan refusing to give an inch on pipeline - Vaughn Palmer - Vancouver Sun - 10-Apr-2018](#)

[Kinder Morgan clash could lead to budgetary backlash - Rob Shaw - Vancouver Sun - 10-Apr-2018](#)

[Financing, lawsuits, among feds options for Trans Mountain, says Carr - CP News - 09-Apr-2018](#)

[Eby - German report - Eby prior to PM QP - Scrum - 09-Apr-2018](#)

Eby - money laundering - CHNL - CHNL (Kamloops) - 09-Apr-2018

Family of gunman Peter de Groot reactivates lawsuit after officers cleared in shooting death - CBC Online - CBC Online - 09-Apr-2018

Crown asked to take over protester contempt hearings - Keith Fraser - Vancouver Sun - 10-Apr-2018

Clinics to seek injunction against crackdown on private health care - Sunny Dhillon - Globe and Mail - 10-Apr-2018

Horgan/Wilkinson - BC legislation - CHNL - CHNL (Kamloops) - 09-Apr-2018

Tribunal declines late-filed complaint from gay man allegedly called homophobic slurs - Carlito Pablo - The Georgia Straight - 09-Apr-2018

## **Kinder surprise sets the stage for showdown**

Times Colonist (Victoria)

Tuesday, April 10, 2018

Page A01

By Les Leyne

Copyright

;

id.  
it

al

of

g

of

ave  
n

se

r

will  
ist

ie

**Ottawa, Alberta look to finance Trans Mountain**  
Globe and Mail

Tuesday, April 10, 2018

Page A01

By Shawn McCarthy, Kelly Cryderman & Justine Hunter

Copyright









**Defiant Horgan refusing to give an inch on pipeline**

Vancouver Sun

Tuesday, April 10, 2018

Page A09

By Vaughn Palmer

Copyright





2.1.

## **Kinder Morgan clash could lead to budgetary backlash**

Vancouver Sun

Tuesday, April 10, 2018

Page A06  
By Rob Shaw  
Copyright







**Financing, lawsuits, among feds options for Trans Mountain,  
says Carr**

CP News

Monday, April 09, 2018





Copyright

**Eby - German report**  
Scrum  
Monday, April 09, 2018  
By Eby prior to PM QP

Copyright

**Eby - money laundering**

CHNL

Monday, April 09, 2018, 16:03

By CHNL

Copyright

**Family of gunman Peter de Groot reactivates lawsuit after  
officers cleared in shooting death**

CBC Online

Monday, April 09, 2018

By CBC Online

Copyright



**Crown asked to take over protester contempt hearings**

Vancouver Sun

Tuesday, April 10, 2018

Page A06  
By Keith Fraser

Copyright

**Clinics to seek injunction against crackdown on private health care**

Globe and Mail

Tuesday, April 10, 2018

Page A12

By Sunny Dhillon





Copyright

## **Horgan/Wilkinson - BC legislation**

CHNL

Monday, April 09, 2018, 09:00

By CHNL

Copyright

**Tribunal declines late-filed complaint from gay man allegedly  
called homophobic slurs**

The Georgia Straight

Monday, April 09, 2018

By Carlito Pablo

Copyright







**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Smith, George AG:EX](#); [Milne, Gala AG:EX](#); [Harder, Derrick AG:EX](#); [Arora, Jasleen MCF:EX](#); [Nelson, Tiffany MCF:EX](#); [Eby, David AG:EX](#)  
**Subject:** Fwd: AG morning summary - April 11, 2018  
**Date:** Wednesday, April 11, 2018 7:29:46 AM

---

Trans Mountain dispute, timing for reference question, contempt of court for TMX protesters, rules governing election contributions and Chilliwack court bomb threat all covered.

Sent from my iPhone

**From:** "Butler, Liam GCPE:EX" <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)>  
**Date:** April 11, 2018 at 7:20:20 AM PDT  
**To:** "Robins, Shawn GCPE:EX" <[Shawn.L.Robins@gov.bc.ca](mailto:Shawn.L.Robins@gov.bc.ca)>  
**Subject:** AG morning summary - April 11, 2018

### AG Morning Summary

\  
Wednesday, April 11, 2018

- [Alberta prepared to buy Trans Mountain, Notley says - Kelly Cryderman, Shawn McCarthy & Ian Bailey - Globe and Mail - 11-Apr-2018](#)
- [Still waiting on the big question - Rob Shaw - Vancouver Sun - 11-Apr-2018](#)
- [Eby - KM TMP suspension - CHNL - CHNL \(Kamloops\) - 10-Apr-2018](#)
- [Alberta introduces legislation to reduce oil flows to B.C. - Ming Pao News \(Western edition\) - 10-Apr-2018](#)
- [B.C. stakeholders, experts respond to Kinder Morgan's deadline ultimatum for Trans Mountain pipeline - CBC Online - CBC Online - 10-Apr-2018](#)
- [Emergency cabinet meeting ends with government offering no solutions to Trans Mountain standoff - CBC Online - CBC Online - 10-Apr-2018](#)
- [MPs could face criminal charges for protesting - Cornelia Naylor - Burnaby Now - 11-Apr-2018](#)
- [Bomb threat empties Chilliwack courthouse - again - Chilliwack Progress - 10-Apr-2018](#)
- [Mandatory Minimums - CP News - 10-Apr-2018](#)
- [BC NDP reaped millions ahead of campaign reform - Justine Hunter - Globe and Mail - 11-Apr-2018](#)

**Alberta prepared to buy Trans Mountain, Notley says**

Globe and Mail

Wednesday, April 11, 2018

Page A01

By Kelly Cryderman, Shawn McCarthy & Ian Bailey

Copyright



**Still waiting on the big question**

Vancouver Sun

Wednesday, April 11, 2018

Page A01

By Rob Shaw

Copyright

Copyright

**Eby - KM suspension**

CHNL

Tuesday, April 10, 2018, 13:01

By CHNL

Copyright

**Alberta introduces legislation to reduce oil flows to B.C.**

Ming Pao News

Tuesday, April 10, 2018

Page A06

Copyright

**B.C. stakeholders, experts respond to Kinder Morgan's deadline ultimatum  
for Trans Mountain pipeline**

CBC Online  
Tuesday, April 10, 2018  
By CBC Online  
Copyright



**Emergency cabinet meeting ends with government offering no solutions to  
Trans Mountain standoff**  
CBC Online  
Tuesday, April 10, 2018  
By CBC Online

Copyright



Copyright

**MPs could face criminal charges for protesting**

Burnaby Now

Wednesday, April 11, 2018

Page A04

By Cornelia Naylor

Copyright

Copyright

**Bomb threat empties Chilliwack courthouse - again**

Chilliwack Progress

Tuesday, April 10, 2018

Copyright

Copyright

**Mandatory Minimums**  
CP News  
Tuesday, April 10, 2018  
Copyright

**BC NDP reaped millions ahead of campaign reform**  
Globe and Mail

Wednesday, April 11, 2018  
Page A08  
By Justine Hunter  
Copyright



**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Eby, David AG:EX](#); [Milne, Gala AG:EX](#); [Harder, Derrick AG:EX](#); [Arora, Jasleen MCF:EX](#); [Nelson, Tiffany MCF:EX](#)  
**Subject:** Fwd: AG morning summary - April 12, 2018  
**Date:** Thursday, April 12, 2018 7:24:47 AM

---

TransMountain dispute features prominently in coverage, AG comments on reference question, Representative for Children and Youth stepping down, Merit Commissioner to review public service firings and a link from Bill Tieleman to an article on electoral reform. Sent from my iPhone

Begin forwarded message:

**From:** "Butler, Liam GCPE:EX" <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)>  
**Date:** April 12, 2018 at 7:17:58 AM PDT  
**To:** "Robins, Shawn GCPE:EX" <[Shawn.1.Robins@gov.bc.ca](mailto:Shawn.1.Robins@gov.bc.ca)>  
**Subject:** AG morning summary - April 12, 2018

### **AG Morning Summary**

Thursday, April 12, 2018

- [NDP denies pipeline war hindering its progress on major legislation - Rob Shaw - Vancouver Sun - 12-Apr-2018](#)
- [NDP tool box leaves Heyman in vice grip - Vaughn Palmer - Vancouver Sun - 12-Apr-2018](#)
- [Eby - KM TMP reference - Eby following PM QP - Scrum - 11-Apr-2018](#)
- ['A tough lesson': Do First Nations hold trump card on Trans Mountain debate? - CBC Online - CBC Online - 12-Apr-2018](#)
- [Morneau pledges to meet Kinder Morgan deadline - Shawn McCarthy, Kelly Cryderman & Justine Hunter - Globe and Mail - 12-Apr-2018](#)
- [Wilkinson - KM TMP suspension - CFX Mornings with Al Ferraby - CFX \(Victoria\) - 11-Apr-2018](#)
- [Eby - ICBC legislation - Eby prior to AM QP - Scrum - 11-Apr-2018](#)
- [B.C.'s representative for children and youth stepping down - CBC Online - CBC Online - 11-Apr-2018](#)
- [Merit commissioner takes on new task - Rob Shaw - The Province - 12-Apr-2018](#)



- Avoid learning the 'Three S's' the hard way - Mike Farnworth - Barriere Star Journal - 12-Apr-2018
- Electoral reform quiz – Bill Tieleman - Social Media - 11-Apr-2018

**NDP denies pipeline war hindering its progress on major legislation**

Vancouver Sun

Thursday, April 12, 2018

Page A01

By Rob Shaw

Copyright



Copyright

**Eby - KM TMP reference**  
Scrum  
Wednesday, April 11, 2018  
Copyright



Copyright

**'A tough lesson': Do First Nations hold trump card on Trans Mountain debate?**

CBC Online

Thursday, April 12, 2018

By CBC Online

Copyright



**Morneau pledges to meet Kinder Morgan deadline**

Globe and Mail

Thursday, April 12, 2018

Page A01

By Shawn McCarthy, Kelly Crivdeman & Justine Hunter

Copyright

Copyright

**Wilkinson - KM TMP suspension**

CFAX

Wednesday, April 11, 2018, 07:21

By CFA Mornings with Al Ferrabv

Copyright





Copyright

**Eby - ICBC legislation**

Scrum

Wednesday, April 11, 2018

Copyright

**B.C.'s representative for children and youth stepping down**

CBC Online

Wednesday, April 11, 2018

By CBC Online

Copyright

**Merit commissioner takes on new task**

The Province

Thursday, April 12, 2018

Page A11  
By Rob Shaw  
Copyright

**Avoid learning the 'Three S's' the hard way**  
Barriere Star Journal  
Thursday, April 12, 2018  
By Mike Farnworth  
Copyright



Page 132 of 428

Withheld pursuant to/removed as

s.15; s.17; s.14

Page 133 of 428 to/à Page 138 of 428

Withheld pursuant to/removed as

s.14; s.15; s.17

Page 139 of 428

Withheld pursuant to/removed as

s.14

**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Eby, David AG:EX](#); [Smith, George AG:EX](#); [Milne, Gala AG:EX](#); [Harder, Derrick AG:EX](#); [Arora, Jasleen MCF:EX](#); [Nelson, Tiffany MCF:EX](#)  
**Subject:** Fwd: AG morning summary - April 16, 2018  
**Date:** Monday, April 16, 2018 7:25:39 AM

---

Trans Mountain dispute, money laundering and real estate, municipal elections and changes to campaign financing, pipeline protesters.

Sent from my iPhone

Begin forwarded message:

**From:** "Butler, Liam GCPE:EX" <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)>  
**Date:** April 16, 2018 at 7:20:36 AM PDT  
**To:** "Robins, Shawn GCPE:EX" <[Shawn.1.Robins@gov.bc.ca](mailto:Shawn.1.Robins@gov.bc.ca)>  
**Subject:** AG morning summary - April 16, 2018

**AG Morning Summary**  
Monday, April 16, 2018

- [Trudeau promises financial backing for Trans Mountain - Shawn McCarthy & Justine Hunter - Globe and Mail - 16-Apr-2018](#)
- [If money laundering played a role in Vancouver's sky-high housing prices, a public inquiry is in order - Adrienne Tanner - Globe and Mail - 16-Apr-2018](#)
- [Pipeline protesters to learn if they will be criminally charged - Justine Hunter - Globe and Mail - 16-Apr-2018](#)
- [Anti-pipeline activists vow to 'ramp up' protests after PM's announcement - Denise Ryan - Vancouver Sun - 16-Apr-2018](#)
- [If not by pipes, then by rail cars - Les Leyne - The Daily Courier \(Kelowna\) - 16-Apr-2018](#)
- [Wilkinson - Ottawa TMP summit - CKNW - CKNW \(Vancouver\) - 15-Apr-2018](#)
- [Vancouver parties divided on campaign financing loopholes - Frances Bula - Globe and Mail - 16-Apr-2018](#)
- [Tsilhqot'in Nation to be recognized as full partner in wildfire response - CBC Online - CBC Online - 15-Apr-2018](#)



**Trudeau promises financial backing for Trans Mountain**

Globe and Mail

Monday, April 16, 2018

Page A01

By Shawn McCarthy & Justine Hunter

Copyright

**If money laundering played a role in Vancouver's sky-high housing prices, a**

**public inquiry is in order**  
Globe and Mail  
Monday, April 16, 2018  
Page A08  
By Adrienne Tanner  
Copyright

-----  
**Pipeline protesters to learn if they will be criminally charged**

Globe and Mail

Monday, April 16, 2018

Page A09

By Justine Hunter

Copyright

Copyright

**Anti-pipeline activists vow to 'ramp up' protests after PM's announcement**

Vancouver Sun

Monday, April 16, 2018

Page A07

By Denise Ryan

Copyright

**If not by pipes, then by rail cars**

The Daily Courier (Kelowna)

Monday, April 16, 2018

Page A06

By Les Leyne

Copyright

Copyright

**Wilkinson - Ottawa TMP summit**  
CKNW  
Sunday, April 15, 2018, 06:00  
By CKNW

**Vancouver parties divided on campaign financing loopholes**

Globe and Mail

Monday, April 16, 2018

Page A08

By Frances Bula

Copyright



Copyright

**Tsilhqot'in Nation to be recognized as full partner in wildfire response**

CBC Online

Sunday, April 15, 2018

By CBC Online

Copyright



**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Eby, David AG:EX](#); [Smith, George AG:EX](#); [Milne, Gala AG:EX](#); [Arora, Jasleen MCF:EX](#); [Harder, Derrick AG:EX](#); [Nelson, Tiffany MCF:EX](#)  
**Subject:** Fwd: AG morning summary - April 17, 2018  
**Date:** Tuesday, April 17, 2018 7:21:21 AM

---

Alberta legislation to limit oil and gas exports to B.C., Trans Mountain Pipeline protesters facing criminal contempt of court charges, changes to Securities Act.

Sent from my iPhone

Begin forwarded message:

**From:** "Butler, Liam GCPE:EX" <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)>  
**Date:** April 17, 2018 at 7:13:41 AM PDT  
**To:** "Robins, Shawn GCPE:EX" <[Shawn.1.Robins@gov.bc.ca](mailto:Shawn.1.Robins@gov.bc.ca)>  
**Subject:** AG morning summary - April 17, 2018

**AG Morning Summary**  
Tuesday, April 17, 2018

- [B.C. threatens to sue Alberta - Dirk Meissner - Vancouver Sun - 17-Apr-2018](#)
- [Notley threatens to restrict oil exports to B.C. - Kelly Cryderman, Ian Bailey & Jeff Lewis - Globe and Mail - 17-Apr-2018](#)
- [Armstrong/Eby - gas price threats - Global BC Morning News - CHAN \(Global BC - Vancouver\) - 17-Apr-2018](#)
- [Eby - KM & securities act - Eby following PM QP - Scrum - 16-Apr-2018](#)
- [Send troops to handle 'eco-terrorists,' ex-minister suggests - Patrick Johnston - The Province - 17-Apr-2018](#)
- [Zussman - Alberta pipeline legislation - CKNW Lynda Steele - CKNW \(Vancouver\) - 16-Apr-2018](#)
- [B.C. beefs up regulators' powers to enforce fines against investor fraud - Justine Hunter - Globe and Mail - 17-Apr-2018](#)
- [Elections BC confirms municipal political parties can take corporate and union donations - CBC Online - CBC Online - 17-Apr-2018](#)
- [\\$33M in unpaid bridge tolls - Castanet - Castanet - 16-Apr-2018](#)
- [B.C. Crown takes over prosecution of protesters - Keith Fraser - Vancouver Sun - 17-Apr-2018](#)

- MMIW inquiry delay unacceptable - Toronto Star Editorial - Prince George Citizen - 17-Apr-2018

**B.C. threatens to sue Alberta**

Vancouver Sun

Tuesday, April 17, 2018

Page A01

By Dirk Meissner

Copyright

Copyright

**Notley threatens to restrict oil exports to B.C.**

Globe and Mail

Tuesday, April 17, 2018

Page A01

By Kelly Cryderman, Ian Bailey & Jeff Lewis

Copyright



**Armstrong/Eby - gas price threats**

CHAN

Tuesday, April 17, 2018, 06:00

By Global BC Morning News

Copyright

**Eby - KM & securities act**

Scrum

Monday, April 16, 2018

Copyright







Copyright

## **Send troops to handle 'eco-terrorists,' ex-minister suggests**

The Province

Tuesday, April 17, 2018

Page A04

By Patrick Johnston

Copyright

## **Zussman - Alberta pipeline legislation**

CKNW

Monday, April 16, 2018, 14:50

By CKNW Tanya Steele

Copyright

n

t

t

;

Copyright

**B.C. beefs up regulators' powers to enforce fines against investor fraud**

Globe and Mail

Tuesday, April 17, 2018

Page B01

By Justine Hunter

Copyright



Copyright

**Elections BC confirms municipal political parties can take corporate and union donations**

CBC Online

Tuesday, April 17, 2018

By CBC Online  
Copyright

**\$33M in unpaid bridge tolls**

Castanet

Monday, April 16, 2018

By Castanet

Copyright

t

3

**B.C. Crown takes over prosecution of protesters**

Vancouver Sun

Tuesday, April 17, 2018

Page A03

By Keith Fraser

Copyright

**MMIW inquiry delay unacceptable**

Prince George Citizen

Tuesday, April 17, 2018

Page A06

By Toronto Star Editorial

Copyright





**From:** [Heyman, George ENV:EX](#)  
**To:** [Eby, David AG:EX](#)  
**Subject:** Fwd: Media Availability: Horgan - KM TMP Ottawa summit  
**Date:** Tuesday, April 17, 2018 10:12:18 AM

---

Sent from my iPhone

Begin forwarded message:

**From:** "Frampton, Caelie ENV:EX" <[Caelie.Frampton@gov.bc.ca](mailto:Caelie.Frampton@gov.bc.ca)>  
**Date:** April 17, 2018 at 9:59:22 AM PDT  
**To:** "Heyman, George ENV:EX" <[George.Heyman@gov.bc.ca](mailto:George.Heyman@gov.bc.ca)>  
**Subject:** FW: Media Availability: Horgan - KM TMP Ottawa summit

---

**From:** Crebo, David GCPE:EX  
**Sent:** Tuesday, April 17, 2018 9:50 AM  
**To:** Frampton, Caelie ENV:EX; Xia, Eveline ENV:EX  
**Cc:** Zacharias, Mark ENV:EX; Plecas, Bobbi ENV:EX  
**Subject:** FW: Media Availability: Horgan - KM TMP Ottawa summit

FYI - PJH reference to end of month highlighted below

**From:** [tno@gov.bc.ca](mailto:tno@gov.bc.ca) [<mailto:tno@gov.bc.ca>]  
**Sent:** Monday, April 16, 2018 6:55 AM  
**Subject:** Media Availability: Horgan - KM TMP Ottawa summit

Media Availability  
Horgan confcall following TMP Ottawa summit  
15-Apr-2018 11:11

Copyright









This e-mail is a service provided by Government Communications and Public Engagement and is only intended for the original addressee.

**From:** [Andrews, Scott GCPE:EX](#)  
**To:** [Ryckman, Scott GCPE:EX](#)  
**Cc:** [Smith, George AG:EX](#); [Robins, Shawn GCPE:EX](#); [Milne, Gala AG:EX](#); [GCPE Strategic Issues Team](#); [Holmwood, Jen PREM:EX](#); [Arora, Jasleen MCF:EX](#); [Tounsi, Marielle GCPE:EX](#); [Sherlock, Stephanie GCPE:EX](#)  
**Subject:** Eby - Alberta Legislation and Reference Case  
**Date:** Tuesday, April 17, 2018 11:04:41 AM  
**Attachments:** [Eby - Alberta Legislation and Reference Case.m4a](#)  
[ATT00001.txt](#)

---



**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Smith, George AG:EX](#)  
**Cc:** [Butler, Liam GCPE:EX](#); [Nelson, Tiffany MCF:EX](#)  
**Subject:** RE: For review: Draft statement for review --- Eby -s.13;s.16  
**Date:** Tuesday, April 17, 2018 3:09:56 PM

---

Thanks George. We will amend as indicated and recommend as a response for some of our outstanding media requests . Liam will send up revised media roll up indicating which media we are recommending receive statement. Thanks.

---

**From:** Smith, George AG:EX  
**Sent:** Tuesday, April 17, 2018 3:06 PM  
**To:** Robins, Shawn GCPE:EX  
**Subject:** Re: For review: Draft statement for review --- Eby -s.13;s.16  
*Please see final approved statement:*

s.13;s.16

-George

On Apr 17, 2018, at 3:02 PM, Eby, David AG:EX <[David.Eby@gov.bc.ca](mailto:David.Eby@gov.bc.ca)> wrote:

---

**From:** Smith, George AG:EX  
**Sent:** Tuesday, April 17, 2018 1:07 PM  
**To:** Eby, David AG:EX  
**Subject:** FW: For review: Draft statement for review --- Eby - s.13;s.16  
s.13;s.16  
I've shortened the statement... for approval:  
s.13;s.16

D.

---

**From:** Robins, Shawn GCPE:EX  
**Sent:** Tuesday, April 17, 2018 12:55 PM  
**To:** Smith, George AG:EX  
**Cc:** Nelson, Tiffany GCPE:EX  
**Subject:** FW: For review: Draft statement for review --- Eby - s.13;s.16  
s.13;s.16  
Draft statement for use in media responses. For approval.  
Draft statement from MDE:

Page 174 of 428

Withheld pursuant to/removed as

s.13; s.16

**From:** [Harvey, James AG:EX](#)  
**To:** [Smith, George AG:EX](#)  
**Subject:** RE: Statement  
**Date:** Tuesday, April 17, 2018 4:59:59 PM

---

We are on it George – thanks!  
James.

---

**From:** Smith, George AG:EX  
**Sent:** Tuesday, April 17, 2018 4:58 PM  
**To:** Harvey, James JAG:EX  
**Subject:** Fwd: Statement  
Please review ASAP.  
Plan is to get it out first thing tomorrow.

-George

Begin forwarded message:

**From:** "Eby, David AG:EX" <[David.Eby@gov.bc.ca](mailto:David.Eby@gov.bc.ca)>  
**Date:** April 17, 2018 at 4:55:50 PM PDT  
**To:** "Smith, George AG:EX" <[George.Smith@gov.bc.ca](mailto:George.Smith@gov.bc.ca)>  
**Subject:** Statement

"In consultation with our lawyers, the government is now in a position to advise that British Columbia will be filing our reference case in the BC Court of Appeal within ten working days, by April 30. The BC Court of Appeal is the highest court to which BC can refer questions of this nature under BC's Constitutional Question Act. The reference will first be approved by Cabinet through Order in Council, and then filed with the Court of Appeal registry. Notice of the reference must be given to the Federal Government. The hearing of the reference case will be scheduled by the Court."

---

**Hon. David Eby, QC**

*Attorney General for British Columbia*  
*Minister responsible for ICBC, Liquor and Gaming*  
Room 232, Parliament Buildings  
PO Box 9044 Stn Provincial Govt  
Victoria, BC  
V8W 9E2  
[AG.minister@gov.bc.ca](mailto:AG.minister@gov.bc.ca)  
Office: (250) 387-1866  
Fax: (250) 387-6411

This communication (both the message and any attachments) is confidential and may be protected by solicitor-client privilege. It is intended only for the use of the person or persons to whom it is addressed. Any distribution, copying, or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify my office by telephone or by email.

**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Eby, David AG:EX](#); [Smith, George AG:EX](#); [Nelson, Tiffany MCF:EX](#); [Arora, Jasleen MCF:EX](#); [Milne, Gala AG:EX](#); [Harder, Derrick AG:EX](#)  
**Subject:** Fwd: AG morning summary - April 18, 2018  
**Date:** Wednesday, April 18, 2018 7:31:50 AM

---

BC response to Alberta legislation received significant coverage, also changes to Family Maintenance legislation, two Mounties cases dismissed due to court delays.

Sent from my iPhone

Begin forwarded message:

**From:** "Butler, Liam GCPE:EX" <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)>  
**Date:** April 18, 2018 at 7:17:25 AM PDT  
**To:** "Robins, Shawn GCPE:EX" <[Shawn.1.Robins@gov.bc.ca](mailto:Shawn.1.Robins@gov.bc.ca)>  
**Subject:** AG morning summary - April 18, 2018

**AG Morning Summary**  
Wednesday, April 18, 2018

- [B.C. vows to block Alberta from restricting oil exports - Jeff Lewis & Kelly Cryderman - Globe and Mail - 18-Apr-2018](#)
- [Answers regarding the potential Alberta oil embargo - Gordon Hoekstra - Prince George Citizen - 18-Apr-2018](#)
- [B.C. attorney general calls fuel-restriction bill a 'bluff' - Dirk Meissner - Times Colonist \(Victoria\) - 18-Apr-2018](#)
- [Eby - Alberta Bill 12 - CBC On the Coast - CBU \(CBC Vancouver\) - 17-Apr-2018](#)
- [Stopping pipe might not stop the tankers - Les Leyne - Times Colonist \(Victoria\) - 18-Apr-2018](#)
- [Eby - child support enforcement - News 1130 - CKWX \(Vancouver\) - 17-Apr-2018](#)
- [Elections B.C. says civic parties can keep taking union and corporate donations despite campaign contribution ban - Travis Lupick - The Georgia Straight - 17-Apr-2018](#)
- [Bakewell/Lee - child support enforcement - Global BC Early News - CHAN \(Global BC - Vancouver\) - 17-Apr-2018](#)
- [Mounties accused of pepper-spray assault won't face trial because of court delay - CBC Online - CBC Online - 17-Apr-2018](#)

- Special prosecutor will probe MP's case - Cornelia Naylor - Burnaby Now - 18-Apr-2018
- \$33 million in unpaid bridge tolls, 7 months into free crossings - Abbotsford News - 17-Apr-2018

**B.C. vows to block Alberta from restricting oil exports**

Globe and Mail

Wednesday, April 18, 2018

Page A01

By Jeff Lewis & Kelly Cryderman  
Copyright

**Answers regarding the potential Alberta oil embargo**  
Prince George Citizen  
Wednesday, April 18, 2018  
Page A02  
By Gordon Hoekstra  
Copyright



**B.C. attorney general calls fuel-restriction bill a 'bluff'**

Times Colonist (Victoria)

Wednesday, April 18, 2018

Page B01

By Dirk Meissner

Copyright



Copyright

**Eby - Alberta Bill 12**  
**CBU**

Tuesday, April 17, 2018, 15:08

By CBC On the Coast

Copyright





Copyright

**Stopping pipe might not stop the tankers**

Times Colonist (Victoria)

Wednesday, April 18, 2018

Page A09

By Les Leyne

Copyright



Copyright

**Eby - child support enforcement**

CKWX

Tuesday, April 17, 2018, 16:04

By News 1130  
Copyright

**Elections B.C. says civic parties can keep taking union and corporate donations despite campaign contribution ban**

The Georgia Straight

Tuesday, April 17, 2018

By Travis Lupick  
Copyright

**Bakewell/Lee - child support enforcement**

CHAN

Tuesday, April 17, 2018, 17:06

By Global BC Early News

Copyright

**Mounties accused of pepper-spray assault won't face trial because of court delay**

CBC Online

Tuesday, April 17, 2018

By CBC Online

Copyright



**Special prosecutor will probe MP's case**

Burnaby Now

Wednesday, April 18, 2018

Page A03

By Cornelia Naylor

Copyright

Copyright

**\$33 million in unpaid bridge tolls, 7 months into free crossings**  
Abbotsford News  
Tuesday, April 17, 2018  
Copyright

Page 191 of 428

Withheld pursuant to/removed as

s.14; s.15; s.17

**From:** [Eby, David AG:EX](#)  
**To:** [Smith, George AG:EX](#)  
**Subject:** Re: Media requests as of 12:25 p.m.  
**Date:** Wednesday, April 18, 2018 4:17:29 PM

---

Yes

On Apr 18, 2018, at 4:17 PM, Smith, George AG:EX <[George.Smith@gov.bc.ca](mailto:George.Smith@gov.bc.ca)> wrote:

Ok to schedule Martin McMahon for 5pm as soon as Champion's table is done?

**Reporter**

Martin McMahon, Reporter

News 1130

604-877-4400 c.s.22

**Deadline** ASAP

**Request**

The reporter would like to schedule a five minute pre-taped radio interview with Minister Eby to discuss the reference case. He would like to know:

- 1) What does it mean?
- 2) What's the essence of what government will be asking?
- 3) Can this go to the Supreme Court of Canada and, if so, does the province intend to pursue that option if the Court of Appeal doesn't provide the answer the province is looking for?

He would like to conduct the interview ASAP. He was originally sent scrum audio from the Ministry of Environment but found that it wasn't suitable for radio.

---

**From:** Butler, Liam GCPE:EX  
**Sent:** Wednesday, April 18, 2018 3:17 PM  
**To:** Smith, George AG:EX; Robins, Shawn GCPE:EX  
**Subject:** RE: Media requests as of 12:25 p.m.

Hi George,

Yes, I heard from Shawn on everything but the News1130 request. Is there a time today that would work for the minister or should I ask to schedule it tomorrow? His calendar looks pretty full.

Thanks,  
Liam

---

**From:** Smith, George AG:EX  
**Sent:** Wednesday, April 18, 2018 3:12 PM  
**To:** Butler, Liam GCPE:EX; Robins, Shawn GCPE:EX

**Subject:** RE: Media requests as of 12:25 p.m.

Don't know if Shawn reported back but if not:

**No:**

<!--[if !supportLists]-->• <!--[endif]-->**CPAC – Alberta legislation Skype interview**  
<!--[if !supportLists]-->• <!--[endif]-->**CBC Power and Politics – Alberta legislation on-camera interview**  
<!--[if !supportLists]-->• <!--[endif]-->**CTV Power Play – Alberta legislation on-camera interview (ENV recommends we decline as Minister Heyman is booked for 12:15 p.m.)**  
<!--[if !supportLists]-->• <!--[endif]-->**CITY TV – Reference question Skype interview**

**Yes:**

<!--[if !supportLists]-->• <!--[endif]-->**News 1130 – Reference case radio interview**  
<!--[if !supportLists]-->• <!--[endif]-->**CKNW – Sam Cooper story radio interview**

**Background**

<!--[if !supportLists]-->• <!--[endif]-->**CBC Victoria – FMEP legislation**  
<!--[if !supportLists]-->• <!--[endif]-->**\*\*\*Please go to PSSG first\*\* Business in Vancouver – Food sales in cannabis stores**

**Reporter**

Martin McMahon, Reporter

News 1130

604-877-4400 c:\$22

**Deadline** ASAP

**Request**

The reporter would like to schedule a five minute pre-taped radio interview with Minister Eby to discuss the reference case. He would like to know:

- 1) What does it mean?
- 2) What's the essence of what government will be asking?
- 3) Can this go to the Supreme Court of Canada and, if so, does the province intend to pursue that option if the Court of Appeal doesn't provide the answer the province is looking for?

He would like to conduct the interview ASAP. He was originally sent scrum audio from the Ministry of Environment but found that it wasn't suitable for radio.

## **Recommendation**

### **Reporter**

Lyne Fortin, Producer

Cable Public Affairs Channel (CPAC)

s.22

s.22

c:s.22

**Deadline to conduct interview** Wednesday, April 18, 2018 6:00 PM

### **Request**

The producer is looking to schedule an interview with Minister Eby to discuss potential court challenges against other provinces who decide to limit exports of gasoline and natural gas into B.C.

The interview would be with Peter Van Dusen, the host of Primetime Politics. The producer does not have a camera crew in Victoria so the interview would have to be through Skype or Facetime. It would be six minutes long. The producer has availability until 6 p.m.

CPAC had a request in to interview the minister yesterday and received a statement.

## **Recommendation**

### **Reporter**

Paul Bisson, Reporter

CBC - National

s.22

s.22

c:s.22

**Deadline to conduct** Wednesday, April 18, 2018 3:30 PM

### **Request**

The producer would like to schedule an on-camera interview with Minister Eby to discuss Alberta's new legislation and the Sask. Premier's comments that he will table similar legislation.

The interview would be 8-10 minutes with host Vassy Kapelos on CBC's Power and Politics show. They would prefer to do a live interview at 3:30 p.m. PST but will accept a pre-taped interview if necessary.

CBC had a request in for an interview yesterday and received a statement from Minister Eby.

## **Recommendation**

**Reporter**

Rachel Swatek, Producer  
CTV - Ottawa (Parliamentary Team)

s.22

s.22 c: s.22

**Deadline to conduct 2 PM, Wednesday, April 18**

**Request**

The producer would like to schedule a live on-camera interview with Minister Eby to discuss Alberta introducing legislation to give the province the power to restrict oil exports. The interview would be six minutes with host Don Martin. The interview could be conducted in Victoria's CTV studio or in the mini-studio at the Legislature.

The interview would air on CTV Power Play. The producer has an open time slot at 2 p.m. PST.

The producer had an interview request in yesterday and received a statement from Minister Eby.

**Recommendation****Reporter**

Pippa Reed, Producer  
CKNW AM 980

s.22

**Deadline to schedule** Wednesday, April 18, 2018 5:00 PM

**Request**

The producer would like to schedule a live radio interview with Minister Eby tomorrow morning to discuss the new Sam Cooper story, "How Vancouver became a cautionary tale in the battle against money laundering, and drugs." Minister Eby is interviewed in the story, which is under embargo until Thursday, April 19.

The interview would be 8-10 minutes long with host Jon McComb. There would not be call-ins. The producer has an open time slot tomorrow morning at 7:07 a.m.

**Recommendation****Reporter**

Kumud Azad, Assignment Editor  
CITY TV

s.22

**Deadline to conduct** Wednesday, April 18, 2018 4:00 PM

## Request

The producer would like to schedule a pre-taped Skype interview with Minister Eby to discuss the reference case British Columbia will be filing in the B.C. Court of Appeal.

The interview would be 10-15 minutes long with the producer. Segments of the interview would air later today. She is available between 11 a.m. and 4 p.m. to conduct the interview.

## Recommendation

### Reporter

Justin McElroy, Reporter

CBC - Victoria

s.22

s.22                      c: s.22

**Deadline** ASAP

## Request

The reporter wants to know:

1. How many people will be affected by the amendment that will allow ICBC to cancel the drivers license of a person with more than \$3,000 in arrears?
2. In 2014, government claimed that \$538,000,000 was owed by people who had not paid arrears. Can you provide an updated number?

## Background

- Government introduced legislation on Apr. 17 to strengthen the FMEP.
- Currently, over 9,000 (9,649) FMEP cases have a driver's licence restriction (about 1 case in every 4).
- Approximately 14,000 cases have arrears over \$3000, but some of those live outside BC and another program is doing the enforcement.

**Recommendation – provide on background (Question 1 was approved for a previous response. Q2 needs approval).**

1.
  - **More than 9,600 individuals currently have a driver's licence restriction in place due to arrears with the Family Maintenance Enforcement Program (FMEP). These cases will be individually reviewed if the legislation is passed.**
  - **Currently, FMEP can stop the renewal of a driver's licence as part of an effort to arrange the repayment of significant arrears. This can only happen at renewal, which occurs every five years.**
  - **With the proposed amendments, FMEP would give notice that a driver's**



licence will be cancelled in 30 days unless a repayment plan is established. If that repayment plan fails, the licence can be cancelled immediately.

- For working parents who are required to make support payments, FMEP would typically opt for a more appropriate arrangement, such as deducting support payments directly from wages.
- In many cases, catching up on substantial arrears takes time. The proposed enforcement measure would better ensure that overdue payments are caught up and paid in a sustainable way.

2.

- For 2014, the total arrears outstanding were approximately \$538 million. As of March 2018, the total outstanding was \$589,659,673.
- Each year, approximately \$230 million in maintenance is due. Government collects 91-92% each year, therefore the outstanding arrears will grow by about \$15 million annually.

#### **Reporter**

Glen Korstrom, Reporter  
Business in Vancouver

s.22

**Deadline** ASAP

#### **Request**

The reporter wants information on why private liquor stores are able to sell snacks but future private cannabis stores will not be allowed to. The reporter will be using this response in a story he is working on about spring legislation with comments from MMF.

Background: The reporter also contact Vancouver Coastal Health to ask about health reasons for allowing cannabis retail stores to sell food products. VCH responded earlier today:

"There is no cannabis consumption permitted in stores that will sell cannabis so selling of snacks on site is irrelevant. We're not aware of any evidence that says that eating food while using cannabis reduces harm. Of course, there is evidence along these lines for alcohol."

Question: Why won't cannabis retail stores be allowed to sell food products?

**Recommendation – provide background from Ministry of Attorney General**

- At this time, B.C. is not considering selling food products as part of licensed cannabis stores. This is similar to the approach taken in jurisdictions that previously introduced cannabis sales, such as Washington State. Changes may be considered as the industry develops.

**From:** Butler, Liam GCPE:EX  
**To:** MINCAL, AG AG:EX; Eby, David AG:EX  
**Subject:** Media: News1130  
**Start:** Wednesday, April 18, 2018 5:00:00 PM  
**End:** Wednesday, April 18, 2018 5:05:00 PM  
**Location:** 604 877-4400

---

Topic: Reference case  
Reporter: Marcella Bernardo  
Style: Pre-taped radio interview with the host  
Time: 5:00-5:05 p.m.  
Call: 604 877-4400  
Note:

Page 199 of 428 to/à Page 200 of 428

Withheld pursuant to/removed as

s.14; s.15; s.17

Page 201 of 428

Withheld pursuant to/removed as

s.17; s.14; s.15

Page 202 of 428

Withheld pursuant to/removed as

s.14

**From:** Meggs, Geoff PREM:EX  
**To:** Lloyd, Evan GCPE:EX; Aaron, Sage PREM:EX  
**Cc:** Wright, Don J. PREM:EX; Frampton, Caelie ENV:EX; Smith, George AG:EX; Nash, Amber PREM:EX; Van Meer-Mass, Kate PREM:EX  
**Subject:** REference case announcement  
**Date:** Monday, April 23, 2018 6:05:27 PM

---

Hello everyone:

MDE and MGH just briefed the Premier on the reference case. All is moving forward, in fact, all three would prefer a Thursday morning announcement. I realize this is a day earlier than contemplated, but please make every effort to achieve this.

Geoff

**GEOFF MEGGS**

Chief of Staff, Office of the Premier  
West Annex, Parliament Buildings,  
501 Belleville St, Victoria, BC V8V 2L8  
(250) 356-6271

Page 204 of 428 to/à Page 205 of 428

Withheld pursuant to/removed as

s.14

Page 206 of 428

Withheld pursuant to/removed as

s.13



Page 207 of 428 to/à Page 219 of 428

Withheld pursuant to/removal as

s.14

**From:** [Smith, George AG:EX](#)  
**To:** [Lloyd, Evan GCPE:EX](#)  
**Cc:** [Meggs, Geoff PREM:EX](#); [Aaron, Sage PREM:EX](#); [Kristianson, Eric PREM:EX](#); [Wright, Don J. PREM:EX](#); [Dalzell, Danielle GCPE:EX](#); [Zadavec, Don GCPE:EX](#); [Robins, Shawn GCPE:EX](#); [Harvey, James AG:EX](#); [Zacharias, Mark ENV:EX](#); [Plecas, Bobbi ENV:EX](#)  
**Subject:** Re: Eby tweets - all shipments of diluted bitumen  
**Date:** Tuesday, April 24, 2018 9:41:24 AM

---

The tweet doesn't accurately portray what he said : "apply broadly to shipments of diluted bitumen in B.C."

-George

On Apr 24, 2018, at 9:34 AM, Lloyd, Evan GCPE:EX <[Evan.Lloyd@gov.bc.ca](mailto:Evan.Lloyd@gov.bc.ca)> wrote:

Copyright

**From:** [Aaron. Sage PREM:EX](#)  
**To:** [Dalzell, Danielle GCPE:EX](#)  
**Cc:** [Holmwood, Jen PREM:EX](#); [Smith, George AG:EX](#); [Howlett, Tim GCPE:EX](#)  
**Subject:** Re: Media Strategy for Reference Question Announcement  
**Date:** Tuesday, April 24, 2018 11:41:35 AM

---

I've asked Evan to reconvene the same group that met yesterday at the end of the day today.  
Can we check in then or right after?

Sage  
s.17  
Sent from my mobile device

On Apr 24, 2018, at 11:37 AM, Dalzell, Danielle GCPE:EX <[Danielle.Dalzell@gov.bc.ca](mailto:Danielle.Dalzell@gov.bc.ca)> wrote:

Hi All,  
Do you feel good about the media strategy in place for Thursday?  
Should we meet about this today or tomorrow? I don't need to be involved, I'm just checking in.  
Thank you,  
Danielle  
Danielle Dalzell  
Manager, Special Projects | Cabinet Priorities | Government Communications and Public Engagement  
[Danielle.Dalzell@gov.bc.ca](mailto:Danielle.Dalzell@gov.bc.ca) | 250-893-2096

Page 222 of 428 to/à Page 223 of 428

Withheld pursuant to/removed as

s.14

**From:** [Smith, George AG:EX](#)  
**To:** [Mike De Souza](#)  
**Subject:** Re: contact info  
**Date:** Tuesday, April 24, 2018 3:05:22 PM

---

Thanks Mike, very interesting.  
We have not yet indicated a specific day for filing but we are still on track to do it by April 30th, as the AG has said.

Talk to you soon.

-George

On Apr 24, 2018, at 2:42 PM, Mike De Souza <[s.22](#)> wrote:

Hi George,

I wanted to make sure that you saw this:

<https://www.nationalobserver.com/2018/04/24/kinder-morgan-opponents-suspected-trudeau-government-rigged-its-review-pipeline-federal>

Also, is the Attorney General still filing a reference in court later this week? Or has that already happened?

thanks

Mike

On Thu, Apr 12, 2018 at 7:45 PM, Smith, George AG:EX  
<[George.Smith@gov.bc.ca](mailto:George.Smith@gov.bc.ca)> wrote:

Also, here's my number : 250-208-6794

-George

On Apr 12, 2018, at 3:49 PM, Mike De Souza  
<[s.22](#)>  
wrote:

Hi George,

hope you're doing well and settling into new role in B.C.

Just wanted to pass on my contact info, in case you need it.

Mike

--

Mike De Souza

Managing Editor/Directeur de l'information, National Observer  
123 Slater, Unit 600  
Ottawa, ON  
K1P 5H2

c: +s.22

[www.nationalobserver.com](http://www.nationalobserver.com)<<http://www.nationalobserver.com>>

Twitter: mikedesouza

[<https://www.google.com/a/thevancouverobserver.com/images/logo.gif>]

--

Mike De Souza

Managing Editor/Directeur de l'information, National Observer  
123 Slater, Unit 600  
Ottawa, ON  
K1P 5H2

c: +s.22

[www.nationalobserver.com](http://www.nationalobserver.com)

Twitter: mikedesouza



**From:** [Massy, Michelle E PREM:EX](#)  
**To:** [Eby, David AG:EX](#); [Nanninga, Tanera AG:EX](#); [Arora, Jasleen MCF:EX](#)  
**Subject:** Meeting materials now available on your ipad  
**Date:** Tuesday, April 24, 2018 5:09:21 PM

---

The following files are now available after syncing your iPad:

(iPad)\2018 04 25 cab mtg\

File: Tab\_00\_\_agenda\_\_cab\_20180425.pdf

(iPad)\2018 04 25 cab mtg\

File: Tab\_05a\_AG\_Reference\_Case\_PPT\_180425.pdf

(iPad)\2018 04 25 cab mtg\

File: Tab\_08b\_Late\_OIC\_Summary\_180425.pdf

Please contact PREM Tech support at [prem.tech@gov.bc.ca](mailto:prem.tech@gov.bc.ca) for any issues with your iPad

**From:** [Gibbs, Robb GCPE:EX](#)  
**To:** [Prisiak, Lisa AEST:EX](#)  
**Cc:** [Smith, George AG:EX](#)  
**Subject:** OIC re NCA1  
**Date:** Tuesday, April 24, 2018 5:12:07 PM

---

Hi Lisa,

Turns out the announcement re NCA1 is going to be Thursday now. So we can proceed as normal re signing and release for Thursday.

Tks,

Robb

---

Robb Gibbs

ADM – Strategic Communications

Government Communications & Public Engagement

P: 1-778-698-7469

C: 1-778-584-1242



**From:** [Smith, George AG:EX](#)  
**To:** [Robins, Shawn GCPE:EX](#)  
**Subject:** RE: Speaking Notes Reference  
**Date:** Wednesday, April 25, 2018 10:25:52 AM

---

These need a lot of work.

---

**From:** Robins, Shawn GCPE:EX  
**Sent:** Wednesday, April 25, 2018 10:25 AM  
**To:** Smith, George AG:EX  
**Subject:** Speaking Notes Reference  
**Importance:** High

Here are the SN.

---

**From:** Bianco, Catherine GCPE:EX  
**Sent:** Wednesday, April 25, 2018 10:24 AM  
**To:** Robins, Shawn GCPE:EX  
**Subject:** NR and SN  
**Importance:** High

**From:** [Smith, George AG:EX](#)  
**To:** [Eby, David AG:EX](#)  
**Subject:** Latest version of NR  
**Date:** Wednesday, April 25, 2018 10:47:45 AM  
**Attachments:** [NR - Reference Question - 25APRIL18 - DRAFT V7.docx](#)

---

Please review for approval of your quotes.

The NR may still change as the PO has not given final approval

---

## NEWS RELEASE

For Immediate Release  
[release number]  
April 26, 2018

Office of the Premier  
Ministry of Attorney General  
Ministry of Environment & Climate Change  
Strategy

### **Province submits court reference to protect B.C.'s coast**

VICTORIA – The government of British Columbia submitted a reference question to the B.C. Court of Appeal to affirm its right to protect B.C. from the threat of a diluted bitumen spill.

The reference question concerns provincial autonomy, particularly the rights of British Columbia to regulate the environmental and economic impacts of heavy oils like diluted bitumen transported through the province. It was filed today in the Court of Appeal and can be read here [\[link to reference question\]](#).

“We have asked the courts to confirm B.C.’s powers within our jurisdiction to defend B.C.’s interests so that there is clarity for today and for the generations to come,” said Premier John Horgan. “Our government will continue to stand up for the right to protect B.C.’s environment, economy, and coast.”

On March 12, 2018, the government announced it had retained expert legal counsel to prepare and present a reference case related to B.C.’s right to protect the province’s land, coast and waters.

For its reference, the B.C. government is asking the court to review proposed amendments to the Environmental Management Act that would give the Province authority to regulate impacts of heavy oils like diluted bitumen whose release into the environment would endanger human health, the environment, and communities.

“We have been clear from the outset that the appropriate way to resolve disagreements over jurisdiction is through the courts, not through threats or unlawful measures to target citizens of another province,” said Attorney General David Eby. “This reference question seeks to confirm the scope and extent of provincial powers to regulate environmental and economic risks related to heavy oils like diluted bitumen.”

The province has been engaged with Indigenous groups, industry, environmental organizations and local governments to improve spill response in British Columbia.

“Our government is working to protect our economy, environment and communities by making sure we have effective spills prevention, response and recovery in place,” said Minister of Environment and Climate Change Strategy George Heyman. “A single spill of diluted bitumen would put at risk tens of thousands of jobs across B.C. We have a responsibility to ensure that

every measure to reduce risks is in place, and that those responsible for spills are held accountable for fixing any environmental damage they cause.”

In January 2018, B.C. proposed a second phase of regulations to improve preparedness, response and recovery from potential spills. The regulations would apply to pipelines that transported any quantity of liquid petroleum products, as well as rail or truck operation transporting more than 10,000 litres of liquid petroleum products. The proposed regulations would ensure geographically appropriate response plans, improve response times, ensure compensation for loss of public use of land and maximize the application of regulations to marine transport.

This work builds on the first phase of new spill regulations, approved in October 2017 under the Environmental Management Act, which established a standard of preparedness, response and recovery necessary to protect B.C.’s environment.

### **Quick Facts**

- A legal reference is an advisory opinion on a point of law. The B.C. Court of Appeal is the highest court to which the Province can send a reference question.
- British Columbia’s reference seeks to clarify provincial jurisdiction with regard to regulating the potential impacts of heavy oils like bitumen that would endanger human health, the environment, and communities.
- B. C. has had two recent references – one regarding the constitutionality of polygamy and one related to third-party advertising in elections.

### **Learn More**

Constitution Question Act: <https://bit.ly/2Hh9yoE>

British Columbia Court of Appeal: [http://www.courts.gov.bc.ca/Court\\_of\\_Appeal/](http://www.courts.gov.bc.ca/Court_of_Appeal/)

### **Media contact:**

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Environment and Climate Change Strategy  
250 953-3834

○

**From:** [Smith, George AG:EX](#)  
**To:** [Eby, David AG:EX](#)  
**Subject:** RE: Latest version of NR  
**Date:** Wednesday, April 25, 2018 11:00:12 AM

---

Thanks

---

**From:** Eby, David AG:EX  
**Sent:** Wednesday, April 25, 2018 10:57 AM  
**To:** Smith, George AG:EX  
**Subject:** Re: Latest version of NR

This sentence needs help:

- A legal reference is an advisory opinion on a point of law.

change to:

A legal reference is a question or questions on a point of law referred to a court by government for resolution. The answer of the court is effective as a judgment of that court.

On Apr 25, 2018, at 10:47 AM, Smith, George AG:EX <[George.Smith@gov.bc.ca](mailto:George.Smith@gov.bc.ca)> wrote:

Please review for approval of your quotes.

The NR may still change as the PO has not given final approval

**From:** [Smith, George AG:EX](#)  
**To:** [Eby, David AG:EX](#)  
**Subject:** Speaking notes  
**Date:** Wednesday, April 25, 2018 11:11:03 AM  
**Attachments:** [NR - Reference Question - 25APRIL18 - DRAFT V7.AG.edits.docx](#)

---

For your review and edits.

**George Smith**

Senior Ministerial Assistant to the Honourable David Eby

Office of the Attorney General

P: 250-952-6796 | C: 250-208-6794 | E: [george.smith@gov.bc.ca](mailto:george.smith@gov.bc.ca)

Speaking Notes for the

**Hon. David Eby**  
**Attorney General**

Reference Question

Press Theatre – Parliament Buildings  
Victoria, B.C.

Thurs., April 26, 2018  
Time TBD



## Event Information/Speaking Notes

---

**Event:** Reference Question  
**When:** Thurs., April 26, 2018  
**Speaking time:** TBC  
**Where:** Press Theatre, Parliament Buildings, Victoria  
**Contact for AG:** Shawn Robins, cell phone <sup>s.17</sup>  
**Logistics:** Flags, podium, mics, dial-in Q&A with media

**Key Participants:**

- Premier John Horgan
- Minister of Environment & Climate Change Strategy George Heyman
- Attorney General David Eby

**Other attendees:**

**Audience size:** Media only, in person and over the phone

Page 237 of 428 to/à Page 240 of 428

Withheld pursuant to/removed as

s.13

**From:** [Smith, George AG:EX](#)  
**To:** [Dalzell, Danielle GCPE:EX](#); [Lloyd, Evan GCPE:EX](#); [Robins, Shawn GCPE:EX](#)  
**Cc:** [Zadravec, Don GCPE:EX](#); [Howlett, Tim GCPE:EX](#); [Crebo, David GCPE:EX](#); [Devereux, Rick GCPE:EX](#); [Kristianson, Eric PREM:EX](#)  
**Subject:** RE: Technical Briefing - Reference Case PPT, v02  
**Date:** Wednesday, April 25, 2018 1:14:52 PM

---

Yes, it will need to be moved. We can do that at 2pm

---

**From:** Dalzell, Danielle GCPE:EX  
**Sent:** Wednesday, April 25, 2018 12:51 PM  
**To:** Lloyd, Evan GCPE:EX; Robins, Shawn GCPE:EX  
**Cc:** Zadravec, Don GCPE:EX; Howlett, Tim GCPE:EX; Crebo, David GCPE:EX; Smith, George AG:EX; Devereux, Rick GCPE:EX; Kristianson, Eric GCPE:EX  
**Subject:** RE: Technical Briefing - Reference Case PPT, v02  
Calvin has added the schedule to this version. We can move around or change as needed.

---

**From:** Lloyd, Evan GCPE:EX  
**Sent:** Wednesday, April 25, 2018 12:15 PM  
**To:** Robins, Shawn GCPE:EX  
**Cc:** Dalzell, Danielle GCPE:EX; Zadravec, Don GCPE:EX; Howlett, Tim GCPE:EX; Crebo, David GCPE:EX; Smith, George AG:EX; Devereux, Rick GCPE:EX; Kristianson, Eric GCPE:EX  
**Subject:** Re: Technical Briefing - Reference Case PPT, v02  
The Schedule is a small box at the bottom of page 4/4 of the final OIC Appendix. This would be provided by AG

Sent from my iPhone

On Apr 25, 2018, at 11:34 AM, Robins, Shawn GCPE:EX <[Shawn.1.Robins@gov.bc.ca](mailto:Shawn.1.Robins@gov.bc.ca)> wrote:

I don't have a copy of the schedule being referenced. Cal Jones in Graphics would make any changes. Would it not be best to wait until 2:00 and capture all the changes at once?

---

**From:** Dalzell, Danielle GCPE:EX  
**Sent:** Wednesday, April 25, 2018 11:31 AM  
**To:** Robins, Shawn GCPE:EX  
**Cc:** Zadravec, Don GCPE:EX; Howlett, Tim GCPE:EX; Crebo, David GCPE:EX; Smith, George AG:EX; Devereux, Rick GCPE:EX; Lloyd, Evan GCPE:EX; Kristianson, Eric GCPE:EX  
**Subject:** RE: Technical Briefing - Reference Case PPT, v02

Shawn,

Can someone on your team make these changes are resend?

Thank you,

Danielle

---

**From:** Lloyd, Evan GCPE:EX  
**Sent:** Wednesday, April 25, 2018 11:19 AM  
**To:** Kristianson, Eric GCPE:EX  
**Cc:** Dalzell, Danielle GCPE:EX; Zadravec, Don GCPE:EX; Howlett, Tim GCPE:EX; Crebo, David GCPE:EX; Smith, George AG:EX; Devereux, Rick GCPE:EX; Robins, Shawn GCPE:EX  
**Subject:** Re: Technical Briefing - Reference Case PPT, v02

The OIC Schedule has a simple box the contains the Schedule- this defines heavy oil and the volume threshold- it could be integrated.

Sent from my iPhone

On Apr 25, 2018, at 11:07 AM, Kristianson, Eric GCPE:EX  
<[Eric.Kristianson@gov.bc.ca](mailto:Eric.Kristianson@gov.bc.ca)> wrote:

My only question is slide 7 and the reference to hazardous materials rather than being more specific to heavy oil/dilbit

---

**From:** Dalzell, Danielle GCPE:EX  
**Sent:** Wednesday, April 25, 2018 10:58 AM  
**To:** Zadravec, Don GCPE:EX; Lloyd, Evan GCPE:EX; Kristianson, Eric GCPE:EX; Howlett, Tim GCPE:EX; Crebo, David GCPE:EX; Smith, George AG:EX; Devereux, Rick GCPE:EX  
**Cc:** Robins, Shawn GCPE:EX  
**Subject:** RE: Technical Briefing - Reference Case PPT, v02  
Please let me know if you have any concerns with this deck. If not it will go into the final package.

---

**From:** Zadravec, Don GCPE:EX  
**Sent:** Wednesday, April 25, 2018 10:23 AM  
**To:** Lloyd, Evan GCPE:EX; Kristianson, Eric GCPE:EX; Dalzell, Danielle GCPE:EX; Howlett, Tim GCPE:EX; Crebo, David GCPE:EX; Smith, George AG:EX; Devereux, Rick GCPE:EX  
**Cc:** Robins, Shawn GCPE:EX  
**Subject:** FW: Technical Briefing - Reference Case PPT, v02  
**Importance:** High  
Please see attached.

---

**From:** Bianco, Catherine GCPE:EX  
**Sent:** Wednesday, April 25, 2018 10:14 AM  
**To:** Zadravec, Don GCPE:EX  
**Cc:** Robins, Shawn GCPE:EX  
**Subject:** Technical Briefing - Reference Case PPT, v02  
**Importance:** High  
Hello Don -- here's the presentation put together by Cal Jones.  
Can you let us know who should get this prior to the briefing this afternoon or do you prefer to distribute it?  
Catherine

**From:** [Smith, George AG:EX](#)  
**To:** [Eby, David AG:EX](#)  
**Subject:** materials for presser  
**Date:** Wednesday, April 25, 2018 3:12:00 PM  
**Attachments:** [20180426\\_BG\\_AG\\_Reference\\_Question\\_V1.docx](#)  
[SN -MDE Reference Question - 24APRIL18 - DRAFT\\_edits.docx](#)

---

## **Backgrounder**

### **What is a Legal Reference?**

A reference is an advisory opinion.

The government of B.C. can refer any matter to the Court of Appeal or to the B.C. Supreme Court under the Constitutional Question Act. The question is approved by Cabinet and set out in an Order in Council, which will be available on B.C. Laws.

If a matter is referred to the B.C. Supreme Court, the decision can be appealed to the Court of Appeal. References heard by the Court of Appeal avoid the delay and expense of going through two levels of court.

After a reference is filed, notice must be given to the Attorney General of Canada.

In addition, the court may direct other interested parties be notified of the hearing. These interested parties are entitled to be heard. The court will set a date for hearing the reference question.

After the hearing date, the B.C. Court of Appeal will deliberate, then release its advisory opinion. The court will determine when it releases its opinion.

### **What is British Columbia's Reference?**

British Columbia's reference to the B.C. Court of Appeal is about the relationship between the Province's jurisdiction to regulate potential impacts that endanger human health, the environment or communities and the federal government's jurisdiction over federal undertakings, such as pipelines.

The courts have repeatedly affirmed that provinces may regulate within their jurisdiction, even in areas that overlap with federal jurisdiction. In the case of *Coastal First Nations v. British Columbia*, the BC Supreme Court affirmed the ability of provinces to regulate impacts of projects even if they are federal undertakings writing:

"to disallow any provincial regulation over the project because it engages a federal undertaking would significantly limit the province's ability to protect social, cultural and economic interests in its lands and waters."

"It would go against the current trend in the jurisprudence favouring, where possible, co-operative federalism."

For its reference the B.C. government is asking the court to review proposed amendments to the Environmental Management Act that would give the Province authority to regulate impacts of heavy oils like bitumen whose release into the environment would endanger human health, the environment or communities.

The proposed legislation would require that a person in transporting such substances above certain minimum levels would need to obtain a permit from the provincial Director of Waste Management. Under the proposed legislation the Director may impose certain conditions on the permits.

The Province then asks the court to answer several questions in relation to the proposed amendments:

- Is the draft legislation within provincial jurisdiction to enact?
- Would the draft legislation be applicable to hazardous substances brought into British Columbia by means of an interprovincial undertaking such as a pipeline?
- Is there any federal legislation that is inconsistent with the proposed amendments that would render the proposed amendments inoperative?

Speaking Notes for the

**Hon. David Eby**  
**Attorney General**

Reference Question

Press Theatre – Parliament Buildings  
Victoria, B.C.

Thurs., April 26, 2018  
Time TBD



## Event Information/Speaking Notes

---

**Event:** Reference Question  
**When:** Thurs., April 26, 2018  
**Speaking time:** TBC  
**Where:** Press Theatre, Parliament Buildings, Victoria  
**Contact for AG:** Shawn Robins, cell phone s.17  
**Logistics:** Flags, podium, mics, dial-in Q&A with media

**Key Participants:**

- Premier John Horgan
- Minister of Environment & Climate Change Strategy George Heyman
- Attorney General David Eby

**Other attendees:**

**Audience size:** Media only, in person and over the phone

Page 248 of 428 to/à Page 252 of 428

Withheld pursuant to/removed as

s.13

**From:** [Eby, David AG:EX](#)  
**To:** [Smith, George AG:EX](#)  
**Subject:** 20180426\_BG\_AG\_Reference Question\_V1  
**Date:** Wednesday, April 25, 2018 3:49:28 PM  
**Attachments:** [20180426\\_BG\\_AG\\_Reference Question\\_V1.docx](#)

---

Backgrounder.

Page 254 of 428 to/à Page 255 of 428

Withheld pursuant to/removed as

s.13

**From:** [Smith, George AG:EX](#)  
**To:** [Eby, David AG:EX](#)  
**Subject:** Revised Speaking Notes Reference  
**Date:** Wednesday, April 25, 2018 4:02:18 PM  
**Attachments:** [SN -MDE Reference Question - 24APRIL18 - DRAFT.docx](#)

---

## Speaking Notes for the

**Hon. David Eby**  
**Attorney General**

Reference Question

Press Theatre – Parliament Buildings  
Victoria, B.C.

Thurs., April 26, 2018  
Time TBD

## Event Information/Speaking Notes

---

**Event:** Reference Question  
**When:** Thurs., April 26, 2018  
**Speaking time:** TBC  
**Where:** Press Theatre, Parliament Buildings, Victoria  
**Contact for AG:** Shawn Robins, cell phone<sup>s.17</sup>  
**Logistics:** Flags, podium, mics, dial-in Q&A with media

**Key Participants:**

- Premier John Horgan
- Minister of Environment & Climate Change Strategy George Heyman
- Attorney General David Eby

**Other attendees:**

**Audience size:** Media only, in person and over the phone

## **Introduction**

- Good afternoon.
- Today British Columbia is taking steps within the law to protect the health of its people, its environment and its communities.
- That is the heart of our concern.
- Our actions are aimed at seeking certainty over our rights and obligations to control substances coming into the province that could potentially cause devastating environmental harms.
- The substances we are talking about include heavy oil and heavy oil products.
- This question of British Columbia's legal authority to control the movement of such substances through the province is a question that deserves an answer, and that is why we are taking it to the highest court in B.C.



- Our approach to this reference is to ask the court to review proposed amendments to the Environmental Management Act.
- The amendments would give the Province authority to specify certain hazardous substances, like diluted bitumen and other heavy oil products, that could potentially harm human health, the environment and communities.
- We are moving forward with transparency as we pose our questions to the B.C. Court of Appeal.
- We're asking the court to review these proposed amendments.
- We are asking the court to answer several questions related to the proposed amendments. These questions are:
  - Is the draft legislation within provincial jurisdiction to enact?

- Would the draft legislation be applicable to hazardous substances brought into British Columbia by way of an interprovincial undertaking such as a pipeline?
- Is there any federal legislation that is inconsistent with the proposed amendments that would make the proposed amendments inoperative?
- The Constitutional Question Act gives us the right to refer questions of law (that is legal questions that do not arise from traditional legal disputes between parties).
- Government will look to B.C.'s highest court to give us guidance on whether there are other interested parties who should be heard.
- The court will determine who should receive notice, set times for exchange of arguments and decide when the matter will be heard.

- It is up to the federal government, along with any other provincial government or stakeholder to make a request to participate in the reference.
- Our government will continue to pursue all lawful measures, in cooperation with all levels of government, to protect human health, the environment and our communities.

-END-

**From:** [Eby, David AG:EX](#)  
**To:** [Smith, George AG:EX](#)  
**Subject:** SN -MDE Reference Question - 24APRIL18 - DRAFT  
**Date:** Wednesday, April 25, 2018 4:22:51 PM  
**Attachments:** [SN -MDE Reference Question - 24APRIL18 - DRAFT.docx](#)

---

Track changes.

D.

Speaking Notes for the

**Hon. David Eby**  
**Attorney General**

Reference Question

Press Theatre – Parliament Buildings  
Victoria, B.C.

Thurs., April 26, 2018  
Time TBD

## Event Information/Speaking Notes

---

**Event:** Reference Question  
**When:** Thurs., April 26, 2018  
**Speaking time:** TBC  
**Where:** Press Theatre, Parliament Buildings, Victoria  
**Contact for AG:** Shawn Robins, cell phone<sup>s.17</sup>  
**Logistics:** Flags, podium, mics, dial-in Q&A with media

**Key Participants:**

- Premier John Horgan
- Minister of Environment & Climate Change Strategy George Heyman
- Attorney General David Eby

**Other attendees:**

**Audience size:** Media only, in person and over the phone

## **Introduction**

- Good afternoon.
- Today British Columbia is taking steps within the law to protect the health of its people, its environment, its economy, and its communities.
- That is the heart of our concern.
- Our actions are aimed at seeking certainty over our rights and obligations to control substances coming into the province that could potentially cause devastating environmental and economic harms if they were spilled.
- The substances we are talking about include heavy oil and heavy oil products, sometimes called “dilbit”.
- We believe British Columbia has legal authority to regulate the movement of such substances through the province by permit. Others disagree. This is a question that deserves an answer, and certainty, and that is why

we are taking it to the highest court in B.C., the highest court to which we can refer a question of this nature.

- Our approach to this reference is to ask the court to review proposed amendments to the Environmental Management Act.
- The amendments would give the Province authority to place a permit, with conditions (for example conditions that require steps to be taken to mitigate the risk of a spill of diluted bitumen and other heavy oil products) before permitting them into the province above a specified minimum level.
- We are moving forward with transparency, and with respect for the rule of law, as we pose our constitutional questions to the B.C. Court of Appeal.
- We're asking the court to review our proposed amendments and answer several questions related to the proposed amendments that engage the constitutional doctrines of validity, interjurisdictional immunity, and supremacy.



- These questions are:
  - Is the draft legislation within provincial jurisdiction to enact? (Validity)
  - Would the draft legislation be applicable to hazardous substances brought into British Columbia by way of an interprovincial undertaking such as a pipeline? (Interjurisdictional immunity)
  - Is there any federal legislation that is inconsistent with the proposed amendments that would make the proposed amendments inoperative? (supremacy)
- The Constitutional Question Act gives us the right to refer questions of law like this to the BC Supreme Court or the BC Court of Appeal for resolution.
- We will be providing notice of the application to each of the provincial Attorneys General in Canada, as well as the Federal Justice Minister, which is required by our Constitutional Question Act.

- On receiving BC's referral, the Court of Appeal will give the province guidance on whether there are other interested parties who should be heard on this matter.
- Specifically, the Court will determine who else should receive notice, will set times for exchange of arguments and decide when the matter will be heard.
- It is up to the federal government, along with any other provincial government or stakeholder to make a request of the Court to participate in the reference.
- Our government will continue to pursue all lawful measures, in cooperation with all levels of government, to protect human health, the environment, our economy, and our communities.

-END-

**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Eby, David AG:EX](#); [Smith, George AG:EX](#); [Milne, Gala AG:EX](#); [Harder, Derrick AG:EX](#); [Nelson, Tiffany MCF:EX](#)  
**Subject:** Fwd: AG morning summary - April 26, 2018  
**Date:** Thursday, April 26, 2018 7:23:22 AM

---

Electoral reform, reference question, whistleblower protection legislation, cannabis legislation, ICBC caps.

Sent from my iPhone

Begin forwarded message:

**From:** "Butler, Liam GCPE:EX" <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)>  
**Date:** April 26, 2018 at 7:13:55 AM PDT  
**To:** "Robins, Shawn GCPE:EX" <[Shawn.1.Robins@gov.bc.ca](mailto:Shawn.1.Robins@gov.bc.ca)>  
**Subject:** AG morning summary - April 26, 2018

**AG Morning Summary**  
Thursday, April 26, 2018

- [Changes good for drivers or just ICBC? - Les Leyne - The Daily Courier \(Kelowna\) - 26-Apr-2018](#)
- [Eby - electoral reform - CHNL - CHNL \(Kamloops\) - 26-Apr-2018](#)
- [Horgan - child care, indigenous veto & PR vote - Horgan confcall following Journey to Freedom Day event - Scrum - 25-Apr-2018](#)
- [Eby - whistleblower legislation - Eby - minister following PMQP - Scrum - 25-Apr-2018](#)
- [New legislation to protect civil servant whistleblowers - Rob Shaw - Vancouver Sun - 26-Apr-2018](#)
- [In pipeline court appeal, B.C. to argue science not settled on diluted bitumen - Justine Hunter - Globe and Mail - 26-Apr-2018](#)
- [Government to plug leaky election finance legislation - Mike Klassen - Vancouver Courier - 26-Apr-2018](#)
- [Prince Rupert officer charged after striking pedestrian makes first court appearance - Staff - The Northern View - 25-Apr-2018](#)
- [Comeau ruling defies economic, common sense - Sylvain Charlebois - The Daily Courier \(Kelowna\) - 26-Apr-2018](#)
- [Province seeking pot enforcement czar - Randy Shore - The Province - 26-Apr-](#)

2018

**Changes good for drivers or just ICBC?**

The Daily Courier (Kelowna)

Thursday, April 26, 2018

Page A08

By Les Levne

Copyright

Copyright

**Eby - electoral reform**

CHNL

Thursday, April 26, 2018, 06:02

By CHNL

Copyright

**Horgan - child care, indigenous veto & PR vote**











Copyright

**Eby - whistleblower legislation**  
Scrum  
Wednesday, April 25, 2018  
Copyright

n

t

:

s

l

z

d

e

h.

Copyright

**New legislation to protect civil servant whistleblowers**

Vancouver Sun

Thursday, April 26, 2018

Page A03

By Rob Shaw

Copyright

**In pipeline court appeal, B.C. to argue science not settled on diluted bitumen**

Globe and Mail

Thursday, April 26, 2018

Page A06

By Justine Hunter



Copyright

**Government to plug leaky election finance legislation**

Vancouver Courier

Thursday, April 26, 2018

Page A10

By Mike Klassen

Copyright

**Prince Rupert officer charged after striking pedestrian makes first court appearance**

The Northern View

Wednesday, April 25, 2018

By Staff

Copyright

**Comeau ruling defies economic, common sense**

The Daily Courier (Kelowna)



Thursday, April 26, 2018  
Page A08  
By Sylvain Charlebois  
Copyright

Copyright

**Province seeking pot enforcement czar**

The Province

Thursday, April 26, 2018

Page A15

By Randy Shore

Copyright



**From:** [Dalzell, Danielle GCPE:EX](#)  
**To:** [Lloyd, Evan GCPE:EX](#); [Howlett, Tim GCPE:EX](#); [Zadravec, Don GCPE:EX](#); [Kristianson, Eric PREM:EX](#); [Robins, Shawn GCPE:EX](#); [Crebo, David GCPE:EX](#)  
**Cc:** [Aaron, Sage PREM:EX](#); [Smith, George AG:EX](#); [Frampton, Caelie ENV:EX](#); [Devereux, Rick GCPE:EX](#)  
**Subject:** UPDATED FINAL DRAFTS  
**Date:** Thursday, April 26, 2018 8:00:20 AM  
**Attachments:** [20180426\\_SN\\_PJH\\_Reference\\_Question\\_V2\\_FINAL.docx](#)  
[SN -MDE Reference Question - 24APRIL18 - FINAL.docx](#)  
[SN -MGH- Reference Question - 24APRIL18 - FINAL.docx](#)  
[2018PREM0019-000742.pdf](#)  
[20180426 - Reference Case QA v6.docx](#)  
[Media\\_TechnicalBriefing\\_ReferencePPT\\_v05.pdf](#)  
[Media\\_TechnicalBriefing\\_ReferencePPT\\_v05.pptx](#)

---

\*\*UPDATED NR, QA and Tech pdf/ppt.

The NR has been sent to Shawn/Vancouver team to print and deliver onsite.

It will be sent out on a trigger at approximately 9:15.

The updated ppt has been delivered to Vancouver and Victoria Tech briefing venues.

---

**From:** Dalzell, Danielle GCPE:EX  
**Sent:** Wednesday, April 25, 2018 6:21 PM  
**To:** Lloyd, Evan GCPE:EX; Howlett, Tim GCPE:EX; Zadravec, Don GCPE:EX; Kristianson, Eric GCPE:EX; Robins, Shawn GCPE:EX; Crebo, David GCPE:EX  
**Cc:** Aaron, Sage PREM:EX; Smith, George AG:EX; Frampton, Caelie ENV:EX; Devereux, Rick GCPE:EX  
**Subject:** FINAL drafts for tomorrow

Hello,

Attached are the final drafts of the documents for tomorrow.

Public Facing:

- New Release including R.Q., AG BG, ENV BG (NOTE: I will send version marked FINAL tomorrow morning be printed for Vancouver and Victoria News conferences.)
- PDF – Tech Briefing

Internal use only:

- SN-PJH
- SN - MDE
- SN-MGH
- QA
- PPT –Tech Briefing

Please read these and let me know if you have any questions or concerns.

Thank you,

Danielle

Danielle Dalzell

Manager, Special Projects | Cabinet Priorities | Government Communications and Public Engagement

[Danielle.Dalzell@gov.bc.ca](mailto:Danielle.Dalzell@gov.bc.ca) | 250-893-2096

---

## NEWS RELEASE

For Immediate Release  
2018PREM0019-000742  
April 26, 2018

Office of the Premier  
Ministry of Attorney General  
Ministry of Environment and Climate Change Strategy

### **Province submits court reference to protect B.C.'s coast**

VICTORIA – The Government of British Columbia has submitted a reference question to the B.C. Court of Appeal today to affirm its right to protect B.C. from the threat of a diluted bitumen spill.

The reference question concerns provincial autonomy, particularly the rights of British Columbia to regulate the environmental and economic impacts of heavy oils, like diluted bitumen, transported through the province. It was filed today in the B.C. Court of Appeal.

“We have asked the courts to confirm B.C.’s powers within our jurisdiction to defend B.C.’s interests, so that there is clarity for today and for the generations to come,” said Premier John Horgan. “Our government will continue to stand up for the right to protect B.C.’s environment, economy and coast.”

On March 12, 2018, the government announced it had retained expert legal counsel to prepare and present a reference case related to B.C.’s right to protect the province’s land, coast and waters.

For its reference, the B.C. government is asking the court to review proposed amendments to the Environmental Management Act that would give the Province authority to regulate impacts of heavy oils, like diluted bitumen, which, when released into the environment, would endanger human health, the environment and communities.

“We have been clear from the outset that the appropriate way to resolve disagreements over jurisdiction is through the courts, not through threats or unlawful measures to target citizens of another province,” said David Eby, Attorney General. “This reference question seeks to confirm the scope and extent of provincial powers to regulate environmental and economic risks related to heavy oils like diluted bitumen.”

The Province has been engaged with Indigenous groups, industry, environmental organizations and local governments to improve spill response in British Columbia.

“Our government is working to protect our economy, environment and communities by making sure we have effective spills prevention, response and recovery in place,” said George Heyman, Minister of Environment and Climate Change Strategy. “A single spill of diluted bitumen would put at risk tens of thousands of jobs across B.C. We have a responsibility to ensure that every measure to reduce risks is in place, and that those responsible for spills are held accountable for fixing any environmental damage they cause.”

In January 2018, B.C. proposed a second phase of regulations to improve preparedness,

response and recovery from potential spills. The regulations would apply to pipelines transporting any quantity of liquid petroleum products, as well as rail or truck operations transporting more than 10,000 litres of liquid petroleum products.

The proposed regulations would ensure geographically appropriate response plans, improve response times, ensure compensation for loss of public use of land and maximize the application of regulations to marine transport.

This work builds on the first phase of new spill regulations, approved in October 2017, under the Environmental Management Act, which established a standard of preparedness, response and recovery necessary to protect B.C.'s environment.

**Quick Facts:**

- A legal reference is an advisory opinion on a point of law. The B.C. Court of Appeal is the highest court to which the Province can send a reference question.
- British Columbia's reference seeks to clarify provincial jurisdiction with regard to regulating the potential impacts of heavy oils, like bitumen, that would endanger human health, the environment and communities.
- B.C. has had two recent references: One regarding the constitutionality of polygamy, and one related to third-party advertising in elections.

**Learn More:**

Constitution Question Act: <https://bit.ly/2Hh9yoE>

British Columbia Court of Appeal: [http://www.courts.gov.bc.ca/Court\\_of\\_Appeal/](http://www.courts.gov.bc.ca/Court_of_Appeal/)

Three backgrounders follow.

**Contacts:**

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change  
Strategy  
250 953-3834

---

Connect with the Province of B.C. at: [news.gov.bc.ca/connect](https://news.gov.bc.ca/connect)

---

## BACKGROUND 1

For Immediate Release  
2018PREM0019-000742  
April 26, 2018

Office of the Premier  
Ministry of Attorney General  
Ministry of Environment and Climate Change Strategy

### **Order-in-council and Reference Question**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the questions set out below be referred to the British Columbia Court of Appeal for hearing and consideration under the *Constitutional Question Act*:

- 1 Is it within the legislative authority of the Legislature of British Columbia to enact legislation substantially in the form set out in the attached Appendix?
- 2 If the answer to question 1 is yes, would the attached legislation be applicable to hazardous substances brought into British Columbia by means of interprovincial undertakings?
- 3 If the answers to questions 1 and 2 are yes, would existing federal legislation render all or part of the attached legislation inoperative?

### **APPENDIX**

#### ***Environmental Management Act***

***1 The following Part is added to the Environmental Management Act, S.B.C. 2003, c. 53:***

#### **PART 2.1 – HAZARDOUS SUBSTANCE PERMITS**

##### **Purposes**

**22.1** The purposes of this Part are

- (a) to protect, from the adverse effects of releases of hazardous substances,
  - (i) British Columbia's environment, including the terrestrial, freshwater, marine and atmospheric environment,
  - (ii) human health and well-being in British Columbia, and
  - (iii) the economic, social and cultural vitality of communities in British Columbia, and
- (b) to implement the polluter pays principle.

##### **Interpretation**

**22.2** The definition of "permit" in section 1 (1) does not apply to this Part.

##### **Requirement for hazardous substance permits**

**22.3** (1) In the course of operating an industry, trade or business, a person must not, during a calendar year, have possession, charge or control of a substance listed in Column 1 of the Schedule, and defined in Column 2 of the Schedule, in a total amount equal to or greater than

the minimum amount set out in Column 3 of the Schedule unless a director has issued a hazardous substance permit to the person to do so.

(2) Subsection (1) does not apply to a person who has possession, charge or control of a substance on a ship.

### **Issuance of hazardous substance permits**

**22.4** (1) Subject to subsection (2), on application by a person, a director may issue to the applicant a hazardous substance permit referred to in section 22.3 (1).

(2) Before issuing the hazardous substance permit, the director may require the applicant to do one or more of the following:

(a) provide information documenting, to the satisfaction of the director,

(i) the risks to human health or the environment that are posed by a release of the substance, and

(ii) the types of impacts that may be caused by a release of the substance and an estimate of the monetary value of those impacts;

(b) demonstrate to the satisfaction of the director that the applicant

(i) has appropriate measures in place to prevent a release of the substance,

(ii) has appropriate measures in place to ensure that any release of the substance can be minimized in gravity and magnitude, through early detection and early response, and

(iii) has sufficient capacity, including dedicated equipment and personnel, to be able to respond effectively to a release of the substance in the manner and within the time specified by the director;

(c) post security to the satisfaction of the director, or demonstrate to the satisfaction of the director that the applicant has access to financial resources including insurance, in order to ensure that the applicant has the capacity

(i) to respond to or mitigate any adverse environmental or health effects resulting from a release of the substance, and

(ii) to provide compensation that may be required by a condition attached to the permit under section 22.5 (b) (ii);

(d) establish a fund for, or make payments to, a local government or a first nation government in order to ensure that the local government or the first nation government has the capacity to respond to a release of the substance;

(e) agree to compensate any person, the government, a local government or a First Nations government for damages resulting from a release of the substance, including damages for any costs incurred in responding to the release, any costs related to ecological recovery and restoration, any economic loss and any loss of non-use value.

### **Conditions attached to hazardous substance permits**

**22.5** A director may, at any time, attach one or more of the following conditions to a hazardous substance permit:

(a) conditions respecting the protection of human health or the environment, including conditions requiring the holder of the permit

(i) to implement and maintain appropriate measures to prevent a release of the substance,

(ii) to implement and maintain appropriate measures to ensure that any release of the substance can be minimized in gravity and magnitude, through early detection and early response, and

(iii) to maintain sufficient capacity, including dedicated equipment and personnel, to be able to



respond effectively to a release of the substance in the manner and within the time specified by the director;

(b) conditions respecting the impacts of a release of the substance, including conditions requiring the holder of the permit

(i) to respond to a release of a substance in the manner and within the time specified by the director, and

(ii) to compensate, without proof of fault or negligence, any person, the government, a local government or a First Nations government for damages referred to in section 22.4 (2) (e).

### **Suspension or cancellation of hazardous substance permits**

**22.6** (1) Subject to this section, a director, by notice served on the holder of a hazardous substance permit, may suspend the permit for any period or cancel the permit.

(2) A notice served under subsection (1) must state the time at which the suspension or cancellation takes effect.

(3) A director may exercise the authority under subsection (1) if a holder of a hazardous substance permit fails to comply with the conditions attached to the permit.

### **Restraining orders**

**22.7** (1) If a person, by carrying on an activity or operation, contravenes section 22.3 (1), the activity or operation may be restrained in a proceeding brought by the minister in the Supreme Court.

(2) The making of an order by the court under subsection (1) in relation to a matter does not interfere with the imposition of a penalty in respect of an offence in relation to the same contravention.

### **Offence and penalty**

**22.8** A person who contravenes section 22.3 (1) commits an offence and is liable on conviction to a fine not exceeding \$400 000 or imprisonment for not more than 6 months, or both.

### **Power to amend Schedule**

**22.9** The Lieutenant Governor in Council may, by regulation, add substances, their definitions and their minimum amounts to the Schedule and delete substances, their definitions and their minimum amounts from the Schedule.

### ***2 The following Schedule is added:***

#### **SCHEDULE [section 22.3 (1)]**

**Substance:** Heavy Oil

#### **Definition of Substance:**

a) a crude petroleum product that has an American Petroleum Institute gravity of 22 or less, or  
(b) a crude petroleum product blend containing at least one component that constitutes 30% or more of the volume of the blend and that has either or both of the following:

(i) an American Petroleum Institute gravity of 10 or less,

(ii) a dynamic viscosity at reservoir conditions of at least 10 000 centipoise.

**Minimum Amount of Substance:**

The largest annual amount of the annual amounts of the substance that the person had possession, charge or control of during each of 2013 to 2017.

**Contacts:**

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change  
Strategy  
250 953-3834

---

Connect with the Province of B.C. at: [news.gov.bc.ca/connect](https://news.gov.bc.ca/connect)

---

## BACKGROUND 2

For Immediate Release  
2018PREM0019-000742  
April 26, 2018

Office of the Premier  
Ministry of Attorney General  
Ministry of Environment and Climate Change Strategy

### **What is a legal reference?**

A reference is a process where government can refer a legal question or questions to a court for determination. The answer of the court in a reference process is treated as a decision of that court.

The Government of British Columbia can refer any matter to the Court of Appeal or to the B.C. Supreme Court under the Constitutional Question Act. The question is approved by cabinet, and set out in an order-in-council, which will be available on the B.C. Laws website.

If a matter is referred to the B.C. Supreme Court, the decision can be appealed to the Court of Appeal. References heard by the Court of Appeal avoid the delay and expense of going through two levels of court.

After a reference is filed, notice must be given to the Attorney General of Canada.

In addition, the court may direct other interested parties be notified of the hearing. These interested parties are entitled to be heard. The court will set a date for hearing the reference question.

After the hearing date, the B.C. Court of Appeal will deliberate, then release its decision. The court will determine when it releases its decision, which is treated as a decision of that court, and can be appealed.

Proposed legislation referred to a court for its advice may not necessarily be enacted. To be validly binding, the proposed legislation would need to go through the ordinary process, including being passed by the British Columbia legislature.

### **What is British Columbia's reference?**

British Columbia's reference to the B.C. Court of Appeal is about the relationship between the Province's authority (jurisdiction) to prevent and manage releases into the environment of substances, like diluted bitumen, that would endanger human health, the environment or communities and the federal government's authority (jurisdiction) over federal undertakings, such as interprovincial pipelines or railways.

The courts have repeatedly affirmed that provinces may make laws and regulations within their legal authority, even in areas of shared authority that overlap with areas federal responsibility. In the 2016 case of *Coastal First Nations v. British Columbia*, the B.C. Supreme Court affirmed the ability of provinces to regulate impacts of projects, even if they are federal undertakings, writing:

“To disallow any provincial regulation over the project because it engages a federal undertaking would significantly limit the province’s ability to protect social, cultural and economic interests in its lands and waters. It would go against the current trend in the jurisprudence favouring, where possible, co-operative federalism.”

For its reference, the B.C. government is asking the B.C. Court of Appeal to review proposed amendments to the Environmental Management Act. The amendments would give the Province authority to regulate impacts of heavy oils like bitumen whose release into the environment would endanger human health, the environment or communities.

Specifically, these amendments would require that a person in possession of such substances, above certain minimum levels, would need to obtain a permit from the provincial director of waste management. Under the proposed amendments, the director could impose certain conditions on the permits.

In considering these proposed amendments, the Province asks the court to answer three questions that raise specific constitutional jurisdictional doctrines of “validity”, “interjurisdictional immunity”, and “paramountcy”:

- Is the draft legislation within provincial jurisdiction to enact? (Validity)
- Would the draft legislation be applicable to hazardous substances brought into British Columbia by means of an interprovincial undertaking? (Interjurisdictional immunity)
- Is there any federal legislation that is inconsistent with the proposed amendments that would render the proposed amendments inoperative? (Paramountcy)

**Contacts:**

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change  
Strategy  
250 953-3834

---

Connect with the Province of B.C. at: [news.gov.bc.ca/connect](https://news.gov.bc.ca/connect)

---

## BACKGROUNDER 3

For Immediate Release  
2018PREM0019-000742  
April 26, 2018

Office of the Premier  
Ministry of Attorney General  
Ministry of Environment and Climate Change Strategy

### **Protecting British Columbia's lands, water courses and coast**

The provincial government is working to ensure the best possible protections are in place to defend B.C. lands, waters and coast, and the tens of thousands of jobs that rely on B.C.'s clean environment.

B.C. has over 19,000 tourism businesses, employing 133,000 people, throughout the province. Fisheries and seafood contribute more than \$660 million each year to the province's gross domestic product, employ 14,000 people and pay nearly \$400 million in wages. B.C.'s film industry supports more than 60,000 direct and indirect jobs.

The provincial government has been working to improve spill response throughout British Columbia. Legislation to establish new requirements to prevent, respond to and recover from spills was passed in 2016. The first set of new regulations to enable this legislation was passed in October 2017.

These regulations, developed with input from industry, Indigenous groups and local communities, as well as other federal and provincial agencies, apply to anyone transporting liquid petroleum products by pipeline, and anyone transporting more than 10,000 litres by rail or truck. The regulations contain provisions that:

- Require the development and implementation of spill contingency plans.
- Define requirements for drills and exercises.
- Mandate record-keeping for spill preparedness and response.
- Require enhanced reporting, and set additional cost-recovery mechanisms.
- Enable government to require plans for recovery in the event of a spill.

In February 2018, public consultations began on a second phase of proposed regulations, pursuant to the Environmental Management Act, to improve overall spill readiness. These include:

- Response times to ensure timely responses following a spill.
- Geographic response plans to ensure resources are available to support an immediate response, which consider the unique characteristics of a given sensitive area.
- Compensation for loss of public use from spills, including economic, cultural and recreational impacts.
- Maximizing application of regulations to marine spills.

The initial public engagement on proposed Phase 2 regulations will close April 30, 2018. Based on the results of this engagement, along with direct engagement with Indigenous groups, industry, environmental organizations and local governments, an intentions paper, outlining

what final regulations might look like, will be posted for public comment later in 2018. Final regulations are expected to be in place in early 2019.

The Province will also create an independent scientific advisory panel to help address the scientific uncertainties around the behavior of bitumen when spilled in water, outlined in the report, *The Royal Society of Canada Expert Panel: The Behaviour and Environmental Impacts of Crude Oil Released into Aqueous Environments*.

British Columbia continues to work with the federal government to further enhance marine and terrestrial spill prevention, response and recovery measures.

**Contacts:**

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change  
Strategy  
250 953-3834

---

Connect with the Province of B.C. at: [news.gov.bc.ca/connect](https://news.gov.bc.ca/connect)

## **Reference Question**

### **Key Messages: Province submits court reference to protect B.C.'s coast**

- The government of British Columbia submitted a reference question to the B.C. Court of Appeal to affirm its right to protect B.C.'s coast and inland waters from the threat of a diluted bitumen spill.
- We have asked the courts to confirm B.C.'s powers, within our jurisdiction, to defend B.C.'s interests so that there is clarity for today and for generations to come.
- Our government will continue to stand up for the right to protect B.C.'s environment, economy, and coast
- We put forward five proposals in January and four of those have gone to public consultation without any controversy. And we are seeking clarification from the court on the one that provoked controversy.
- We have been clear from the outset that the appropriate way to resolve disagreements over jurisdiction is through the courts, not through threats or unlawful measures to target citizens of another province.
- This reference question seeks to confirm the scope and extent of provincial powers to regulate environmental and economic risks related to the transportation of heavy oils like diluted bitumen across our province.

### **QAs**

#### ***On the Reference Question...***

##### **Are you trying to stop Kinder Morgan?**

- This reference question is not about any one project. It is about confirming the rights of British Columbia to regulate to protect our environment, our economy and our coast from a catastrophic heavy oil spill.
- We are confident that we have both the right and the responsibility to regulate in the interests of British Columbians and the thousands of jobs and billions in economic activity put at risk by a diluted bitumen spill.
- The measures we are contemplating would apply to any shipment of large volumes of diluted bitumen, be it by pipeline or by rail.
- With regard to Kinder Morgan, we have been dealing with permitting requests in a fair and timely manner as they are submitted by the company. The company has recognized this publicly.

**If you win in court can the pipeline proceed?**

- We are looking to confirm the rights of British Columbia to regulate to protect our environment, our economy and our coast from a catastrophic heavy oil spill.
- The proposed amendments would ensure the province can put in place requirements that appropriate plans and resources are in place to clean up a spill.
- That includes ensuring that we have adequate science that a significant spill of dilute bitumen can be cleaned up.

**What if the court finds against you – will you appeal?**

- We are not going to give up any opportunity to protect our jurisdiction and our ability to defend our interests.
- We would have to look at the hypothetical decision.
- But we are confident in our rights to regulate, within our jurisdiction, to protect our environment, our economy and our coast.
- We have referred a clear question to the courts to confirm those rights.
- We in fact proposed a joint reference with the federal government to the Supreme Court of Canada where there is no appeal.

**Are you considering other tools?**

- We're not going to stop standing up for British interests.
- We put forward a clear question to the highest court in BC in order to confirm the Province's right to regulate to protect the environment, our economy and our coast.
- We are also working with the federal government to identify and close gaps in spill prevention and response in order to improve protections for our coast.

**Why aren't you just asking about the ability to restrict bitumen shipments?**

- In order to provide the greatest clarity and certainty for all involved, we have presented the court with a detailed proposed amendment to the Environmental Management Act.
- The reference sets out a framework for regulating the potential impacts of heavy oils like diluted bitumen to address the risks to our environment, economy and coast.
- And we pose three very clear questions that amount to:
  - Can the province make a law to regulate heavy oil spills?
  - Does that hold true if the oil arrived in federally regulated infrastructure?
  - Is there any federal law that says BC can't do this?



**Would you seek to limit any increase of diluted bitumen? What level would you cap it at?**

- The amendment we put before the court would enable the Director of Waste Management to apply conditions on permits to move heavy oils like diluted bitumen for any increase beyond recent baselines.
- The Director would have to be satisfied that appropriate spill response and remediation measures are in place to address any potential spills.

**Are you concerned this could provoke Alberta to follow through on its threat to cut of gas?**

- When we announced our intention to refer the matter to the Courts, Alberta said it was a good thing. We are simply following through in an effort to get certainty for all.
- Alberta has been clear that they don't want to, and don't expect to try to use their new legislation.
- The fact is, they can't use this legislation to target British Columbians because to do so would be entirely unconstitutional. And they know it.
- The Constitution is very clear that you can't discriminate in supplying energy to another province.
- We don't expect them to try to invoke these extreme measures, but we are prepared to defend British Columbians with the full force of the law.
- I wish that the Opposition would stand with us to defend British Columbians instead of with those making threats against our province.

*Wouldn't damage be done while a court case against Alberta's actions gets sorted out?*

- I want to be clear that we don't expect Alberta to try to invoke these extreme powers. They have said so themselves.
- The Attorney General is considering a range of legal interventions, including challenging the law before it could be acted on.

**What is the difference between Alberta's legislation and BC's proposal? How can you be fighting Alberta's attempt to control shipments while looking for the right to do the same?**

- Alberta's proposed legislation is designed to pressure and punish British Columbia – as such it is clearly unconstitutional. Our reference seeks to confirm the extent of BC's jurisdictional authority to protect our coast.
- The fundamental difference is that when there was dispute about the extent of our jurisdiction, we decided to send the question to court to confirm our rights.

- Meanwhile, Alberta has introduced a piece of legislation they know to be unconstitutional in an effort to threaten BC consumers.
- Section 92 of the Constitution is very clear in prohibiting discrimination against other provinces. A recent decision of the Supreme Court of Canada confirmed this fact.
- We are seeking the court's advice on provincial authority to regulate impacts on human health, the environment and communities.

**Given the way the existing volumes are set out in the proposed amendment, doesn't that leave the door open for significant unpermitted increases in bitumen transportation, since each transporter can pick their highest year?**

- The goal is to set a baseline that is fair.
- We are not looking to penalize industry, but to put in place a regulatory regime that is sensible and protects BC's interests.
- Once we have detailed information on shipments we may refine this baseline.

**Why didn't you put in specific numbers for the regulated volume of heavy oil?**

- Until the recent Phase 1 regulatory amendments, government did not have the authority to require detailed information on the transportation of hazardous substances from regulated persons in BC. We do have that authority now, and we will be collecting
- that information in order to establish an appropriate baseline.

**Why did you expand the reference Q to include all hazardous materials?**

- We have been clear in our concerns about the gaps in the science on diluted bitumen regarding how it behaves when spilled in river and marine environments and whether it can be cleaned up.
- A spill of diluted bitumen would have a devastating impact on our environment, our economy and our coast. There are tens of thousands of jobs and billions of dollars of GDP that depend on our environment.
- This is the concern we are seeking to address.
- We have proposed to the Court a specific amendment to the Environmental Management Act in order to seek their opinion on a framework to address these concerns.

**Could these powers have impacts on other sectors like pulp and paper or thermal coal?**

- We have been clear in our concerns about the gaps in the science on diluted bitumen regarding how it behaves when spilled in river and marine environments and whether it can be cleaned up.
- An inability to clean up a spill of diluted bitumen would have a devastating impact on our environment, our economy and our coast.
- These are the concerns we are seeking to address.

**Why are you asking about so many different and new things? Is this an attempt to further spook investors?**

- In order to provide the greatest clarity and certainty for all involved, we have presented the court with a detailed proposed amendment to the Environmental Management Act.
- The measures included in this amendment reflect the measures that we have proposed in Phase Two of our spill regulations and seek to ensure we have the ability to regulate the risks and impacts associated with hazardous substances like diluted bitumen.
- We have put forth a clear question to the highest court to which we can refer a question in order to provide the greatest clarity in an expedited manner.

**Could new federal legislation underlining their authority undermine your case?**

- We have been clear in our conviction that British Columbia has both the right and responsibility, within our jurisdiction, to defend our environment, our economy and our coast.
- If the Federal Government is so confident in their jurisdiction, I don't see why they refused to participate in a joint reference to the Supreme Court.
- We will certainly be looking at the federal legislation whenever it is presented but it cannot change our rights.
- We have filed our court reference to affirm BC's rights to defend our interests and to defend our environment, economy and our coast.

*Will you challenge the federal legislation?*

- We haven't seen the details. The Prime Minister said that he will be presenting legislation soon and we will certainly be taking a close look at it.
- We are moving forward with our reference case to the courts to confirm BC's rights to defend our environment, our economy and our coast.

## ***Technical details on reference cases...***

**How did government come to the decision that this is the right question and approach to put in front of the court?**

- Government sought guidance from experts in constitutional law on how to best frame our request for clarity on B.C.'s right to protect human health, the environment and communities from a catastrophic heavy oil spill.
- We have now presented a reference to the B.C. Court of Appeal to affirm our rights to defend B.C.'s interests.
- The reference is set out in an Order in Council and will be available on B.C. Laws.

**Why did you select the B.C. Court of Appeal?**

- This reference is a question of law, which is well suited for the B.C. Court of Appeal.
- The B.C. Court of Appeal will help us secure certainty as quickly as possible.

**How long will it take to get a hearing date?**

- Government will seek the guidance of the Court to determine which interested parties are entitled to notice, times for exchange of arguments and when the matter will be heard.

**Who may be part of the case?**

- We have given notice to the Attorney General of Canada. The federal government can choose whether it will participate in the reference.
- The Court will determine who needs to be notified and how they can participate in the reference.
- It remains to be seen if other parties seek to participate.

**How long will the hearing take?**

- The length of the hearing will be determined by the Court and will depend on factors such as the number of interested parties who are granted status to participate.

**How long will it take for the court to make a decision?**

- After the court has heard all parties, the B.C. Court of Appeal will deliberate.
- We do not know how long it will take for a decision to be reached.

**How many times has B.C. submitted reference questions to the courts?**

- There have been two recent references – one was for the constitutionality of polygamy and one related to third-party advertising in elections.

## ***Additional General QAs...***

### **Weren't you told you couldn't stop the pipeline?**

- As government, we have an obligation to deal fairly with permitting applications and that is exactly what we have been doing. Kinder Morgan has said so.
- We also have an obligation to stand up for British Columbians' interests against the risks of a diluted bitumen spill to our environment and our economy.
- We joined the ongoing court case challenging the approval of the project because it failed to consider the serious risks to BC.
- And we are going to court to confirm British Columbia's right to protect our environment and economy from the risk of spills.
- We've been consistent in respecting the law and consistent in standing up for British Columbians.

### **If the pipeline isn't built wouldn't that increase gas prices?**

- I understand people's frustration with high gas prices – particularly as families are struggling with affordability challenges ignored by the old government.
- Recent gas prices have been driven by temporary shutdowns for maintenance at the Burnaby refinery and another refinery in Washington.
- Building the pipeline wouldn't bring down gas prices as almost all of the additional capacity is already committed under contracts to ship diluted bitumen for export.
- We're working to make life more affordable by eliminating MSP fees, preventing the previous government's ICBC rate increases and making investments in housing and childcare.

### **Is BC's continued opposition bad for business confidence?**

- British Columbia's economy is strong and we want to keep it that way.
- We have the lowest unemployment rate and the highest GDP growth in the country.
- We're investing in infrastructure to create good jobs in every corner of our province.
- We're tackling problems of housing affordability and childcare that will help businesses recruit and retain workers.
- We're standing up against the major risk to our economy from a diluted bitumen spill that would threaten tens of thousands of jobs and billions of dollars of economic activity.

**Would you accept a decision in the Federal Court of Appeal case that didn't go your way?**

- Our government has been consistent in respecting the law, and has always said that the courts are the place to resolve fundamental disagreements.
- We argued BC's case before the Federal Court of Appeal and are awaiting that decision. We have also filed a reference case in the BC Court of Appeal to confirm BC's rights to defend our environment and economy.

*But would you accept the decision or appeal?*

- We didn't launch this case. There are many plaintiffs and I can't speak for them.
- We intervened in the court case to defend BC's interests and highlight the failure to consider the risks to BC's coast and economy.
- We are also preparing a reference case to the courts to confirm BC's rights to defend our environment and economy. That work continues regardless of the outcome of the Federal Court of Appeal case.

**If the pipeline isn't built won't there be a greater risk from oil by rail?**

- Our government is committed to protecting our lands and waters from the risk of diluted bitumen regardless of how it is shipped.
- In fact the spill regulations we are proposing would apply to shipments of oil and bitumen by pipeline or by rail.
- It is interesting that the opposition has suddenly taken an interest in the risks of bitumen by rail when they ignored it while in government.
- We are concerned about the gaps in the science on the effects of a diluted bitumen spill, and whether it can be cleaned up. That is true by pipeline or by rail.

**Are you concerned about the loss of six new spill response bases that are tied to completion of the pipeline?**

- If the opposition is concerned about current tanker traffic, supporting a seven-fold increase in diluted bitumen tankers is a strange solution.
- We have a large coast and there is a clear need to improve spill prevention and response even without a major expansion of tanker traffic.
- We have been clear to the federal government that we need improvements both in spill prevention and response. And we have identified specific gaps.
- If the Opposition would like to join our call to the federal government to improve land and marine spill prevention and response, I would welcome them.
- We are also bringing in new spill regulations to strengthen marine spill response requirements within provincial jurisdiction.

**What gaps have you identified to the Federal Government?**

- We have a large coast and there is a clear need to improve spill prevention and response even without a major expansion of tanker traffic.
- We have been working closely with the federal government to identify and make improvements both in spill prevention and response. And we have identified specific gaps. These include:
  - emergency tow capacity.
  - need for marine geographic response plans
  - improvements to make pipelines safer
  - transitioning coastal communities off diesel.
- We will continue to encourage them to make the investments needed to defend our coast.
- The biggest gap is in the science about how bitumen behaves in water and whether it can be cleaned up if spilled. That is why we are concerned about bitumen-filled tankers.

***DRAFT***

**April 26, 2018**

Speaking Notes - Referral of Reference Question to B.C. Court of Appeal

**Speech Goals:**

- Announce that the government has filed a reference question with the B.C. court of appeal to confirm B.C.'s powers, within our jurisdiction, to defend B.C.'s interests.
- Affirm that our government will continue to stand up to protect B.C.'s environment, economy and coast for now, and for future generations.

**Format:**

- News Conference in Legislature Press Theatre
- Podium

**Audience:**

- Media, public

**Participants:**

- Minister David Eby
- Minister George Heyman

**TALKING POINTS BEGIN NEXT PAGE**



- Thank you for being here.
- First, I would like to acknowledge that we are on the territories of the Lekwungen speaking peoples, the Songhees and Esquimalt First Nations.
- As anticipated, today our government has submitted a reference question to the B.C. Court of Appeal.
- We committed in February that we would refer this matter to the courts.
- Our government retained external counsel to prepare the reference case.

- Today, that case has been filed to confirm B.C.'s powers, within our jurisdiction, to defend B.C.'s interests.
- And to protect B.C.'s environment, economy and coast.
- We hope that this ruling will provide clarity for today and for the generations to come.
- We're standing up for the right to protect B.C.
- And for the right of British Columbians to be heard.

- A single spill of diluted bitumen would threaten tens of thousands of jobs and billions of dollars of economic activity.
- We have a responsibility to ensure that the best possible protections are in place to protect our coast and environment.
- And, we assert the right, and the jurisdiction, to enforce regulations necessary to protect BC's environment and thousands of jobs a clean environment supports.

- This is about the people of British Columbia, and the First Nations who are saying we want to defend our coast, our economy and our way of life.
- Our government will continue to stand up for the people of this province for now, and for future generations.
- I'll now hand it over to Minister Eby to speak to the details of the reference question.

Page 312 of 428 to/à Page 320 of 428

Withheld pursuant to/removed as

s.14

Speaking Notes for the

**Hon. David Eby**  
**Attorney General**

Reference Question

Press Theatre – Parliament Buildings  
Victoria, B.C.

Thurs., April 26, 2018  
Time TBD

## Event Information/Speaking Notes

---

**Event:** Reference Question  
**When:** Thurs., April 26, 2018  
**Speaking time:** TBC  
**Where:** Press Theatre, Parliament Buildings, Victoria  
**Contact for AG:** Shawn Robins, cell phone S.17  
**Logistics:** Flags, podium, mics, dial-in Q&A with media

**Key Participants:**

- Premier John Horgan
- Minister of Environment & Climate Change Strategy George Heyman
- Attorney General David Eby

**Other attendees:**

**Audience size:** Media only, in person and over the phone

Page 323 of 428 to/à Page 327 of 428

Withheld pursuant to/removed as

s.13



**From:** [Holmwood, Jen PREM:EX](#)  
**To:** [Frampton, Caelie ENV:EX](#); [Smith, George AG:EX](#)  
**Cc:** [Aaron, Sage PREM:EX](#)  
**Subject:** Re: Media requests - NW - CBC - CTV - BNN - TMX reference  
**Date:** Thursday, April 26, 2018 8:39:51 AM

---

Happy for both ministers to do media on this today. We should talk about what makes sense for whom and get out there. The premier will not be doing more media after the announcement today.

Jen Holmwood  
Deputy Communications Director  
Office of the Premier | Government of BC  
250-818-4881

On Apr 26, 2018, at 8:37 AM, Frampton, Caelie ENV:EX <[Caelie.Frampton@gov.bc.ca](mailto:Caelie.Frampton@gov.bc.ca)> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** "Karn, David GCPE:EX" <[David.Karn@gov.bc.ca](mailto:David.Karn@gov.bc.ca)>  
**Date:** April 26, 2018 at 8:29:09 AM PDT  
**To:** "Frampton, Caelie ENV:EX" <[Caelie.Frampton@gov.bc.ca](mailto:Caelie.Frampton@gov.bc.ca)>  
**Cc:** "Xia, Eveline ENV:EX" <[Eveline.Xia@gov.bc.ca](mailto:Eveline.Xia@gov.bc.ca)>, "Cotton, Brian GCPE:EX" <[Brian.Cotton@gov.bc.ca](mailto:Brian.Cotton@gov.bc.ca)>, "Crebo, David GCPE:EX" <[David.Crebo@gov.bc.ca](mailto:David.Crebo@gov.bc.ca)>  
**Subject:** Media requests - NW - CBC - CTV - BNN - TMX reference

Caelie, rolling summary.

**Reporters**

Claire Allen, Producer  
CKNW AM 980

s.22

Sara Hyde, Producer  
CKNW AM 980

s.22

Christina Lopes, Reporter  
CBC - Power and Politics

s.22

s.22 c:s.22

Monique Phillips, Producer

Business News Network

s.22

Rachel Swatek, Producer

CTV - Ottawa (Parliamentary Team)

s.22

s.22 c:s.22

### **Deadline ASAP**

### **Requests**

NW w Lynda Steele - Live at 2:05pm for 5 minutes or pre tape anytime between 11:00am and 1:30pm.

NW w Simi Sara - live 11:35am or 11:45am.

BNN (re: Open letter from feds: : <https://www.canada.ca/en/environment-climate-change/news/2018/04/dear-minister-george-heyman.html>)

Power Play with Don Martin (guest host Mercedes Stephenson - live at 5pmET/2pmPT

Power and Politics - pre-tape between 10:30pmPT (1:30pmET) and 1:30pmPT (4:30pmET) from the CBC bureau at the leg. (or any CBC bureau) or go live into the show around 2pmPT (5pmET).

**From:** [Dalzell, Danielle GCPE:EX](#)  
**To:** [Singh, Jasmyn HLTH:EX](#)  
**Cc:** [Smith, George AG:EX](#); [Kristianson, Eric PREM:EX](#); [Holmwood, Jen PREM:EX](#); [Aaron, Sage PREM:EX](#)  
**Subject:** Reference Q - French Release and Q&A  
**Date:** Thursday, April 26, 2018 9:02:33 AM  
**Attachments:** [20180425 - Reference Case QA v4 FR.DOCX](#)  
[NR - Reference Question - 25APRIL18 - DRAFT V7 FR.DOCX](#)

---

Hello Jasmyn,

Attached are the French versions of the News Release and QA document.

\*NOTE: these are for reference for the Minister only, not for circulation.

George can call to brief Minister Dix in French if he would like. Let him know. Jen will forward media requests.

Thank you,

Danielle

## **Questions sur le renvoi à la Cour d'appel**

### **Messages clés : La province soumet un renvoi à la Cour d'appel pour protéger le littoral de la C.-B**

- Le gouvernement de la Colombie-Britannique soumet un renvoi à la Cour d'appel de la province en vue d'affirmer son droit de protéger le littoral de la Colombie-Britannique et ses eaux intérieures contre les risques de déversement de bitume dilué.
- Nous avons demandé aux tribunaux de confirmer les pouvoirs qui relèvent de la compétence de la Colombie-Britannique pour la défense des intérêts de notre province et de les clarifier maintenant et pour les générations à venir.
- Notre gouvernement continuera de défendre le droit de protéger l'environnement, l'économie et le littoral de la Colombie-Britannique.
- Nous disons clairement depuis le début que les désaccords en matière de compétence relèvent des tribunaux et ne peuvent être résolus en proférant des menaces ou en prenant des mesures illégales à l'encontre des citoyens d'une autre province.
- Ce renvoi à la Cour d'appel vise à confirmer la portée et l'étendue des pouvoirs provinciaux en matière de réglementation des risques environnementaux et économiques liés au pétrole lourd, comme le bitume dilué, dans l'ensemble de notre province.

## **Questions et réponses**

### ***Concernant le renvoi à la Cour d'appel...***

#### **Essayez-vous de stopper Kinder Morgan?**

- Ce renvoi à la Cour d'appel n'est pas l'affaire d'un seul projet; il vise avant tout à confirmer les droits de la Colombie-Britannique à promulguer des règlements pour protéger notre environnement, notre économie et notre littoral contre un important déversement de pétrole d'une envergure catastrophique.
- Nous sommes fermement convaincus que nous avons le droit ainsi que la responsabilité de promulguer des règlements dans l'intérêt des Britanno-Colombiens et dans le but de protéger les milliers d'emplois et les millions de dollars en activité économique qui pourraient être mis en péril par un déversement de bitume dilué.
- Les mesures que nous envisageons s'appliqueraient à toute expédition de grandes quantités de bitume dilué, que ce soit par pipeline ou par train.

- En ce qui concerne Kinder Morgan, nous avons traité les demandes de permis de manière équitable et rapide, car elles nous ont été soumises par l'entreprise. L'entreprise l'a d'ailleurs reconnu publiquement.

**Si vous l'emportez devant les tribunaux, le pipeline pourra-t-il quand même aller de l'avant?**

- Nous souhaitons confirmer les droits de la Colombie-Britannique à promulguer des règlements pour protéger notre environnement, notre économie et notre littoral contre un important déversement de pétrole d'une envergure catastrophique.
- L'amendement proposé vise à s'assurer que la province peut mettre en place les exigences voulant que les plans et les ressources appropriés soient en place pour le nettoyage en cas de déversement.
- Cela suppose, entre autres, que nous puissions disposer des données scientifiques adéquates confirmant qu'un déversement important de bitume dilué pourra effectivement être nettoyé.

**Qu'arrivera-t-il si la Cour d'appel ne vous donne pas raison – accepterez-vous la décision ou la porterez-vous en appel?**

- Je ne peux malheureusement pas spéculer sur la façon dont la Cour d'appel réagira.
- Nous croyons fermement en nos droits de promulguer des règlements dans notre propre province pour protéger notre environnement, notre économie et notre littoral.
- Nous avons soumis une question claire aux tribunaux en vue de faire confirmer ces droits.

**Envisagez-vous d'autres recours?**

- Nous avons soumis une question claire au plus haut tribunal de la Colombie-Britannique afin de confirmer le droit de notre province de promulguer des règlements pour protéger notre environnement, notre économie et notre littoral.
- Nous souhaitons nous assurer que nous avons la capacité de faire face aux risques posés par toute augmentation appréciable du volume de bitume dilué en circulation dans notre province.
- Voilà ce sur quoi nous nous concentrons.

**Pourquoi ne demandez-vous pas simplement d'avoir le pouvoir de restreindre les quantités de bitume acheminées?**

- Dans le but d'assurer le plus de clarté et de certitude possible à toutes les parties en cause, nous avons soumis à la Cour une proposition détaillée d'amendement à la loi sur la gestion de l'environnement, l'*Environmental Management Act*.

- Le renvoi à la Cour d'appel permettra d'établir un cadre pour réglementer les répercussions potentielles du pétrole lourd, comme le bitume dilué, pour faire face aux risques que nous avons définis à l'égard de notre environnement, de notre économie et de notre littoral.

**Chercheriez-vous à limiter toute augmentation du bitume dilué? À quel niveau seriez-vous prêts à établir un plafonnement?**

- L'amendement que nous soumettons aux tribunaux permettrait au directeur de la gestion des déchets d'imposer des conditions à l'octroi de permis pour le transport de pétrole lourd, tel que le bitume dilué, advenant toute augmentation des quantités au-delà des seuils de base récents.
- Le directeur devra être convaincu que les mesures d'intervention et de restauration sont en place pour faire face à tout déversement éventuel.

**Craignez-vous que le tout fasse en sorte que l'Alberta mette à exécution sa menace de cesser tout approvisionnement en pétrole?**

- Lorsque nous avons fait part de notre intention de porter la question devant les tribunaux, l'Alberta a affirmé que c'était une bonne chose. Nous poursuivons simplement nos efforts visant à assurer une certitude sur le plan juridique pour tous.
- L'Alberta a affirmé clairement qu'elle ne souhaitait pas et ne s'attendait pas à tenter d'appliquer sa nouvelle loi.
- En réalité, l'Alberta ne peut utiliser cette loi pour viser les Britanno-Colombiens, car ce serait totalement inconstitutionnel. Et ils le savent.
- La Constitution est très claire à ce sujet : vous ne pouvez exercer de discrimination envers une autre province en matière d'approvisionnement en énergie.
- Nous ne nous attendons pas à ce que l'Alberta tente d'invoquer ces mesures extrêmes, mais nous sommes prêts à défendre les Britanno-Colombiens avec toute la rigueur de la loi.
- Je souhaite que l'opposition se tienne à nos côtés pour défendre les Britanno-Colombiens au lieu de se ranger du côté de ceux qui profèrent des menaces à l'encontre de notre province.

*Les dommages ne seront-ils pas déjà faits une fois que cette action intentée contre l'Alberta sera résolue?*

- Je veux encore une fois être bien clair : nous ne nous attendons pas à ce que l'Alberta tente d'invoquer des mesures aussi extrêmes. Ils l'ont d'ailleurs confirmé.
- Le procureur général envisage plusieurs interventions de nature juridique notamment la remise en question de la loi avant qu'elle puisse être appliquée.

**Quelle est la différence entre la loi de l'Alberta et la proposition de la Colombie-Britannique?  
Comment pouvez-vous vous opposer à la tentative de l'Alberta de contrôler les expéditions  
tout en cherchant à obtenir le droit de faire de même?**

- La loi que propose l'Alberta est conçue pour exercer une pression et pour punir la Colombie-Britannique – et à ce titre, elle est clairement inconstitutionnelle. Notre renvoi à la Cour d'appel vise à confirmer l'étendue des pouvoirs de la Colombie-Britannique pour la protection de son littoral.
- La différence fondamentale tient au fait qu'il y avait un différend concernant l'étendue de nos compétences; nous avons donc décidé de porter la question devant les tribunaux afin de confirmer nos droits.
- Entre-temps, l'Alberta a présenté un projet de loi qu'elle sait pertinemment être inconstitutionnel dans l'espoir de menacer les consommateurs de la Colombie-Britannique.
- L'article 92 de la Constitution est très clair et interdit toute discrimination à l'encontre des autres provinces. Une récente décision de la Cour suprême du Canada l'a d'ailleurs confirmé.
- Nous souhaitons obtenir l'avis de la Cour concernant le pouvoir des provinces à réglementer les effets sur la santé humaine, l'environnement et les collectivités.

**Compte tenu de la façon dont les volumes existants sont établis dans l'amendement proposé, ne laisse-t-on pas la porte ouverte à des augmentations considérables et non autorisées de bitume dans le transport, puisque chaque transporteur peut choisir son année la plus élevée?**

- L'objectif consiste à établir des paramètres de base équitables pour tous.
- Nous ne cherchons pas à pénaliser l'industrie, mais plutôt à mettre en place un régime réglementaire sensible et apte à protéger les intérêts de la Colombie-Britannique.
- Une fois que nous aurons les renseignements détaillés sur les expéditions, nous serons en mesure d'ajuster cette quantité de base.

**Pourquoi n'avez-vous pas inclus de quantités précises et chiffrées pour le volume de pétrole lourd?**

- Le gouvernement ne disposait pas, avant les récentes modifications réglementaires de la phase 1, du pouvoir d'exiger des personnes assujetties à la loi des renseignements détaillés sur le transport des matières dangereuses en Colombie-Britannique. Nous ne disposons pas de ce pouvoir à l'heure actuelle et nous recueillerons ces renseignements en vue de fixer des paramètres de base appropriés.

**Pourquoi avez étendu le renvoi à la Cour d'appel à toutes les matières dangereuses?**

- Nous avons clairement fait part de nos inquiétudes à l'égard des lacunes dans les données scientifiques sur le comportement du bitume dilué en cas de déversement dans les cours d'eau et les environnements marins et sur les moyens de le nettoyer.
- Un déversement de bitume dilué aurait un effet dévastateur sur notre environnement, sur notre économie et sur notre littoral. Des dizaines de milliers d'emplois et des milliards de dollars en PIB dépendent de notre environnement.
- C'est là une préoccupation que nous souhaitons aborder.
- Nous avons proposé au tribunal un amendement précis à la loi sur la gestion de l'environnement, l'*Environmental Management Act*, afin d'obtenir son avis relativement à un cadre qui permettrait d'aborder de telles préoccupations.

**Ces pouvoirs pourraient-ils avoir des effets sur d'autres secteurs comme les pâtes et papiers ou le charbon thermique?**

- Nous avons clairement fait part de nos inquiétudes à l'égard des lacunes dans les données scientifiques sur le comportement du bitume dilué en cas de déversement dans les cours d'eau et les environnements marins et sur les moyens de le nettoyer.
- Toute incapacité à nettoyer un déversement de bitume dilué aurait un effet dévastateur sur notre environnement, notre économie et notre littoral.
- Voilà les préoccupations que nous souhaitons aborder.

**Pourquoi demandez-vous un avis sur un si grand nombre d'aspects nouveaux et différents? N'est-ce pas là une tentative de faire fuir encore davantage les investisseurs?**

- Dans le but d'obtenir plus de précisions et de certitudes pour toutes les parties impliquées, nous avons soumis à la Cour une proposition détaillée d'amendement à la loi sur la gestion de l'environnement, l'*Environmental Management Act*.
- Les mesures comprises dans cet amendement reflètent celles que nous avons proposées dans la phase II de notre réglementation sur les déversements et visent à nous assurer que nous avons la capacité de réglementer les risques et les effets associés aux matières dangereuses comme le bitume dilué.
- Nous avons posé une question claire au plus haut tribunal de la province à qui nous pouvions renvoyer une question afin d'obtenir le plus de clarté possible, et ce, de manière accélérée.

**Une nouvelle loi fédérale reconnaissant le pouvoir de ce palier de gouvernement à cet égard risquerait-elle de nuire à votre cause?**



- Nous avons fermement exprimé notre conviction à l'effet que la Colombie-Britannique a le droit et la responsabilité, sur son propre territoire, de protéger son environnement, son économie et son littoral.
- Si le gouvernement fédéral a confiance à ce point dans ses compétences à ce chapitre, je ne vois pas pourquoi il a refusé de prendre part à un pourvoi commun à la Cour suprême.
- Nous allons certainement étudier avec soin la loi fédérale lorsqu'elle sera déposée, mais elle ne pourra en rien changer nos droits.
- Nous avons soumis notre renvoi à la Cour d'appel en vue d'affirmer le droit de la Colombie-Britannique à défendre nos intérêts et à protéger notre environnement, notre économie et notre littoral.

*Allez-vous remettre en question la loi fédérale?*

- Nous n'en avons pas vu les détails. Le premier ministre du Canada nous a mentionné qu'il allait présenter la loi sous peu et nous allons très certainement l'étudier en profondeur le moment venu.
- Nous allons de l'avant avec notre renvoi à la Cour d'appel afin de confirmer le droit de la Colombie-Britannique à protéger notre environnement, notre économie et notre littoral.

***Détails techniques entourant le renvoi à la Cour d'appel...***

**Comment le gouvernement en est-il arrivé à la décision qu'il s'agit là de la bonne question et de la bonne approche à adopter devant les tribunaux?**

- Le gouvernement a fait appel à des experts en droit constitutionnel pour le guider vers la meilleure façon de bien structurer notre demande de précisions quant au droit de la Colombie-Britannique à protéger la santé humaine, l'environnement et les collectivités contre un éventuel déversement de pétrole d'une envergure catastrophique.
- Nous avons maintenant soumis un renvoi à la Cour d'appel de la Colombie-Britannique afin que soient affirmés nos droits de défendre les intérêts de la province.
- Ce renvoi est précisé dans un décret et sera publié dans le site de B.C. Laws.

**Pourquoi avez-vous choisi de vous adresser à la Cour d'appel de la Colombie-Britannique?**

- Ce renvoi est une question ayant trait à la loi et convient donc à la Cour d'appel de la Colombie-Britannique.

- La Cour d’appel de la Colombie-Britannique nous permettra d’obtenir une certitude juridique le plus rapidement possible.

**Combien faudra-t-il de temps pour obtenir une date d’audience?**

- Le gouvernement demandera conseil à la Cour afin d’établir quelles parties pourront recevoir un préavis, à quel moment sont prévus les échanges d’arguments et quand la cause sera entendue.

**Qui pourra être partie à cette cause?**

- Nous avons donné avis au procureur général du Canada; le gouvernement fédéral peut décider s’il va participer ou non au renvoi.
- La Cour établira qui doit être avisé et comment ils pourront participer au renvoi.
- Il reste à voir si d’autres parties souhaiteront participer.

**Combien de temps exigera l’audience?**

- La durée de l’audience sera établie par la Cour et dépendra de facteurs tels que le nombre de parties intéressées auquel est accordé le statut de participant.

**Combien de temps la Cour mettra-t-elle pour prendre une décision?**

- Une fois que le tribunal aura entendu toutes les parties, la Cour d’appel de la Colombie-Britannique prendra la cause en délibéré.
- Nous ignorons combien de temps il faudra pour qu’une décision soit prise.

**Combien de fois la Colombie-Britannique a-t-elle soumis une question aux tribunaux?**

- On peut parler de deux cas récents – le premier avait trait à la constitutionnalité de la polygamie et l’autre concernait les dépenses de publicité électorale par des tiers.

***Questions et réponses plus générales...***

**Vous a-t-on dit que vous n’arriverez pas à stopper le pipeline?**

- En tant que gouvernement, nous avons l’obligation de traiter équitablement les demandes de permis et c’est exactement ce que nous faisons. Kinder Morgan l’a d’ailleurs affirmé.
- Nous avons aussi l’obligation de défendre les intérêts des Britanno-Colombiens contre les risques de déversement de bitume dilué et ses effets sur notre environnement et notre économie.
- Nous nous sommes joints au cas actuellement en instance qui remet en question l’approbation du projet parce qu’il ne tient pas compte des risques graves qu’il comporte pour la Colombie-Britannique.

- Nous allons aussi devant les tribunaux afin de confirmer le droit de la Colombie-Britannique à protéger son environnement et son économie contre les risques de déversement.
- Nous avons toujours respecté les lois et n'avons jamais cessé de prendre fait et cause pour les Britanno-Colombiens.

### **Si le pipeline n'est pas construit, les prix de l'essence vont-ils grimper?**

- Je comprends la frustration des gens devant les prix élevés de l'essence – surtout dans le contexte où les familles ont tant de difficultés à obtenir des prix abordables et que ce problème a été ignoré par l'ancien gouvernement.
- La hausse récente du prix de l'essence a été stimulée par la fermeture temporaire aux fins d'entretien d'une raffinerie à Burnaby et d'une autre à Washington.
- Construire un pipeline ne va pas faire baisser le prix du carburant, puisque presque toute la capacité supplémentaire est déjà vendue, en vertu de contrats, et sera expédiée parce que ce bitume dilué est destiné à l'exportation.
- Nous travaillons à rendre le coût de la vie plus abordable en éliminant les frais mensuels d'assurance maladie, en empêchant l'entrée en vigueur de la hausse des primes d'assurance automobile de l'ICBC annoncées par l'ancien gouvernement et en investissant dans le logement et les services de garde.

### **L'opposition constante de la Colombie-Britannique est-elle mauvaise pour la confiance des entreprises?**

- L'économie de la Colombie-Britannique est solide et nous voulons qu'elle le demeure.
- Nous avons le plus faible taux de chômage et le PIB le plus élevé de tout le pays.
- Nous investissons dans les infrastructures afin de créer de bons emplois partout dans la province.
- Nous travaillons à résoudre le problème des logements inabordables et celui des services de garde d'enfants, ce qui aidera les entreprises à recruter du personnel et à le garder.
- Nous nous défendons contre le risque considérable pour notre économie que constitue un déversement de bitume dilué, car un tel événement mettrait en péril des milliers d'emplois et des milliards de dollars en activité économique.

### **Accepteriez-vous une décision de la Cour d'appel fédérale qui n'irait pas en votre faveur?**

- Notre gouvernement a toujours respecté les lois et a toujours dit que les tribunaux sont l'endroit où trouver des solutions aux désaccords fondamentaux.
- Nous avons défendu la cause de la Colombie-Britannique devant la Cour d'appel fédérale et nous attendons sa décision. Nous avons aussi soumis un renvoi à la Cour d'appel de la Colombie-Britannique en vue de confirmer le droit de la province de protéger notre environnement et notre économie.

*Mais allez-vous accepter la décision ou porter le tout en appel?*

- Nous ne sommes pas à l'origine de ce recours. Il comporte plusieurs demandeurs et je ne peux parler en leur nom.
- Nous sommes intervenus dans le recours visant à défendre les intérêts de la Colombie-Britannique et à mettre en évidence le fait que les risques pour le littoral et l'économie de la Colombie-Britannique n'ont pas été pris en compte.
- Nous préparons également un renvoi devant les tribunaux afin que la Cour statue sur le droit de la Colombie-Britannique à protéger notre environnement et notre économie. Ces travaux préparatoires se poursuivent, sans égard aux résultats du recours en appel devant la Cour d'appel fédérale.

**Si le pipeline n'est pas construit, n'est-il pas plus risqué de transporter le pétrole par train?**

- Notre gouvernement s'est engagé à protéger notre territoire et notre eau contre les risques que comporte le bitume dilué, peu importe comment il est transporté.
- En fait, la réglementation concernant les déversements s'appliquerait au transport du pétrole et du bitume par quelque mode de transport que ce soit.
- Il est intéressant de constater que l'opposition s'intéresse tout à coup aux risques du bitume par train, alors qu'elle les ignorait lorsqu'elle formait le gouvernement.
- Nous sommes préoccupés par les lacunes dans les données scientifiques sur les effets du bitume dilué en cas de déversement, et si le tout peut être nettoyé. C'est aussi vrai pour le bitume acheminé par pipeline que par train.

**Êtes-vous préoccupé par la perte des six bases d'intervention en cas de déversement liées à l'achèvement de la construction du pipeline?**

- Si l'opposition est préoccupée par l'actuel trafic des pétroliers, appuyer la multiplication par sept du nombre de pétroliers pour transporter du bitume dilué constitue une bien étrange solution.

- Nous avons un long littoral et avons véritablement besoin d'améliorer la prévention et les interventions en cas de déversement, et ce, même sans expansion importante du trafic de pétroliers.
- Nous avons clairement fait part au gouvernement fédéral du fait qu'il nous faut améliorer la prévention et les interventions en matière de déversement. Et nous avons identifié précisément les lacunes à cet égard.
- Si l'opposition souhaitait se joindre à notre appel au gouvernement fédéral pour améliorer la prévention et les interventions maritimes et terrestres, nous serions heureux de les accueillir.
- Nous allons également promulguer de nouveaux règlements concernant les déversements afin de renforcer les exigences d'intervention maritime de compétence provinciale.

#### **De quelles lacunes avez-vous fait part au gouvernement fédéral?**

- Nous avons un long littoral et nous avons véritablement besoin d'améliorer la prévention et les interventions en cas de déversement, et ce, même sans expansion importante du trafic de pétroliers.
- Nous avons travaillé en étroite collaboration avec le gouvernement fédéral à établir et à mettre en œuvre des améliorations tant pour la prévention que pour les interventions en cas de déversement. Et nous avons répertorié des lacunes précises à cet égard. Les voici :
  - la capacité de remorquage d'urgence;
  - la nécessité de plans d'intervention en milieu marin;
  - des améliorations à la sécurité des pipelines;
  - la transition des communautés côtières vers une autre forme de carburant que le diesel.
- Nous continuerons d'encourager le gouvernement fédéral à procéder aux investissements nécessaires pour protéger notre littoral.
- Les lacunes les plus importantes ont trait aux données scientifiques sur la façon dont le bitume se comporte dans l'eau et s'il peut être nettoyé en cas de déversement. Voilà pourquoi l'utilisation de pétroliers pour le transport du bitume nous inquiète.

---

## COMMUNIQUÉ DE PRESSE

Pour diffusion immédiate  
[numéro de diffusion]  
26 avril 2018

Cabinet du premier ministre  
Ministère du Procureur général  
Ministère de l'Environnement et de la  
Stratégie en matière de changements  
climatiques

### **La province soumet un renvoi à la Cour d'appel pour protéger le littoral de la C.-B.**

VICTORIA – Le gouvernement de la Colombie-Britannique a soumis, sous forme de question, un renvoi à la Cour d'appel de la C.-B. pour affirmer son droit de protéger la C.-B. contre le risque d'un déversement de bitume dilué.

Ce renvoi sous forme de question a trait à l'autonomie provinciale et, plus particulièrement, aux droits de la Colombie-Britannique en matière de réglementation des impacts environnementaux et économiques du pétrole lourd, comme le bitume dilué, qui est transporté en traversant la province. Il a été déposé aujourd'hui devant la Cour d'appel et on peut le lire ici [\[lien vers le renvoi\]](#).

« Nous avons demandé aux tribunaux de confirmer les pouvoirs qui relèvent de la compétence de la C.-B. afin de défendre les intérêts de la province et de les clarifier pour le temps présent et pour les générations à venir », a déclaré le premier ministre John Horgan. « Notre gouvernement continuera de défendre le droit de protéger l'environnement, l'économie et le littoral de la C.-B. »

Le 12 mars 2018, le gouvernement a annoncé qu'il avait retenu les services d'un expert juridique pour préparer et présenter un renvoi au sujet du droit de la C.-B. de protéger son territoire, son littoral et ses eaux.

Dans son renvoi, le gouvernement de la C.-B. demande à la Cour d'appel d'examiner les propositions de modification de l'*Environmental Management Act* qui confèreraient à la province le pouvoir de réglementer les impacts du pétrole lourd, comme le bitume dilué, dont le déversement dans l'environnement mettrait en danger la santé humaine, l'environnement et les communautés.

« Nous disons clairement depuis le début que les désaccords en matière de compétence relèvent des tribunaux et ne peuvent pas être résolus en proférant des menaces ou en prenant des mesures illégales à l'encontre des citoyens d'une autre province », a déclaré le procureur général David Eby. « Ce renvoi sous forme de question vise à confirmer la portée et l'étendue des pouvoirs provinciaux en matière de réglementation des risques environnementaux et économiques liés au pétrole lourd, comme le bitume dilué. »

La province a collaboré avec les groupes autochtones, l'industrie, les organismes de protection de l'environnement et les administrations municipales pour améliorer l'intervention en cas de déversement en Colombie-Britannique.

« Notre gouvernement s'efforce de protéger notre économie, notre environnement et nos communautés en veillant à l'efficacité de nos mesures de prévention, de nos méthodes d'intervention et de rétablissement en cas de déversement », a déclaré le ministre de l'Environnement et de la Stratégie en matière de changements climatiques, George Heyman. « Un seul déversement de bitume dilué mettrait en péril des milliers d'emplois dans toute la C.-B. Nous avons la responsabilité de nous assurer que chaque mesure de réduction des risques est en place et que les responsables des déversements répondent de leurs actes en réparant les dégâts qu'ils infligent à l'environnement. »

En janvier 2018, la C.-B. a proposé une seconde phase de règlements pour améliorer la préparation, l'intervention et le rétablissement en cas de déversement. Ces règlements s'appliqueraient aux pipelines qui transportent n'importe quelle quantité de produits liquides du pétrole, ainsi qu'aux entreprises ferroviaires ou de camionnage qui transportent plus de 10 000 litres de produits liquides du pétrole. Les règlements proposés garantiraient des plans d'intervention appropriés du point de vue géographique, amélioreraient les délais d'intervention, assureraient l'indemnisation de la perte de l'utilisation publique du sol et optimiseraient l'application de la réglementation au transport maritime.

Ce travail poursuit sur la lancée de la première phase des nouveaux règlements applicables aux déversements, approuvés en octobre 2017 en vertu de l'*Environmental Management Act*, qui ont instauré la norme indispensable en matière de préparation, d'intervention et de rétablissement pour protéger l'environnement de la C.-B.

### Faits en bref

- Une référence juridique est un avis consultatif sur une question de droit. La Cour d'appel de la C.-B. est le plus haut tribunal auquel la province peut soumettre une question dans un renvoi.
- Cette question soumise par la Colombie-Britannique dans un renvoi vise à clarifier la compétence provinciale pour réglementer les impacts possibles du pétrole lourd, comme le bitume, qui mettraient en danger la santé humaine, l'environnement et les collectivités.
- Deux références juridiques ont été traitées récemment en C.-B. : l'une concernant la constitutionnalité de la polygamie et l'autre relative à la publicité par des tiers lors des élections.

### Pour en savoir plus

*Constitution Question Act* : <https://bit.ly/2Hh9yoE>

Cour d'appel de la Colombie-Britannique : [http://www.courts.gov.bc.ca/Court\\_of\\_Appeal/](http://www.courts.gov.bc.ca/Court_of_Appeal/)

**Personne-ressource  
pour les médias**

Jen Holmwood  
Directrice adjointe des communications  
Cabinet du premier ministre  
250 818-4881

Relations avec les médias  
Ministère du Procureur général  
778 678-1572

Relations avec les médias  
Environnement et Stratégie en matière de changements climatiques  
250 953-3834



**From:** [Dalzell, Danielle GCPE:EX](#)  
**To:** **s.16**  
**Cc:** [Smith, George AG:EX](#)  
**Subject:** News Release and Backgrounders  
**Date:** Thursday, April 26, 2018 9:19:54 AM  
**Attachments:** [2018PREM0019-000742.pdf](#)

---

Hi Murray,

As discussed, the release, reference question and backgrounders are below.

George will give you a call shortly.

Murray's number is: **s.16**

Thank you,  
Danielle

\*\*

For Immediate Release  
2018PREM0019-000742  
April 26, 2018

Office of the Premier  
Ministry of Attorney General  
Ministry of Environment and Climate Change Strategy

#### NEWS RELEASE

Province submits court reference to protect B.C.'s coast

VICTORIA - The Government of British Columbia has submitted a reference question to the B.C. Court of Appeal today to affirm its right to protect B.C. from the threat of a diluted bitumen spill.

The reference question concerns provincial autonomy, particularly the rights of British Columbia to regulate the environmental and economic impacts of heavy oils, like diluted bitumen, transported through the province. It was filed today in the B.C. Court of Appeal.

"We have asked the courts to confirm B.C.'s powers within our jurisdiction to defend B.C.'s interests, so that there is clarity for today and for the generations to come," said Premier John Horgan. "Our government will continue to stand up for the right to protect B.C.'s environment, economy and coast."

On March 12, 2018, the government announced it had retained expert legal counsel to prepare and present a reference case related to B.C.'s right to protect the province's land, coast and waters.

For its reference, the B.C. government is asking the court to review proposed amendments to the Environmental Management Act that would give the Province authority to regulate impacts of heavy oils, like diluted bitumen, which, when released into the environment, would endanger human health, the environment and communities.

"We have been clear from the outset that the appropriate way to resolve disagreements over jurisdiction is through the courts, not through threats or unlawful measures to target citizens of another province," said David Eby, Attorney General. "This reference question seeks to confirm the scope and extent of provincial powers to regulate environmental and economic risks related to heavy oils like diluted bitumen."

The Province has been engaged with Indigenous groups, industry, environmental organizations and local

governments to improve spill response in British Columbia.

"Our government is working to protect our economy, environment and communities by making sure we have effective spills prevention, response and recovery in place," said George Heyman, Minister of Environment and Climate Change Strategy. "A single spill of diluted bitumen would put at risk tens of thousands of jobs across B.C. We have a responsibility to ensure that every measure to reduce risks is in place, and that those responsible for spills are held accountable for fixing any environmental damage they cause."

In January 2018, B.C. proposed a second phase of regulations to improve preparedness, response and recovery from potential spills. The regulations would apply to pipelines transporting any quantity of liquid petroleum products, as well as rail or truck operations transporting more than 10,000 litres of liquid petroleum products.

The proposed regulations would ensure geographically appropriate response plans, improve response times, ensure compensation for loss of public use of land and maximize the application of regulations to marine transport.

This work builds on the first phase of new spill regulations, approved in October 2017, under the Environmental Management Act, which established a standard of preparedness, response and recovery necessary to protect B.C.'s environment.

#### Quick Facts:

\* A legal reference is an advisory opinion on a point of law. The B.C. Court of Appeal is the highest court to which the Province can send a reference question.

\* British Columbia's reference seeks to clarify provincial jurisdiction with regard to regulating the potential impacts of heavy oils, like bitumen, that would endanger human health, the environment and communities.

\* B.C. has had two recent references: One regarding the constitutionality of polygamy, and one related to third-party advertising in elections.

#### Learn More:

Constitution Question Act: <https://bit.ly/2Hh9yoE>

British Columbia Court of Appeal: [http://www.courts.gov.bc.ca/Court\\_of\\_Appeal/](http://www.courts.gov.bc.ca/Court_of_Appeal/)  
([http://www.courts.gov.bc.ca/Court\\_of\\_Appeal/](http://www.courts.gov.bc.ca/Court_of_Appeal/))

Three backgrounders follow.

#### Contacts:

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change Strategy  
250 953-3834

#### BACKGROUND 1

Order-in-council and Reference Question

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the questions set out below be referred to the British Columbia Court of Appeal for hearing and consideration under the Constitutional Question Act:

1 Is it within the legislative authority of the Legislature of British Columbia to enact legislation substantially in the form set out in the attached Appendix?

2 If the answer to question 1 is yes, would the attached legislation be applicable to hazardous substances brought into British Columbia by means of interprovincial undertakings?

3 If the answers to questions 1 and 2 are yes, would existing federal legislation render all or part of the attached legislation inoperative?

## APPENDIX

### Environmental Management Act

1 The following Part is added to the Environmental Management Act, S.B.C. 2003, c. 53:

#### PART 2.1 - HAZARDOUS SUBSTANCE PERMITS

##### Purposes

22.1 The purposes of this Part are

- (a) to protect, from the adverse effects of releases of hazardous substances,
  - (i) British Columbia's environment, including the terrestrial, freshwater, marine and atmospheric environment,
  - (ii) human health and well-being in British Columbia, and
  - (iii) the economic, social and cultural vitality of communities in British Columbia, and
- (b) to implement the polluter pays principle.

##### Interpretation

22.2 The definition of "permit" in section 1 (1) does not apply to this Part.

##### Requirement for hazardous substance permits

22.3 (1) In the course of operating an industry, trade or business, a person must not, during a calendar year, have possession, charge or control of a substance listed in Column 1 of the Schedule, and defined in Column 2 of the Schedule, in a total amount equal to or greater than the minimum amount set out in Column 3 of the Schedule unless a director has issued a hazardous substance permit to the person to do so.

(2) Subsection (1) does not apply to a person who has possession, charge or control of a substance on a ship.

##### Issuance of hazardous substance permits

22.4 (1) Subject to subsection (2), on application by a person, a director may issue to the applicant a hazardous substance permit referred to in section 22.3 (1).

(2) Before issuing the hazardous substance permit, the director may require the applicant to do one or more of the following:

- (a) provide information documenting, to the satisfaction of the director,
  - (i) the risks to human health or the environment that are posed by a release of the substance, and
  - (ii) the types of impacts that may be caused by a release of the substance and an estimate of the monetary value of those impacts;
- (b) demonstrate to the satisfaction of the director that the applicant
  - (i) has appropriate measures in place to prevent a release of the substance,
  - (ii) has appropriate measures in place to ensure that any release of the substance can be minimized in gravity and magnitude, through early detection and early response, and
  - (iii) has sufficient capacity, including dedicated equipment and personnel, to be able to respond effectively to a release of the substance in the manner and within the time specified by the director;

- (c) post security to the satisfaction of the director, or demonstrate to the satisfaction of the director that the applicant has access to financial resources including insurance, in order to ensure that the applicant has the capacity
- (i) to respond to or mitigate any adverse environmental or health effects resulting from a release of the substance, and
- (ii) to provide compensation that may be required by a condition attached to the permit under section 22.5 (b) (ii);
- (d) establish a fund for, or make payments to, a local government or a first nation government in order to ensure that the local government or the first nation government has the capacity to respond to a release of the substance;
- (e) agree to compensate any person, the government, a local government or a First Nations government for damages resulting from a release of the substance, including damages for any costs incurred in responding to the release, any costs related to ecological recovery and restoration, any economic loss and any loss of non-use value.

#### Conditions attached to hazardous substance permits

22.5 A director may, at any time, attach one or more of the following conditions to a hazardous substance permit:

- (a) conditions respecting the protection of human health or the environment, including conditions requiring the holder of the permit
  - (i) to implement and maintain appropriate measures to prevent a release of the substance,
  - (ii) to implement and maintain appropriate measures to ensure that any release of the substance can be minimized in gravity and magnitude, through early detection and early response, and
  - (iii) to maintain sufficient capacity, including dedicated equipment and personnel, to be able to respond effectively to a release of the substance in the manner and within the time specified by the director;
- (b) conditions respecting the impacts of a release of the substance, including conditions requiring the holder of the permit
  - (i) to respond to a release of a substance in the manner and within the time specified by the director, and
  - (ii) to compensate, without proof of fault or negligence, any person, the government, a local government or a First Nations government for damages referred to in section 22.4 (2) (e).

#### Suspension or cancellation of hazardous substance permits

- 22.6 (1) Subject to this section, a director, by notice served on the holder of a hazardous substance permit, may suspend the permit for any period or cancel the permit.
- (2) A notice served under subsection (1) must state the time at which the suspension or cancellation takes effect.
- (3) A director may exercise the authority under subsection (1) if a holder of a hazardous substance permit fails to comply with the conditions attached to the permit.

#### Restraining orders

- 22.7 (1) If a person, by carrying on an activity or operation, contravenes section 22.3 (1), the activity or operation may be restrained in a proceeding brought by the minister in the Supreme Court.
- (2) The making of an order by the court under subsection (1) in relation to a matter does not interfere with the imposition of a penalty in respect of an offence in relation to the same contravention.

#### Offence and penalty

22.8 A person who contravenes section 22.3 (1) commits an offence and is liable on conviction to a fine not exceeding \$400 000 or imprisonment for not more than 6 months, or both.

#### Power to amend Schedule

22.9 The Lieutenant Governor in Council may, by regulation, add substances, their definitions and their minimum amounts to the Schedule and delete substances, their definitions and their minimum amounts from the Schedule.

2 The following Schedule is added:

SCHEDULE [section 22.3 (1)]

Substance: Heavy Oil

#### Definition of Substance:

- a) a crude petroleum product that has an American Petroleum Institute gravity of 22 or less, or
- (b) a crude petroleum product blend containing at least one component that constitutes 30% or more of the volume of the blend and that has either or both of the following:
  - (i) an American Petroleum Institute gravity of 10 or less,
  - (ii) a dynamic viscosity at reservoir conditions of at least 10 000 centipoise.

#### Minimum Amount of Substance:

The largest annual amount of the annual amounts of the substance that the person had possession, charge or control of during each of 2013 to 2017.

#### Contacts:

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change Strategy  
250 953-3834

#### BACKGROUNDER 2

##### What is a legal reference?

A reference is a process where government can refer a legal question or questions to a court for determination. The answer of the court in a reference process is treated as a decision of that court.

The Government of British Columbia can refer any matter to the Court of Appeal or to the B.C. Supreme Court under the Constitutional Question Act. The question is approved by cabinet, and set out in an order-in-council, which will be available on the B.C. Laws website.

If a matter is referred to the B.C. Supreme Court, the decision can be appealed to the Court of Appeal. References heard by the Court of Appeal avoid the delay and expense of going through two levels of court.

After a reference is filed, notice must be given to the Attorney General of Canada.

In addition, the court may direct other interested parties be notified of the hearing. These interested parties are entitled to be heard. The court will set a date for hearing the reference question.

After the hearing date, the B.C. Court of Appeal will deliberate, then release its decision. The court will determine when it releases its decision, which is treated as a decision of that court, and can be appealed.

Proposed legislation referred to a court for its advice may not necessarily be enacted. To be validly binding, the proposed legislation would need to go through the ordinary process, including being passed by the British Columbia legislature.

##### What is British Columbia's reference?

British Columbia's reference to the B.C. Court of Appeal is about the relationship between the Province's authority

(jurisdiction) to prevent and manage releases into the environment of substances, like diluted bitumen, that would endanger human health, the environment or communities and the federal government's authority (jurisdiction) over federal undertakings, such as interprovincial pipelines or railways.

The courts have repeatedly affirmed that provinces may make laws and regulations within their legal authority, even in areas of shared authority that overlap with areas federal responsibility. In the 2016 case of *Coastal First Nations v. British Columbia*, the B.C. Supreme Court affirmed the ability of provinces to regulate impacts of projects, even if they are federal undertakings, writing:

"To disallow any provincial regulation over the project because it engages a federal undertaking would significantly limit the province's ability to protect social, cultural and economic interests in its lands and waters. It would go against the current trend in the jurisprudence favouring, where possible, co-operative federalism."

For its reference, the B.C. government is asking the B.C. Court of Appeal to review proposed amendments to the Environmental Management Act. The amendments would give the Province authority to regulate impacts of heavy oils like bitumen whose release into the environment would endanger human health, the environment or communities.

Specifically, these amendments would require that a person in possession of such substances, above certain minimum levels, would need to obtain a permit from the provincial director of waste management. Under the proposed amendments, the director could impose certain conditions on the permits.

In considering these proposed amendments, the Province asks the court to answer three questions that raise specific constitutional jurisdictional doctrines of "validity", "interjurisdictional immunity", and "paramountcy":

\* Is the draft legislation within provincial jurisdiction to enact? (Validity)

\* Would the draft legislation be applicable to hazardous substances brought into British Columbia by means of an interprovincial undertaking? (Interjurisdictional immunity)

\* Is there any federal legislation that is inconsistent with the proposed amendments that would render the proposed amendments inoperative? (Paramountcy)

Contacts:

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change Strategy  
250 953-3834

### BACKGROUNDER 3

Protecting British Columbia's lands, water courses and coast

The provincial government is working to ensure the best possible protections are in place to defend B.C. lands, waters and coast, and the tens of thousands of jobs that rely on B.C.'s clean environment.

B.C. has over 19,000 tourism businesses, employing 133,000 people, throughout the province. Fisheries and seafood contribute more than \$660 million each year to the province's gross domestic product, employ 14,000 people and pay nearly \$400 million in wages. B.C.'s film industry supports more than 60,000 direct and indirect jobs.

The provincial government has been working to improve spill response throughout British Columbia. Legislation to establish new requirements to prevent, respond to and recover from spills was passed in 2016. The first set of new regulations to enable this legislation was passed in October 2017.

These regulations, developed with input from industry, Indigenous groups and local communities, as well as other federal and provincial agencies, apply to anyone transporting liquid petroleum products by pipeline, and anyone transporting more than 10,000 litres by rail or truck. The regulations contain provisions that:

- \* Require the development and implementation of spill contingency plans.
- \* Define requirements for drills and exercises.
- \* Mandate record-keeping for spill preparedness and response.
- \* Require enhanced reporting, and set additional cost-recovery mechanisms.
- \* Enable government to require plans for recovery in the event of a spill.

In February 2018, public consultations began on a second phase of proposed regulations, pursuant to the Environmental Management Act, to improve overall spill readiness. These include:

- \* Response times to ensure timely responses following a spill.
- \* Geographic response plans to ensure resources are available to support an immediate response, which consider the unique characteristics of a given sensitive area.
- \* Compensation for loss of public use from spills, including economic, cultural and recreational impacts.
- \* Maximizing application of regulations to marine spills.

The initial public engagement on proposed Phase 2 regulations will close April 30, 2018. Based on the results of this engagement, along with direct engagement with Indigenous groups, industry, environmental organizations and local governments, an intentions paper, outlining what final regulations might look like, will be posted for public comment later in 2018. Final regulations are expected to be in place in early 2019.

The Province will also create an independent scientific advisory panel to help address the scientific uncertainties around the behavior of bitumen when spilled in water, outlined in the report, The Royal Society of Canada Expert Panel: The Behaviour and Environmental Impacts of Crude Oil Released into Aqueous Environments.

British Columbia continues to work with the federal government to further enhance marine and terrestrial spill prevention, response and recovery measures.

Contacts:

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change Strategy  
250 953-3834

Connect with the Province of B.C. at: <http://news.gov.bc.ca/connect>



---

## NEWS RELEASE

For Immediate Release  
2018PREM0019-000742  
April 26, 2018

Office of the Premier  
Ministry of Attorney General  
Ministry of Environment and Climate Change Strategy

### **Province submits court reference to protect B.C.'s coast**

VICTORIA – The Government of British Columbia has submitted a reference question to the B.C. Court of Appeal today to affirm its right to protect B.C. from the threat of a diluted bitumen spill.

The reference question concerns provincial autonomy, particularly the rights of British Columbia to regulate the environmental and economic impacts of heavy oils, like diluted bitumen, transported through the province. It was filed today in the B.C. Court of Appeal.

“We have asked the courts to confirm B.C.’s powers within our jurisdiction to defend B.C.’s interests, so that there is clarity for today and for the generations to come,” said Premier John Horgan. “Our government will continue to stand up for the right to protect B.C.’s environment, economy and coast.”

On March 12, 2018, the government announced it had retained expert legal counsel to prepare and present a reference case related to B.C.’s right to protect the province’s land, coast and waters.

For its reference, the B.C. government is asking the court to review proposed amendments to the Environmental Management Act that would give the Province authority to regulate impacts of heavy oils, like diluted bitumen, which, when released into the environment, would endanger human health, the environment and communities.

“We have been clear from the outset that the appropriate way to resolve disagreements over jurisdiction is through the courts, not through threats or unlawful measures to target citizens of another province,” said David Eby, Attorney General. “This reference question seeks to confirm the scope and extent of provincial powers to regulate environmental and economic risks related to heavy oils like diluted bitumen.”

The Province has been engaged with Indigenous groups, industry, environmental organizations and local governments to improve spill response in British Columbia.

“Our government is working to protect our economy, environment and communities by making sure we have effective spills prevention, response and recovery in place,” said George Heyman, Minister of Environment and Climate Change Strategy. “A single spill of diluted bitumen would put at risk tens of thousands of jobs across B.C. We have a responsibility to ensure that every measure to reduce risks is in place, and that those responsible for spills are held accountable for fixing any environmental damage they cause.”

In January 2018, B.C. proposed a second phase of regulations to improve preparedness,

response and recovery from potential spills. The regulations would apply to pipelines transporting any quantity of liquid petroleum products, as well as rail or truck operations transporting more than 10,000 litres of liquid petroleum products.

The proposed regulations would ensure geographically appropriate response plans, improve response times, ensure compensation for loss of public use of land and maximize the application of regulations to marine transport.

This work builds on the first phase of new spill regulations, approved in October 2017, under the Environmental Management Act, which established a standard of preparedness, response and recovery necessary to protect B.C.'s environment.

**Quick Facts:**

- A legal reference is an advisory opinion on a point of law. The B.C. Court of Appeal is the highest court to which the Province can send a reference question.
- British Columbia's reference seeks to clarify provincial jurisdiction with regard to regulating the potential impacts of heavy oils, like bitumen, that would endanger human health, the environment and communities.
- B.C. has had two recent references: One regarding the constitutionality of polygamy, and one related to third-party advertising in elections.

**Learn More:**

Constitution Question Act: <https://bit.ly/2Hh9yoE>

British Columbia Court of Appeal: [http://www.courts.gov.bc.ca/Court\\_of\\_Appeal/](http://www.courts.gov.bc.ca/Court_of_Appeal/)

Three backgrounders follow.

**Contacts:**

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change  
Strategy  
250 953-3834

---

Connect with the Province of B.C. at: [news.gov.bc.ca/connect](https://news.gov.bc.ca/connect)

---

## BACKGROUND 1

For Immediate Release  
2018PREM0019-000742  
April 26, 2018

Office of the Premier  
Ministry of Attorney General  
Ministry of Environment and Climate Change Strategy

### **Order-in-council and Reference Question**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the questions set out below be referred to the British Columbia Court of Appeal for hearing and consideration under the *Constitutional Question Act*:

- 1 Is it within the legislative authority of the Legislature of British Columbia to enact legislation substantially in the form set out in the attached Appendix?
- 2 If the answer to question 1 is yes, would the attached legislation be applicable to hazardous substances brought into British Columbia by means of interprovincial undertakings?
- 3 If the answers to questions 1 and 2 are yes, would existing federal legislation render all or part of the attached legislation inoperative?

### **APPENDIX**

#### ***Environmental Management Act***

***1 The following Part is added to the Environmental Management Act, S.B.C. 2003, c. 53:***

#### **PART 2.1 – HAZARDOUS SUBSTANCE PERMITS**

##### **Purposes**

**22.1** The purposes of this Part are

- (a) to protect, from the adverse effects of releases of hazardous substances,
  - (i) British Columbia's environment, including the terrestrial, freshwater, marine and atmospheric environment,
  - (ii) human health and well-being in British Columbia, and
  - (iii) the economic, social and cultural vitality of communities in British Columbia, and
- (b) to implement the polluter pays principle.

##### **Interpretation**

**22.2** The definition of "permit" in section 1 (1) does not apply to this Part.

##### **Requirement for hazardous substance permits**

**22.3** (1) In the course of operating an industry, trade or business, a person must not, during a calendar year, have possession, charge or control of a substance listed in Column 1 of the Schedule, and defined in Column 2 of the Schedule, in a total amount equal to or greater than

the minimum amount set out in Column 3 of the Schedule unless a director has issued a hazardous substance permit to the person to do so.

(2) Subsection (1) does not apply to a person who has possession, charge or control of a substance on a ship.

### **Issuance of hazardous substance permits**

**22.4** (1) Subject to subsection (2), on application by a person, a director may issue to the applicant a hazardous substance permit referred to in section 22.3 (1).

(2) Before issuing the hazardous substance permit, the director may require the applicant to do one or more of the following:

(a) provide information documenting, to the satisfaction of the director,

(i) the risks to human health or the environment that are posed by a release of the substance, and

(ii) the types of impacts that may be caused by a release of the substance and an estimate of the monetary value of those impacts;

(b) demonstrate to the satisfaction of the director that the applicant

(i) has appropriate measures in place to prevent a release of the substance,

(ii) has appropriate measures in place to ensure that any release of the substance can be minimized in gravity and magnitude, through early detection and early response, and

(iii) has sufficient capacity, including dedicated equipment and personnel, to be able to respond effectively to a release of the substance in the manner and within the time specified by the director;

(c) post security to the satisfaction of the director, or demonstrate to the satisfaction of the director that the applicant has access to financial resources including insurance, in order to ensure that the applicant has the capacity

(i) to respond to or mitigate any adverse environmental or health effects resulting from a release of the substance, and

(ii) to provide compensation that may be required by a condition attached to the permit under section 22.5 (b) (ii);

(d) establish a fund for, or make payments to, a local government or a first nation government in order to ensure that the local government or the first nation government has the capacity to respond to a release of the substance;

(e) agree to compensate any person, the government, a local government or a First Nations government for damages resulting from a release of the substance, including damages for any costs incurred in responding to the release, any costs related to ecological recovery and restoration, any economic loss and any loss of non-use value.

### **Conditions attached to hazardous substance permits**

**22.5** A director may, at any time, attach one or more of the following conditions to a hazardous substance permit:

(a) conditions respecting the protection of human health or the environment, including conditions requiring the holder of the permit

(i) to implement and maintain appropriate measures to prevent a release of the substance,

(ii) to implement and maintain appropriate measures to ensure that any release of the substance can be minimized in gravity and magnitude, through early detection and early response, and

(iii) to maintain sufficient capacity, including dedicated equipment and personnel, to be able to

respond effectively to a release of the substance in the manner and within the time specified by the director;

(b) conditions respecting the impacts of a release of the substance, including conditions requiring the holder of the permit

(i) to respond to a release of a substance in the manner and within the time specified by the director, and

(ii) to compensate, without proof of fault or negligence, any person, the government, a local government or a First Nations government for damages referred to in section 22.4 (2) (e).

### **Suspension or cancellation of hazardous substance permits**

**22.6** (1) Subject to this section, a director, by notice served on the holder of a hazardous substance permit, may suspend the permit for any period or cancel the permit.

(2) A notice served under subsection (1) must state the time at which the suspension or cancellation takes effect.

(3) A director may exercise the authority under subsection (1) if a holder of a hazardous substance permit fails to comply with the conditions attached to the permit.

### **Restraining orders**

**22.7** (1) If a person, by carrying on an activity or operation, contravenes section 22.3 (1), the activity or operation may be restrained in a proceeding brought by the minister in the Supreme Court.

(2) The making of an order by the court under subsection (1) in relation to a matter does not interfere with the imposition of a penalty in respect of an offence in relation to the same contravention.

### **Offence and penalty**

**22.8** A person who contravenes section 22.3 (1) commits an offence and is liable on conviction to a fine not exceeding \$400 000 or imprisonment for not more than 6 months, or both.

### **Power to amend Schedule**

**22.9** The Lieutenant Governor in Council may, by regulation, add substances, their definitions and their minimum amounts to the Schedule and delete substances, their definitions and their minimum amounts from the Schedule.

### ***2 The following Schedule is added:***

#### **SCHEDULE [section 22.3 (1)]**

**Substance:** Heavy Oil

#### **Definition of Substance:**

a) a crude petroleum product that has an American Petroleum Institute gravity of 22 or less, or  
(b) a crude petroleum product blend containing at least one component that constitutes 30% or more of the volume of the blend and that has either or both of the following:

(i) an American Petroleum Institute gravity of 10 or less,

(ii) a dynamic viscosity at reservoir conditions of at least 10 000 centipoise.

**Minimum Amount of Substance:**

The largest annual amount of the annual amounts of the substance that the person had possession, charge or control of during each of 2013 to 2017.

**Contacts:**

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change  
Strategy  
250 953-3834

---

Connect with the Province of B.C. at: [news.gov.bc.ca/connect](https://news.gov.bc.ca/connect)

---

## BACKGROUND 2

For Immediate Release  
2018PREM0019-000742  
April 26, 2018

Office of the Premier  
Ministry of Attorney General  
Ministry of Environment and Climate Change Strategy

### **What is a legal reference?**

A reference is a process where government can refer a legal question or questions to a court for determination. The answer of the court in a reference process is treated as a decision of that court.

The Government of British Columbia can refer any matter to the Court of Appeal or to the B.C. Supreme Court under the Constitutional Question Act. The question is approved by cabinet, and set out in an order-in-council, which will be available on the B.C. Laws website.

If a matter is referred to the B.C. Supreme Court, the decision can be appealed to the Court of Appeal. References heard by the Court of Appeal avoid the delay and expense of going through two levels of court.

After a reference is filed, notice must be given to the Attorney General of Canada.

In addition, the court may direct other interested parties be notified of the hearing. These interested parties are entitled to be heard. The court will set a date for hearing the reference question.

After the hearing date, the B.C. Court of Appeal will deliberate, then release its decision. The court will determine when it releases its decision, which is treated as a decision of that court, and can be appealed.

Proposed legislation referred to a court for its advice may not necessarily be enacted. To be validly binding, the proposed legislation would need to go through the ordinary process, including being passed by the British Columbia legislature.

### **What is British Columbia's reference?**

British Columbia's reference to the B.C. Court of Appeal is about the relationship between the Province's authority (jurisdiction) to prevent and manage releases into the environment of substances, like diluted bitumen, that would endanger human health, the environment or communities and the federal government's authority (jurisdiction) over federal undertakings, such as interprovincial pipelines or railways.

The courts have repeatedly affirmed that provinces may make laws and regulations within their legal authority, even in areas of shared authority that overlap with areas federal responsibility. In the 2016 case of *Coastal First Nations v. British Columbia*, the B.C. Supreme Court affirmed the ability of provinces to regulate impacts of projects, even if they are federal undertakings, writing:

“To disallow any provincial regulation over the project because it engages a federal undertaking would significantly limit the province’s ability to protect social, cultural and economic interests in its lands and waters. It would go against the current trend in the jurisprudence favouring, where possible, co-operative federalism.”

For its reference, the B.C. government is asking the B.C. Court of Appeal to review proposed amendments to the Environmental Management Act. The amendments would give the Province authority to regulate impacts of heavy oils like bitumen whose release into the environment would endanger human health, the environment or communities.

Specifically, these amendments would require that a person in possession of such substances, above certain minimum levels, would need to obtain a permit from the provincial director of waste management. Under the proposed amendments, the director could impose certain conditions on the permits.

In considering these proposed amendments, the Province asks the court to answer three questions that raise specific constitutional jurisdictional doctrines of “validity”, “interjurisdictional immunity”, and “paramountcy”:

- Is the draft legislation within provincial jurisdiction to enact? (Validity)
- Would the draft legislation be applicable to hazardous substances brought into British Columbia by means of an interprovincial undertaking? (Interjurisdictional immunity)
- Is there any federal legislation that is inconsistent with the proposed amendments that would render the proposed amendments inoperative? (Paramountcy)

**Contacts:**

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change  
Strategy  
250 953-3834

---

Connect with the Province of B.C. at: [news.gov.bc.ca/connect](https://news.gov.bc.ca/connect)



---

## BACKGROUNDER 3

For Immediate Release  
2018PREM0019-000742  
April 26, 2018

Office of the Premier  
Ministry of Attorney General  
Ministry of Environment and Climate Change Strategy

### **Protecting British Columbia's lands, water courses and coast**

The provincial government is working to ensure the best possible protections are in place to defend B.C. lands, waters and coast, and the tens of thousands of jobs that rely on B.C.'s clean environment.

B.C. has over 19,000 tourism businesses, employing 133,000 people, throughout the province. Fisheries and seafood contribute more than \$660 million each year to the province's gross domestic product, employ 14,000 people and pay nearly \$400 million in wages. B.C.'s film industry supports more than 60,000 direct and indirect jobs.

The provincial government has been working to improve spill response throughout British Columbia. Legislation to establish new requirements to prevent, respond to and recover from spills was passed in 2016. The first set of new regulations to enable this legislation was passed in October 2017.

These regulations, developed with input from industry, Indigenous groups and local communities, as well as other federal and provincial agencies, apply to anyone transporting liquid petroleum products by pipeline, and anyone transporting more than 10,000 litres by rail or truck. The regulations contain provisions that:

- Require the development and implementation of spill contingency plans.
- Define requirements for drills and exercises.
- Mandate record-keeping for spill preparedness and response.
- Require enhanced reporting, and set additional cost-recovery mechanisms.
- Enable government to require plans for recovery in the event of a spill.

In February 2018, public consultations began on a second phase of proposed regulations, pursuant to the Environmental Management Act, to improve overall spill readiness. These include:

- Response times to ensure timely responses following a spill.
- Geographic response plans to ensure resources are available to support an immediate response, which consider the unique characteristics of a given sensitive area.
- Compensation for loss of public use from spills, including economic, cultural and recreational impacts.
- Maximizing application of regulations to marine spills.

The initial public engagement on proposed Phase 2 regulations will close April 30, 2018. Based on the results of this engagement, along with direct engagement with Indigenous groups, industry, environmental organizations and local governments, an intentions paper, outlining

what final regulations might look like, will be posted for public comment later in 2018. Final regulations are expected to be in place in early 2019.

The Province will also create an independent scientific advisory panel to help address the scientific uncertainties around the behavior of bitumen when spilled in water, outlined in the report, *The Royal Society of Canada Expert Panel: The Behaviour and Environmental Impacts of Crude Oil Released into Aqueous Environments*.

British Columbia continues to work with the federal government to further enhance marine and terrestrial spill prevention, response and recovery measures.

**Contacts:**

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change  
Strategy  
250 953-3834

---

Connect with the Province of B.C. at: [news.gov.bc.ca/connect](https://news.gov.bc.ca/connect)

**From:** [Smith, George AG:EX](#)  
**To:** [Dalzell, Danielle GCPE:EX](#); [Holmwood, Jen PREM:EX](#)  
**Cc:** [Aaron, Sage PREM:EX](#); [Kristianson, Eric PREM:EX](#)  
**Subject:** RE: Legal Experts available for comment  
**Date:** Thursday, April 26, 2018 10:13:57 AM

---

Let's wait to hear from Murray about how they've reacted to the announcement today.

---

**From:** Dalzell, Danielle GCPE:EX  
**Sent:** Thursday, April 26, 2018 9:10 AM  
**To:** Holmwood, Jen PREM:EX; Smith, George AG:EX  
**Cc:** Aaron, Sage PREM:EX; Kristianson, Eric GCPE:EX  
**Subject:** Legal Experts available for comment

Prof. Joel Bakan UBC -s.16 [bakan@allard.ubc.ca](mailto:bakan@allard.ubc.ca)

Prof. Patrick Macklem UofT -s.16 [p.macklem@utoronto.ca](mailto:p.macklem@utoronto.ca)

Jack Woodward – Victoria -s.22 <http://www.jackwoodward.ca/>

Danielle Dalzell

Manager, Special Projects | Cabinet Priorities | Government Communications and Public  
Engagement

[Danielle.Dalzell@gov.bc.ca](mailto:Danielle.Dalzell@gov.bc.ca) | 250-893-2096

**From:** [Smith, George AG:EX](#)  
**To:** [Butler, Liam GCPE:EX](#); [Milne, Gala AG:EX](#); [Harder, Derrick AG:EX](#)  
**Cc:** [Nelson, Tiffany MCF:EX](#); [Robins, Shawn GCPE:EX](#)  
**Subject:** RE: Media requests as of 2:30 p.m.  
**Date:** Thursday, April 26, 2018 2:45:51 PM

---

Please go ahead and schedule early edition.  
Standby for others.

---

**From:** Butler, Liam GCPE:EX  
**Sent:** Thursday, April 26, 2018 2:31 PM  
**To:** Smith, George AG:EX; Milne, Gala AG:EX; Harder, Derrick AG:EX  
**Cc:** Nelson, Tiffany GCPE:EX; Robins, Shawn GCPE:EX  
**Subject:** Media requests as of 2:30 p.m.

**3 requests:**

- **Star Vancouver – Sheriff escorts**
- **CBC Early Edition – reference question radio interview**
- **CBC Daybreak North – reference question radio interview**

**Reporter**

Jeremy Nuttall, Reporter  
The Star Vancouver  
[jeremy.nuttall@metronews.ca](mailto:jeremy.nuttall@metronews.ca)

s.22

**Deadline** Friday, April 27, 2018 4:00 PM

**Request**

The reporter is working on a story about inmates after they leave prison. He would like to know if inmates are escorted by sheriffs from the place of conviction (court) to the jail? The reporter has been told that they are and it could sometimes include plane travel.

**Recommendation – Provide background**

- **Sheriffs provide courthouse security and jury management, as well as the safe and efficient escort of those in custody to and from court, correctional centres and police lockup facilities.**

**Reporter**

Jeremy Allingham, Producer  
CBC - Vancouver  
[jeremy.allingham@cbc.ca](mailto:jeremy.allingham@cbc.ca)

s.22

**Deadline to schedule** Thursday, April 26, 2018 5:00 PM

**Request**

The reporter would like to schedule a live radio interview with Minister Eby tomorrow morning to discuss the reference question. The interview would be 7 minutes long with host Stephen Quinn. There would not be call-ins.

The producer has open time slots at 7:10, 7:40, and 7:50 a.m. tomorrow morning.

**Recommendation****Reporter**

George Baker, Reporter

CBC - Prince George

s.22

s.22 c: s.22

**Deadline to schedule** Thursday, April 26, 2018 5:00 PM

**Request**

The producer would like to schedule a live radio interview with Minister Eby tomorrow morning to discuss the reference question. The interview would be 8-10 minutes with host Carolina de Ryk.

There would not be call-ins.

The producer has an open time slot at 7:15 a.m. tomorrow morning.

**Recommendation**

**From:** [Butler, Liam GCPE:EX](#)  
**To:** [MINCAL, AG AG:EX](#); [Eby, David AG:EX](#)  
**Subject:** Media: CBC Early Edition  
**Start:** Friday, April 27, 2018 7:10:00 AM  
**End:** Friday, April 27, 2018 7:18:00 AM  
**Location:** S.22

---

Topic: Reference question  
Reporter: Stephen Quinn  
Style: Live radio interview with the host. No call-ins.  
Time: 7:10-7:18 a.m.  
Call: 6 22  
Note: Please call in several minutes early.

**From:** [Dalzell, Danielle GCPE:EX](#)  
**To:** **S.16**  
**Cc:** [Smith, George AG:EX](#)  
**Subject:** RE: News Release and Backgrounders  
**Date:** Thursday, April 26, 2018 3:37:49 PM

---

Really well. Many thanks!

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

From: **S.16**  
Sent: Thursday, April 26, 2018 3:36 PM  
To: Dalzell, Danielle GCPE:EX  
Cc: Smith, George AG:EX  
Subject: Re: News Release and Backgrounders

It seems to have gone well. Right?

---

From: Dalzell, Danielle GCPE:EX <Danielle.Dalzell@gov.bc.ca>  
Date: April 26, 2018 at 11:21:09 AM CDT  
To: Rankin, Murray - Personal **S.16**  
Cc: Smith, George AG:EX <George.Smith@gov.bc.ca>  
Subject: News Release and Backgrounders

Hi Murray,

As discussed, the release, reference question and backgrounders are below.

George will give you a call shortly.

Murray's number is: **S.16**

Thank you,  
Danielle

\*\*\*

For Immediate Release  
2018PREM0019-000742  
April 26, 2018

Office of the Premier  
Ministry of Attorney General  
Ministry of Environment and Climate Change Strategy

#### NEWS RELEASE

Province submits court reference to protect B.C.'s coast

VICTORIA - The Government of British Columbia has submitted a reference question to the B.C. Court of Appeal today to affirm its right to protect B.C. from the threat of a diluted bitumen spill.

The reference question concerns provincial autonomy, particularly the rights of British Columbia to regulate the environmental and economic impacts of heavy oils, like diluted bitumen, transported through the province. It was

filed today in the B.C. Court of Appeal.

"We have asked the courts to confirm B.C.'s powers within our jurisdiction to defend B.C.'s interests, so that there is clarity for today and for the generations to come," said Premier John Horgan. "Our government will continue to stand up for the right to protect B.C.'s environment, economy and coast."

On March 12, 2018, the government announced it had retained expert legal counsel to prepare and present a reference case related to B.C.'s right to protect the province's land, coast and waters.

For its reference, the B.C. government is asking the court to review proposed amendments to the Environmental Management Act that would give the Province authority to regulate impacts of heavy oils, like diluted bitumen, which, when released into the environment, would endanger human health, the environment and communities.

"We have been clear from the outset that the appropriate way to resolve disagreements over jurisdiction is through the courts, not through threats or unlawful measures to target citizens of another province," said David Eby, Attorney General. "This reference question seeks to confirm the scope and extent of provincial powers to regulate environmental and economic risks related to heavy oils like diluted bitumen."

The Province has been engaged with Indigenous groups, industry, environmental organizations and local governments to improve spill response in British Columbia.

"Our government is working to protect our economy, environment and communities by making sure we have effective spills prevention, response and recovery in place," said George Heyman, Minister of Environment and Climate Change Strategy. "A single spill of diluted bitumen would put at risk tens of thousands of jobs across B.C. We have a responsibility to ensure that every measure to reduce risks is in place, and that those responsible for spills are held accountable for fixing any environmental damage they cause."

In January 2018, B.C. proposed a second phase of regulations to improve preparedness, response and recovery from potential spills. The regulations would apply to pipelines transporting any quantity of liquid petroleum products, as well as rail or truck operations transporting more than 10,000 litres of liquid petroleum products.

The proposed regulations would ensure geographically appropriate response plans, improve response times, ensure compensation for loss of public use of land and maximize the application of regulations to marine transport.

This work builds on the first phase of new spill regulations, approved in October 2017, under the Environmental Management Act, which established a standard of preparedness, response and recovery necessary to protect B.C.'s environment.

#### Quick Facts:

- \* A legal reference is an advisory opinion on a point of law. The B.C. Court of Appeal is the highest court to which the Province can send a reference question.
- \* British Columbia's reference seeks to clarify provincial jurisdiction with regard to regulating the potential impacts of heavy oils, like bitumen, that would endanger human health, the environment and communities.
- \* B.C. has had two recent references: One regarding the constitutionality of polygamy, and one related to third-party advertising in elections.

#### Learn More:

Constitution Question Act: <https://bit.ly/2Hh9yoE>

British Columbia Court of Appeal: [http://www.courts.gov.bc.ca/Court\\_of\\_Appeal/](http://www.courts.gov.bc.ca/Court_of_Appeal/)  
([http://www.courts.gov.bc.ca/Court\\_of\\_Appeal/](http://www.courts.gov.bc.ca/Court_of_Appeal/))

Three backgrounders follow.



#### Contacts:

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change Strategy  
250 953-3834

#### BACKGROUNDER 1

##### Order-in-council and Reference Question

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the questions set out below be referred to the British Columbia Court of Appeal for hearing and consideration under the Constitutional Question Act:

1 Is it within the legislative authority of the Legislature of British Columbia to enact legislation substantially in the form set out in the attached Appendix?

2 If the answer to question 1 is yes, would the attached legislation be applicable to hazardous substances brought into British Columbia by means of interprovincial undertakings?

3 If the answers to questions 1 and 2 are yes, would existing federal legislation render all or part of the attached legislation inoperative?

#### APPENDIX

##### Environmental Management Act

1 The following Part is added to the Environmental Management Act, S.B.C. 2003, c. 53:

#### PART 2.1 - HAZARDOUS SUBSTANCE PERMITS

##### Purposes

22.1 The purposes of this Part are

- (a) to protect, from the adverse effects of releases of hazardous substances,
- (i) British Columbia's environment, including the terrestrial, freshwater, marine and atmospheric environment,
- (ii) human health and well-being in British Columbia, and
- (iii) the economic, social and cultural vitality of communities in British Columbia, and
- (b) to implement the polluter pays principle.

##### Interpretation

22.2 The definition of "permit" in section 1 (1) does not apply to this Part.

##### Requirement for hazardous substance permits

22.3 (1) In the course of operating an industry, trade or business, a person must not, during a calendar year, have possession, charge or control of a substance listed in Column 1 of the Schedule, and defined in Column 2 of the Schedule, in a total amount equal to or greater than the minimum amount set out in Column 3 of the Schedule unless

a director has issued a hazardous substance permit to the person to do so.

(2) Subsection (1) does not apply to a person who has possession, charge or control of a substance on a ship.

#### Issuance of hazardous substance permits

22.4 (1) Subject to subsection (2), on application by a person, a director may issue to the applicant a hazardous substance permit referred to in section 22.3 (1).

(2) Before issuing the hazardous substance permit, the director may require the applicant to do one or more of the following:

- (a) provide information documenting, to the satisfaction of the director,
  - (i) the risks to human health or the environment that are posed by a release of the substance, and
  - (ii) the types of impacts that may be caused by a release of the substance and an estimate of the monetary value of those impacts;
- (b) demonstrate to the satisfaction of the director that the applicant
  - (i) has appropriate measures in place to prevent a release of the substance,
  - (ii) has appropriate measures in place to ensure that any release of the substance can be minimized in gravity and magnitude, through early detection and early response, and
  - (iii) has sufficient capacity, including dedicated equipment and personnel, to be able to respond effectively to a release of the substance in the manner and within the time specified by the director;
- (c) post security to the satisfaction of the director, or demonstrate to the satisfaction of the director that the applicant has access to financial resources including insurance, in order to ensure that the applicant has the capacity
  - (i) to respond to or mitigate any adverse environmental or health effects resulting from a release of the substance, and
  - (ii) to provide compensation that may be required by a condition attached to the permit under section 22.5 (b) (ii);
- (d) establish a fund for, or make payments to, a local government or a first nation government in order to ensure that the local government or the first nation government has the capacity to respond to a release of the substance;
- (e) agree to compensate any person, the government, a local government or a First Nations government for damages resulting from a release of the substance, including damages for any costs incurred in responding to the release, any costs related to ecological recovery and restoration, any economic loss and any loss of non-use value.

#### Conditions attached to hazardous substance permits

22.5 A director may, at any time, attach one or more of the following conditions to a hazardous substance permit:

- (a) conditions respecting the protection of human health or the environment, including conditions requiring the holder of the permit
  - (i) to implement and maintain appropriate measures to prevent a release of the substance,
  - (ii) to implement and maintain appropriate measures to ensure that any release of the substance can be minimized in gravity and magnitude, through early detection and early response, and
  - (iii) to maintain sufficient capacity, including dedicated equipment and personnel, to be able to respond effectively to a release of the substance in the manner and within the time specified by the director;
- (b) conditions respecting the impacts of a release of the substance, including conditions requiring the holder of the permit
  - (i) to respond to a release of a substance in the manner and within the time specified by the director, and
  - (ii) to compensate, without proof of fault or negligence, any person, the government, a local government or a First Nations government for damages referred to in section 22.4 (2) (e).

#### Suspension or cancellation of hazardous substance permits

22.6 (1) Subject to this section, a director, by notice served on the holder of a hazardous substance permit, may suspend the permit for any period or cancel the permit.

(2) A notice served under subsection (1) must state the time at which the suspension or cancellation takes effect.

(3) A director may exercise the authority under subsection (1) if a holder of a hazardous substance permit fails to comply with the conditions attached to the permit.

#### Restraining orders

22.7 (1) If a person, by carrying on an activity or operation, contravenes section 22.3 (1), the activity or operation

may be restrained in a proceeding brought by the minister in the Supreme Court.

(2) The making of an order by the court under subsection (1) in relation to a matter does not interfere with the imposition of a penalty in respect of an offence in relation to the same contravention.

#### Offence and penalty

22.8 A person who contravenes section 22.3 (1) commits an offence and is liable on conviction to a fine not exceeding \$400 000 or imprisonment for not more than 6 months, or both.

#### Power to amend Schedule

22.9 The Lieutenant Governor in Council may, by regulation, add substances, their definitions and their minimum amounts to the Schedule and delete substances, their definitions and their minimum amounts from the Schedule.

2 The following Schedule is added:

#### SCHEDULE [section 22.3 (1)]

Substance: Heavy Oil

#### Definition of Substance:

- a) a crude petroleum product that has an American Petroleum Institute gravity of 22 or less, or
- (b) a crude petroleum product blend containing at least one component that constitutes 30% or more of the volume of the blend and that has either or both of the following:
  - (i) an American Petroleum Institute gravity of 10 or less,
  - (ii) a dynamic viscosity at reservoir conditions of at least 10 000 centipoise.

#### Minimum Amount of Substance:

The largest annual amount of the annual amounts of the substance that the person had possession, charge or control of during each of 2013 to 2017.

#### Contacts:

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change Strategy  
250 953-3834

#### BACKGROUNDER 2

##### What is a legal reference?

A reference is a process where government can refer a legal question or questions to a court for determination. The answer of the court in a reference process is treated as a decision of that court.

The Government of British Columbia can refer any matter to the Court of Appeal or to the B.C. Supreme Court under the Constitutional Question Act. The question is approved by cabinet, and set out in an order-in-council, which will be available on the B.C. Laws website.

If a matter is referred to the B.C. Supreme Court, the decision can be appealed to the Court of Appeal. References heard by the Court of Appeal avoid the delay and expense of going through two levels of court.

After a reference is filed, notice must be given to the Attorney General of Canada.

In addition, the court may direct other interested parties be notified of the hearing. These interested parties are entitled to be heard. The court will set a date for hearing the reference question.

After the hearing date, the B.C. Court of Appeal will deliberate, then release its decision. The court will determine when it releases its decision, which is treated as a decision of that court, and can be appealed.

Proposed legislation referred to a court for its advice may not necessarily be enacted. To be validly binding, the proposed legislation would need to go through the ordinary process, including being passed by the British Columbia legislature.

What is British Columbia's reference?

British Columbia's reference to the B.C. Court of Appeal is about the relationship between the Province's authority (jurisdiction) to prevent and manage releases into the environment of substances, like diluted bitumen, that would endanger human health, the environment or communities and the federal government's authority (jurisdiction) over federal undertakings, such as interprovincial pipelines or railways.

The courts have repeatedly affirmed that provinces may make laws and regulations within their legal authority, even in areas of shared authority that overlap with areas federal responsibility. In the 2016 case of *Coastal First Nations v. British Columbia*, the B.C. Supreme Court affirmed the ability of provinces to regulate impacts of projects, even if they are federal undertakings, writing:

"To disallow any provincial regulation over the project because it engages a federal undertaking would significantly limit the province's ability to protect social, cultural and economic interests in its lands and waters. It would go against the current trend in the jurisprudence favouring, where possible, co-operative federalism."

For its reference, the B.C. government is asking the B.C. Court of Appeal to review proposed amendments to the Environmental Management Act. The amendments would give the Province authority to regulate impacts of heavy oils like bitumen whose release into the environment would endanger human health, the environment or communities.

Specifically, these amendments would require that a person in possession of such substances, above certain minimum levels, would need to obtain a permit from the provincial director of waste management. Under the proposed amendments, the director could impose certain conditions on the permits.

In considering these proposed amendments, the Province asks the court to answer three questions that raise specific constitutional jurisdictional doctrines of "validity", "interjurisdictional immunity", and "paramountcy":

- \* Is the draft legislation within provincial jurisdiction to enact? (Validity)
- \* Would the draft legislation be applicable to hazardous substances brought into British Columbia by means of an interprovincial undertaking? (Interjurisdictional immunity)
- \* Is there any federal legislation that is inconsistent with the proposed amendments that would render the proposed amendments inoperative? (Paramountcy)

Contacts:

Jen Holmwood  
Deputy Communications Director  
Office of the Premier

250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change Strategy  
250 953-3834

### BACKGROUNDER 3

Protecting British Columbia's lands, water courses and coast

The provincial government is working to ensure the best possible protections are in place to defend B.C. lands, waters and coast, and the tens of thousands of jobs that rely on B.C.'s clean environment.

B.C. has over 19,000 tourism businesses, employing 133,000 people, throughout the province. Fisheries and seafood contribute more than \$660 million each year to the province's gross domestic product, employ 14,000 people and pay nearly \$400 million in wages. B.C.'s film industry supports more than 60,000 direct and indirect jobs.

The provincial government has been working to improve spill response throughout British Columbia. Legislation to establish new requirements to prevent, respond to and recover from spills was passed in 2016. The first set of new regulations to enable this legislation was passed in October 2017.

These regulations, developed with input from industry, Indigenous groups and local communities, as well as other federal and provincial agencies, apply to anyone transporting liquid petroleum products by pipeline, and anyone transporting more than 10,000 litres by rail or truck. The regulations contain provisions that:

- \* Require the development and implementation of spill contingency plans.
- \* Define requirements for drills and exercises.
- \* Mandate record-keeping for spill preparedness and response.
- \* Require enhanced reporting, and set additional cost-recovery mechanisms.
- \* Enable government to require plans for recovery in the event of a spill.

In February 2018, public consultations began on a second phase of proposed regulations, pursuant to the Environmental Management Act, to improve overall spill readiness. These include:

- \* Response times to ensure timely responses following a spill.
- \* Geographic response plans to ensure resources are available to support an immediate response, which consider the unique characteristics of a given sensitive area.
- \* Compensation for loss of public use from spills, including economic, cultural and recreational impacts.
- \* Maximizing application of regulations to marine spills.

The initial public engagement on proposed Phase 2 regulations will close April 30, 2018. Based on the results of this engagement, along with direct engagement with Indigenous groups, industry, environmental organizations and local governments, an intentions paper, outlining what final regulations might look like, will be posted for public comment later in 2018. Final regulations are expected to be in place in early 2019.

The Province will also create an independent scientific advisory panel to help address the scientific uncertainties around the behavior of bitumen when spilled in water, outlined in the report, The Royal Society of Canada Expert

Panel: The Behaviour and Environmental Impacts of Crude Oil Released into Aqueous Environments.

British Columbia continues to work with the federal government to further enhance marine and terrestrial spill prevention, response and recovery measures.

Contacts:

Jen Holmwood  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Media Relations  
Ministry of Attorney General  
778 678-1572

Media Relations  
Ministry of Environment and Climate Change Strategy  
250 953-3834

Connect with the Province of B.C. at: <http://news.gov.bc.ca/connect>

**From:** [Smith, George AG:EX](#)  
**To:** [Eby, David AG:EX](#)  
**Subject:** Fwd: Media requests as of 3:42 p.m.  
**Date:** Thursday, April 26, 2018 4:16:18 PM

---

FYI- You're on early edition 7:10-7:18 tomorrow.

- 1) Would you like us to try and find another time for CBC north?
- 2) CBC the House (airing Saturday) - proposal is to do it at 9:45 after your meeting on HIV/AIDS. They have requested having you in Vancouver studio (better sound quality) but because of your schedule we can simply tell them it has to be by phone.

-George

Begin forwarded message:

**From:** "Butler, Liam GCPE:EX" <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)>  
**Date:** April 26, 2018 at 3:42:41 PM PDT  
**To:** "Smith, George AG:EX" <[George.Smith@gov.bc.ca](mailto:George.Smith@gov.bc.ca)>, "Milne, Gala AG:EX" <[Gala.Milne@gov.bc.ca](mailto:Gala.Milne@gov.bc.ca)>, "Harder, Derrick AG:EX" <[Derrick.Harder@gov.bc.ca](mailto:Derrick.Harder@gov.bc.ca)>  
**Cc:** "Nelson, Tiffany GCPE:EX" <[Tiffany.Nelson@gov.bc.ca](mailto:Tiffany.Nelson@gov.bc.ca)>, "Robins, Shawn GCPE:EX" <[Shawn.1.Robins@gov.bc.ca](mailto:Shawn.1.Robins@gov.bc.ca)>  
**Subject:** Media requests as of 3:42 p.m.

**3 requests:**

<!--[if !supportLists]-->•<!--[endif]-->**CBC The House – Reference question  
radio interview**  
<!--[if !supportLists]-->•<!--[endif]-->**Star Vancouver – Sheriff escorts**  
<!--[if !supportLists]-->•<!--[endif]-->**CBC Daybreak North – reference  
question radio interview**

**Reporter**

Nick Gamache, Producer  
CBC - Ottawa

s.22

s.22                      c: s.22

**Deadline to conduct** Friday, April 27, 2018 4:00 PM

**Request**

The producer would like to schedule a pre-taped radio interview with Minister Eby tomorrow to discuss the reference question. The interview would be 10 minutes with host Chris Hall. The interview would air on CBC Radio's The House.

The producer would prefer if the Minister went to the CBC studio in Vancouver to call in for the interview but could also send a producer to meet the minister at his location. The producer is available until 4 p.m. tomorrow to conduct the interview.

**Recommendation**

**Reporter**

Jeremy Nuttall, Reporter

The Star Vancouver

[jeremy.nuttall@metronews.ca](mailto:jeremy.nuttall@metronews.ca)

s.22

**Deadline** Friday, April 27, 2018 4:00 PM

**Request**

The reporter is working on a story about inmates after they leave prison. He would like to know if inmates are escorted by sheriffs from the place of conviction (court) to the jail? The reporter has been told that they are and it could sometimes include plane travel.

**Recommendation – Provide background**

- Sheriffs provide courthouse security and jury management, as well as the safe and efficient escort of those in custody to and from court, correctional centres and police lockup facilities.

**Reporter**

George Baker, Reporter

CBC - Prince George

s.22

s.22 - c: s.22

**Deadline to schedule** Thursday, April 26, 2018 5:00 PM

**Request**

The producer would like to schedule a live radio interview with Minister Eby tomorrow morning to discuss the reference question. The interview would be 8-10 minutes with host Carolina de Ryk. There would not be call-ins.

The producer has an open time slot at 7:15 a.m. tomorrow morning.

**Recommendation**



**From:** [Butler, Liam GCPE:EX](#)  
**To:** [MINCAL, AG AG:EX](#); [Eby, David AG:EX](#)  
**Subject:** Canceled: Media: CBC Early Edition  
**Start:** Friday, April 27, 2018 7:10:00 AM  
**End:** Friday, April 27, 2018 7:18:00 AM  
**Location:** s.22  
**Importance:** High

---

The producer has cancelled the interview. They have another guest they would prefer for the 7:10 time slot.

Topic: Reference question

Reporter: Stephen Quinn

Style: Live radio interview with the host. No call-ins.

Time: 7:10-7:18 a.m.

Call: s.22

Note: Please call in several minutes early.

**From:** [Smith, George AG:EX](#)  
**To:** [Butler, Liam GCPE:EX](#)  
**Cc:** [Eby, David AG:EX](#)  
**Subject:** Re: Canceled: Media: CBC Early Edition  
**Date:** Thursday, April 26, 2018 5:14:08 PM

---

Please book 7:40

-George

> On Apr 26, 2018, at 4:53 PM, Butler, Liam GCPE:EX <Liam.Butler@gov.bc.ca> wrote:

>

> Only during the minister's drop off time: 7:40 or 7:50.

>

> -----Original Message-----

> From: Smith, George AG:EX

> Sent: Thursday, April 26, 2018 4:47 PM

> To: Butler, Liam GCPE:EX

> Cc: Eby, David AG:EX

> Subject: Re: Canceled: Media: CBC Early Edition

>

> Do they have any other time slots available?

>

> -George

>

>> On Apr 26, 2018, at 4:46 PM, Butler, Liam GCPE:EX <Liam.Butler@gov.bc.ca> wrote:

>>

>> The producer has cancelled the interview. They have another guest they would prefer for the 7:10 time slot.

>>

>> Topic: Reference question

>> Reporter: Stephen Quinn

>> Style: Live radio interview with the host. No call-ins.

>> Time: 7:10-7:18 a.m.

>> Call: **S.22**

>> Note: Please call in several minutes early.

>>

>>

>> <meeting.ics>

**From:** [Smith, George AG:EX](#)  
**To:** [Butler, Liam GCPE:EX](#)  
**Cc:** [Eby, David AG:EX](#)  
**Subject:** Re: Canceled: Media: CBC Early Edition  
**Date:** Thursday, April 26, 2018 5:14:08 PM

---

Please book 7:40

-George

> On Apr 26, 2018, at 4:53 PM, Butler, Liam GCPE:EX <Liam.Butler@gov.bc.ca> wrote:

>

> Only during the minister's drop off time: 7:40 or 7:50.

>

> -----Original Message-----

> From: Smith, George AG:EX

> Sent: Thursday, April 26, 2018 4:47 PM

> To: Butler, Liam GCPE:EX

> Cc: Eby, David AG:EX

> Subject: Re: Canceled: Media: CBC Early Edition

>

> Do they have any other time slots available?

>

> -George

>

>> On Apr 26, 2018, at 4:46 PM, Butler, Liam GCPE:EX <Liam.Butler@gov.bc.ca> wrote:

>>

>> The producer has cancelled the interview. They have another guest they would prefer for the 7:10 time slot.

>>

>> Topic: Reference question

>> Reporter: Stephen Quinn

>> Style: Live radio interview with the host. No call-ins.

>> Time: 7:10-7:18 a.m.

>> Call: **S.22**

>> Note: Please call in several minutes early.

>>

>>

>> <meeting.ics>

**From:** [Smith, George AG:EX](#)  
**To:** [Butler, Liam GCPE:EX](#)  
**Cc:** [Milne, Gala AG:EX](#); [Harder, Derrick AG:EX](#); [Nelson, Tiffany MCF:EX](#); [Robins, Shawn GCPE:EX](#)  
**Subject:** Re: Media requests as of 5 p.m.  
**Date:** Thursday, April 26, 2018 5:16:56 PM

---

Waiting to hear back from AG about Star Metro. He made need more info.  
Let's move forward with booking CBC the house for 9:45amPT but please tell them that we would like to set this up in Vancouver studio but we need a telephone line back-up.

Thanks!

-George

On Apr 26, 2018, at 4:58 PM, Butler, Liam GCPE:EX <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)> wrote:

**3 requests:**

<!--[if !supportLists]-->•<!--[endif]-->**CTV Question Period – Reference question on-camera interview**

<!--[if !supportLists]-->•<!--[endif]-->**CBC The House – Reference question radio interview**

<!--[if !supportLists]-->•<!--[endif]-->**Star Vancouver – Sheriff escorts**

**Reporter**

Mackenzie Gray, Producer

CTV - Ottawa (Parliamentary Team)

s.22

**Deadline to conduct** Friday, April 27, 2018 5:00 PM

**Request**

The producer would like to schedule a pre-taped on-camera interview with Minister Eby tomorrow to discuss the reference question. The interview would be 8-10 minutes with host Evan Solomon.

The producer is flexible on time but would like to have the minister in their Vancouver studio for the interview.

**Recommendation**

**Reporter**

Nick Gamache, Producer

CBC - Ottawa

s.22

s.22 ~ c: s.22

**Deadline to conduct** Friday, April 27, 2018 4:00 PM

**Request**

The producer would like to schedule a pre-taped radio interview with Minister Eby tomorrow to discuss the reference question. The interview would be 10 minutes with host Chris Hall. The interview would air on CBC Radio's The House.

The producer would prefer if the Minister went to the CBC studio in Vancouver to call in for the interview but could also send a producer to meet the minister at his location. The producer is available until 4 p.m. tomorrow to conduct the interview.

### **Recommendation**

#### **Reporter**

Jeremy Nuttall, Reporter

The Star Vancouver

[jeremy.nuttall@metronews.ca](mailto:jeremy.nuttall@metronews.ca)

s.22

**Deadline** Friday, April 27, 2018 4:00 PM

#### **Request**

The reporter is working on a story about inmates after they leave prison. He would like to know if inmates are escorted by sheriffs from the place of conviction (court) to the jail? The reporter has been told that they are and it could sometimes include plane travel.

#### **Recommendation – Provide background**

- **Sheriffs provide courthouse security and jury management, as well as the safe and efficient escort of those in custody to and from court, correctional centres and police lockup facilities.**

**From:** [Smith, George AG:EX](#)  
**To:** [Robins, Shawn GCPE:EX](#)  
**Cc:** [Milne, Gala AG:EX](#); [Harder, Derrick AG:EX](#); [Butler, Liam GCPE:EX](#)  
**Subject:** Re: AG media wrap - April 26, 2018  
**Date:** Thursday, April 26, 2018 5:17:17 PM

---

I don't think he has time tomorrow.

-George

On Apr 26, 2018, at 5:15 PM, Robins, Shawn GCPE:EX <[Shawn.1.Robins@gov.bc.ca](mailto:Shawn.1.Robins@gov.bc.ca)> wrote:

Can you let us know if MDE is interested in doing CTV Question Period with Evon Solomon by early tomorrow. Thanks.

Sent from my iPhone

Begin forwarded message:

**From:** "Butler, Liam GCPE:EX" <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)>  
**Date:** April 26, 2018 at 5:00:29 PM PDT  
**To:** GCPE JAG Media Wrap <[JMEDWRAP@Victoria1.gov.bc.ca](mailto:JMEDWRAP@Victoria1.gov.bc.ca)>  
**Cc:** "Smith, George AG:EX" <[George.Smith@gov.bc.ca](mailto:George.Smith@gov.bc.ca)>, "Milne, Gala AG:EX" <[Gala.Milne@gov.bc.ca](mailto:Gala.Milne@gov.bc.ca)>, "Zadravec, Don GCPE:EX" <[Don.Zadravec@gov.bc.ca](mailto:Don.Zadravec@gov.bc.ca)>, "Howlett, Tim GCPE:EX" <[Tim.Howlett@gov.bc.ca](mailto:Tim.Howlett@gov.bc.ca)>, "Sherlock, Stephanie GCPE:EX" <[Stephanie.Sherlock@gov.bc.ca](mailto:Stephanie.Sherlock@gov.bc.ca)>, "Zanocco, Viviana LDB:EX" <[viviana.zanocco@bcldb.com](mailto:viviana.zanocco@bcldb.com)>, "Tam, Dixon LDB:EX" <[dixon.tam@bcldb.com](mailto:dixon.tam@bcldb.com)>, "Harder, Derrick AG:EX" <[Derrick.Harder@gov.bc.ca](mailto:Derrick.Harder@gov.bc.ca)>  
**Subject:** AG media wrap - April 26, 2018

### **AG media calls**

#### **Interviews scheduled for April 27:**

**Topic:** ICBC legislation  
**Reporter:** Jody Vance  
**Style:** Live radio interview with the host. No call-ins.  
**Time:** 11:30-11:38 a.m.  
**Call:** s.22  
**Topic:** Wide-ranging discussion  
**Reporter:** Ian Mulgrew  
**Style:** Sit down in-person interview with the reporter.  
**Time:** 12:15-12:45 p.m.  
**Location:** 2909 W Broadway  
**Ongoing:**

Nick Gamache - CBC - Ottawa  
ISSUE: Reference question  
STATUS: With Minister's Office

Mackenzie Gray - CTV - Ottawa (Parliamentary Team)  
ISSUE: CTV Question Period  
STATUS: With Minister's Office

Jeremy Nuttall - The Star Vancouver  
ISSUE: Sheriff transport  
STATUS: With Minister's Office

Brielle Morgan - Discourse Media  
ISSUE: CCO #s  
STATUS: With Program Area

**Completed:**

Jeremy Allingham - CBC - Vancouver  
ISSUE: Reference question  
STATUS: Scheduled interview for 7:10 a.m. on April 27. The producer called back later to cancel.

Jon Woodward - CTV News (BC)  
ISSUE: ICBC reforms  
STATUS: Provided Background

- ICBC has access to a third party media tracking service, which provides advertising spending data by B.C. law firms that offers personal injury legal services.
- Last year, the data showed that there was a 56% increase in overall traditional advertising spend by these firms. In 2016, the reported spend was approximately \$1.51M; in 2017 this was \$2.36M.
- The name of the third party agency is Market Track.

George Baker - CBC - Prince George  
ISSUE: Reference question  
STATUS: Declined to Comment

- The minister has already scheduled an interview with CBC during the same time slot.

Bridgette Watson - CBC - Vancouver  
ISSUE: Reference question  
STATUS: Declined to Comment

- Unable to schedule interview.

Matthew Lazin-Ryder - CBC - Vancouver  
ISSUE: Reference question  
STATUS: Declined to Comment

- Unable to schedule interview.

Rachel Swatek - CTV - Ottawa (Parliamentary Team)

ISSUE: Reference question

STATUS: Declined to Comment

- Unable to schedule interview.

Julie Nolin - CTV News (BC)

ISSUE: River Rock roulette dealer

STATUS: Referred to RCMP

**Today's media announcements:**

Province submits court reference to protect B.C.'s coast

<!--[if !supportLists]-->•<!--[endif]--  
><https://news.gov.bc.ca/releases/2018PREM0019-000742>

LDB establishes retail brand for non-medical cannabis

<!--[if !supportLists]-->•<!--[endif]--  
><https://news.gov.bc.ca/releases/2018AG0027-000740>



**From:** [Butler, Liam GCPE:EX](#)  
**To:** [Smith, George AG:EX](#)  
**Cc:** [Eby, David AG:EX](#); [Milne, Gala AG:EX](#); [Nelson, Tiffany MCF:EX](#); [Robins, Shawn GCPE:EX](#); [Harder, Derrick AG:EX](#)  
**Subject:** Re: Media: CBC Early Edition  
**Date:** Friday, April 27, 2018 6:40:38 AM

---

Hi all,

CBC Early Edition has been confirmed for 7:40 a.m. I have sent the event invite but in case it did not go through, here are the details:

CBC Early Edition

Reporter: Stephen Quinn

Time: 7:40-7:48

Call: **S.22**

Back up number: **S.22**

Notes: Please call several minutes early. Catherine McKenna will be on at 7:10.

Thanks,

Liam

Sent from my iPhone

> On Apr 26, 2018, at 5:14 PM, Smith, George AG:EX <[George.Smith@gov.bc.ca](mailto:George.Smith@gov.bc.ca)> wrote:

>

> Please book 7:40

>

> -George

>

>> On Apr 26, 2018, at 4:53 PM, Butler, Liam GCPE:EX <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)> wrote:

>>

>> Only during the minister's drop off time: 7:40 or 7:50.

>>

>> -----Original Message-----

>> From: Smith, George AG:EX

>> Sent: Thursday, April 26, 2018 4:47 PM

>> To: Butler, Liam GCPE:EX

>> Cc: Eby, David AG:EX

>> Subject: Re: Canceled: Media: CBC Early Edition

>>

>> Do they have any other time slots available?

>>

>> -George

>>

>>> On Apr 26, 2018, at 4:46 PM, Butler, Liam GCPE:EX <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)> wrote:

>>>

>>> The producer has cancelled the interview. They have another guest they would prefer for the 7:10 time slot.

>>>

>>> Topic: Reference question

>>> Reporter: Stephen Quinn

>>> Style: Live radio interview with the host. No call-ins.

>>> Time: 7:10-7:18 a.m.

>>> Call: **S.22**

>>> Note: Please call in several minutes early.

>>>

>>>

>>> <meeting.ics>

**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Eby, David AG:EX](#); [Smith, George AG:EX](#); [Milne, Gala AG:EX](#); [Harder, Derrick AG:EX](#)  
**Cc:** [Nelson, Tiffany MCF:EX](#)  
**Subject:** FW: AG morning summary - April 27 ,2018  
**Date:** Friday, April 27, 2018 8:54:36 AM

---

Reference question, cannabis legislation, electoral reform.

---

**From:** Butler, Liam GCPE:EX  
**Sent:** Friday, April 27, 2018 8:49 AM  
**To:** Robins, Shawn GCPE:EX  
**Subject:** AG morning summary - April 27 ,2018

### **AG Morning Summary** Friday, April 27, 2018

- [B.C. asks court for power to regulate oil shipments - Justine Hunter, Shawn McCarthy & Jeff Lewis - Globe and Mail - 27-Apr-2018](#)
- [B.C. raises ante in pipeline fight - Gord Hoekstra, Tiffany Crawford & Rob Shaw - Vancouver Sun - 27-Apr-2018](#)
- [McKenna considers creating new science panel to research oil spills - Canadian Press - iPolitics - 26-Apr-2018](#)
- [Notley says B.C. pipeline court challenge illogical, harmful if successful - CP News - CP News - 26-Apr-2018](#)
- [Eby - ICBC changes - KRPI Jasbir Romana - KRPI \(Ferndale, USA\) - 26-Apr-2018](#)
- [B.C. introduces legislation for recreational use of marijuana - Rob Shaw & Nick Eagland - Vancouver Sun - 27-Apr-2018](#)
- [B.C. releases recreational pot rules but prices and timelines still hazy - CBC Online - CBC Online - 26-Apr-2018](#)
- [Question for electoral reform referendum will be ready by fall, says B.C. premier - CBC Online - CBC Online - 26-Apr-2018](#)
- [Which bills will become law before summer break? B.C. government says it's not sure - CBC Online - CBC Online - 26-Apr-2018](#)
- [Burns - casino money laundering - CHNL Jim Harrison - CHNL \(Kamloops\) - 26-Apr-2018](#)

### **B.C. asks court for power to regulate oil shipments**

Globe and Mail

Friday, April 27, 2018

Page A01

By Justine Hunter, Shawn McCarthy & Jeff Lewis  
Copyright

**B.C. raises ante in pipeline fight**

Vancouver Sun

Friday, April 27, 2018

Page A01

By Gord Hoekstra, Tiffany Crawford & Rob Shaw

Copyright



Copyright

**McKenna considers creating new science panel to research oil spills**

iPolitics

Thursday, April 26, 2018

By Canadian Press

Copyright

**Notley says B.C. pipeline court challenge illogical, harmful if successful**

CP News

Thursday, April 26, 2018

By CP News

Copyright

Copyright

**Eby - ICBC changes**

KRPI

Thursday, April 26, 2018, 08:12

By KRPI Jasbir Romana

Copyright

**B.C. introduces legislation for recreational use of marijuana**

Vancouver Sun

Friday, April 27, 2018

Page A03

By Rob Shaw & Nick Eagland

Copyright





**B.C. releases recreational pot rules but prices and timelines still hazy**

CBC Online

Thursday, April 26, 2018

By CBC Online

Copyright

**Question for electoral reform referendum will be ready by fall, says B.C. premier**  
CBC Online

Thursday, April 26, 2018  
By CBC Online  
Copyright

## Which bills will become law before summer break? B.C. government says it's not sure

CBC Online

Thursday, April 26, 2018

By CBC Online

Copyright

at

ls

i

uis

ree

|-

te

e

it

er

Copyright

**Burns - casino money laundering**

CHNL

Thursday, April 26, 2018, 09:35

By CHNL Jim Harrison

Copyright







**From:** [Smith, George AG:EX](#)  
**To:** [Eby, David AG:EX](#)  
**Subject:** Fwd: Media requests as of 1:40 p.m.  
**Date:** Friday, April 27, 2018 2:24:10 PM

---

Can you please review?

-George

Begin forwarded message:

**From:** "Butler, Liam GCPE:EX" <[Liam.Butler@gov.bc.ca](mailto:Liam.Butler@gov.bc.ca)>  
**Date:** April 27, 2018 at 1:40:30 PM PDT  
**To:** "Smith, George AG:EX" <[George.Smith@gov.bc.ca](mailto:George.Smith@gov.bc.ca)>, "Milne, Gala AG:EX" <[Gala.Milne@gov.bc.ca](mailto:Gala.Milne@gov.bc.ca)>, "Harder, Derrick AG:EX" <[Derrick.Harder@gov.bc.ca](mailto:Derrick.Harder@gov.bc.ca)>  
**Cc:** "Nelson, Tiffany GCPE:EX" <[Tiffany.Nelson@gov.bc.ca](mailto:Tiffany.Nelson@gov.bc.ca)>, "Robins, Shawn GCPE:EX" <[Shawn.L.Robins@gov.bc.ca](mailto:Shawn.L.Robins@gov.bc.ca)>  
**Subject:** Media requests as of 1:40 p.m.

**3 requests:**

<!--[if !supportLists]-->•<!--[endif]-->**Discourse – Child protection cases**

<!--[if !supportLists]-->•<!--[endif]-->**CKNW – Reference question radio interview**

<!--[if !supportLists]-->•<!--[endif]-->**Star Vancouver – Sheriff escorts**

**Reporter**

Brielle Morgan, Reporter

Discourse Media

[brielle@discoursemedia.org](mailto:brielle@discoursemedia.org)

s.22 c: s.22

**Deadline** ASAP

**Request**

The reporter would like to schedule a phone interview with Minister Eby to discuss concerns she has heard about the allocation of court resources and their impact on child-protection trial delays. The reporter would like to ask:

- 1) Per recent Time-to-Trial reports, why are child-protection cases consistently the most delayed kind of cases before the B.C. Provincial Court?
- 2) Have additional resources been allocated to the Courts since the 2010 Justice Delayed report - which found that parents who require a hearing because their children have been apprehended "have no means of compelling their case to proceed in a timely way" and "have no recourse if the court fails to do so."
- 3) Can Minister Eby respond to the criticism about the impact of the allocation of court resources on Williams Lake? (A judge retired and the vacancy was not filled for years, causing a backlog).

The interview would be 10 minutes long. She would like to conduct the interview at the Minister's earliest opportunity.

**Background notes to MO:** Court Services branch does not have 2017/18 child

protection data yet as the statistics are too volatile at this stage and will not be run for a month or two from now.

The Provincial Court has insisted that they handle all matters related to the Office of the Chief Judge (i.e. judge appointments, vacancies, “In 2016 there were XX vacancies today there are XXX. Since XXX the provincial courts have appointed XXX judges to fill existing vacancies”). The Provincial Court would like the AG ministry to refer the reporter to their office.

#### **Recommendation – Provide background**

1. Per recent Time-to-Trial reports, why are child-protection cases consistently the most delayed kind of cases before the B.C. Provincial Court?
  - **Nobody wants there to be delays in the system. It is a complex issue and delays result from a variety of reasons, including multiple stakeholders involved in the process. The ministry continues to work on reducing delays and improving the efficiency of the justice system.**
  - **In B.C. Provincial Family Court, child protection cases are required by statute to have a presentation hearing held within seven days from when a child is removed and a court file is opened.**
  - **While B.C.’s Provincial Court has seen a 16% increase in child protection cases over the last five years from 1,410 in 2011/12 to 1,638 cases in 2016/17, the number of child protection family court cases that meet the statutory guidelines for the time it takes to hold a hearing for the matter has remained steady at more than 98% compliance over the course of those years. A presentation hearing must occur within seven days after the removal of a child.**
  - **The Office of the Chief Judge also publishes standards for timelines.**
2. Have additional resources been allocated to the Courts since the 2010 Justice Delayed report - which found that parents who require a hearing because their children have been apprehended "have no means of compelling their case to proceed in a timely way" and "have no recourse if the court fails to do so."
  - **The Ministry of Attorney General’s Court Services Branch received a \$6.64-million budget lift this year, of which \$5 million was allocated to increase the number of sheriffs and court administration staff to help reduce court delays.**
3. Can Minister Eby respond to the criticism about the impact of the allocation of court resources on Williams Lake? (A judge retired and the vacancy was not filled for years, causing a backlog)
  - **The Office of the Chief Judge manages the allocation of Judicial resources across the Province. We recommend you contact the B.C. Provincial Court for more information.**

#### **Reporter**

Benjamin Dooley, Producer  
CKNW AM 980

s.22

**Deadline** Saturday, April 28, 2018 12:00 PM

#### **Request**

The reporter would like to schedule a radio interview with Minister Eby either today or tomorrow to discuss the reference question. The interview would be 8-10 minutes with

host John Daly.

The producer has open time slots for a live interview tomorrow at 11:04, 11:18, 11:34 or 11:46 a.m. A pre-taped interview before 5 p.m. today could also be scheduled.

**Recommendation**

**Reporter**

Jeremy Nuttall, Reporter

The Star Vancouver

[jeremy.nuttall@metronews.ca](mailto:jeremy.nuttall@metronews.ca)

s.22

**Deadline** Friday, April 27, 2018 4:00 PM

**Request**

The reporter is working on a story about inmates after they leave prison. He would like to know if inmates are escorted by sheriffs from the place of conviction (court) to the jail? The reporter has been told that they are and it could sometimes include plane travel.

**Recommendation – Provide background**

- **Sheriffs provide courthouse security and jury management, as well as the safe and efficient escort of those in custody to and from court, correctional centres and police lockup facilities.**

**From:** Butler, Liam GCPE:EX  
**To:** MINCAL, AG AG:EX; Eby, David AG:EX  
**Subject:** Media: CKNW

---

Topic: Reference question  
Reporter: John Daly  
Style: Pre-tape radio interview with the host.  
Time: 4:20-4:30 p.m.  
Call: **s.22**  
Note:

**From:** [Robins, Shawn GCPE:EX](#)  
**To:** [Eby, David AG:EX](#); [Smith, George AG:EX](#); [Milne, Gala AG:EX](#); [Scott, Samantha AG:EX](#); [Harder, Derrick AG:EX](#); [Nelson, Tiffany MCF:EX](#)  
**Subject:** FW: AG morning Summary - Mon. Apr. 30, 2018  
**Date:** Monday, April 30, 2018 8:51:30 AM

---

Kinder Morgan and Trans Mountain pipeline, electoral reform, ICBC

---

**From:** Togneri, Cassandra GCPE:EX  
**Sent:** Monday, April 30, 2018 8:38 AM  
**To:** Robins, Shawn GCPE:EX  
**Subject:** AG morning Summary - Mon. Apr. 30, 2018

[How to salvage a pipeline project - Tom Fletcher - Abbotsford News - 29-Apr-2018](#) ■

[What B.C. really wants out of its Kinder Morgan fight - Justine Hunter - Globe and Mail - 30-Apr-2018](#) ■

[Flipping of condo units by insiders fuels hot Vancouver market - Kathy Tomlinson - Globe and Mail - 30-Apr-2018](#)

- [Collecting fines a priority: regulator - Gordon Hoekstra - Vancouver Sun - 30-Apr-2018](#) ■

[Drug-testing science 'is not good' - Nick Eagland - The Province - 30-Apr-2018](#) ■

[NDP case against Trans Mountain pipeline may be hurt by previous legal arguments - Linda Givetash - CBC Online - 29-Apr-2018](#) ■

[Experts see oil row headed to top court - Staff - Vancouver Sun - 30-Apr-2018](#) ■

[Canada needs a domestic violence safety strategy - Elizabeth Sheehy & Isabel Grant - The Province - 30-Apr-2018](#) ■

[Questions about ICBC - Victoria Times Colonist Editorial - The Daily Courier \(Kelowna\) - 30-Apr-2018](#) ■

[What We're Watching - Election law rewrite and carbon tax 'cover-up' - Kady O'Malley - iPolitics - 29-Apr-2018](#) ■ (Trans Mountain)

## **How to salvage a pipeline project**

Abbotsford News

Sunday, April 29, 2018



By Tom Fletcher-1  
Copyright

Copyright

## **What B.C. really wants out of its Kinder Morgan fight**

Globe and Mail

Monday, April 30, 2018

Page A13

By Justine Hunter

Copyright

Copyright

**Flipping of condo units by insiders fuels hot Vancouver market**

Globe and Mail

Monday, April 30, 2018

Page A01

By Kathy Tomlinson 

Copyright













Copyright

**Collecting fines a priority: regulator**

Vancouver Sun

Monday, April 30, 2018

Page A01

By Gordon Hoekstra

Copyright



# **Drug-testing science 'is not good'**

The Province

Monday, April 30, 2018

Page A03

By Nick Eagland

Copyright



neagland@postmedia.com twitter.com/nickeagland - With files from Rob Shaw and Postmedia News

**NDP case against Trans Mountain pipeline may be hurt by previous legal arguments**

CBC Online  
Sunday, April 29, 2018

By Linda Givetash<sup>1</sup>

Copyright

Copyright

**Experts see oil row headed to top court**

Vancouver Sun

Monday, April 30, 2018

Page A08

By Staff

Copyright



**Canada needs a domestic violence safety strategy**

The Province

Monday, April 30, 2018

Page A12

By Elizabeth Sheehy & Isabel Grant

Copyright

Copyright

**Questions about ICBC**

The Daily Courier (Kelowna)

Monday, April 30, 2018

Page A06

By Victoria Times Colonist Editorial-1

Copyright

**What We're Watching - Election law rewrite and carbon tax 'cover-up'**

iPolitics

Sunday, April 29, 2018

By Kady O'Malley

Copyright









**From:** [Smith, George AG:EX](#)  
**To:** [Robins, Shawn GCPE:EX](#); [Milne, Gala AG:EX](#); [Harder, Derrick AG:EX](#)  
**Subject:** RE: AG Media Requests - as of 2:48 pm  
**Date:** Monday, April 30, 2018 2:55:31 PM

---

Just to be clear, they need an immediate confirmation for an interview that could be live tomorrow at 4-5pm?

The AG is in the roundtable so I don't think we can get that.

---

**From:** Robins, Shawn GCPE:EX  
**Sent:** Monday, April 30, 2018 2:54 PM  
**To:** Smith, George AG:EX; Milne, Gala AG:EX; Harder, Derrick AG:EX  
**Subject:** FW: AG Media Requests - as of 2:48 pm  
Can we get an answer on whether AG wants to do CBC On the Coast tomorrow. Thanks.

---

**From:** Togneri, Cassandra GCPE:EX  
**Sent:** Monday, April 30, 2018 2:49 PM  
**To:** Smith, George AG:EX; Milne, Gala AG:EX; Harder, Derrick AG:EX  
**Cc:** Robins, Shawn GCPE:EX  
**Subject:** AG Media Requests - as of 2:48 pm  
**2 Requests:**

- **PRIORITY: CBC On the Coast – Interview request – confirmation due at 4 pm (interview Tues. May 1).**
  - **Discourse Media – interview request – overdue**
- 

#### Reporter

Joao Correa, Reporter  
CBC - Vancouver

s.22

**Deadline Tuesday, May 1, 2018 4:00 PM**

#### Request

The reporter would like an interview with Minister Eby to discuss what the speculation tax and school tax means to communities and people directly affected by their implementation.

Interview details: **Tues. May. 1**

Pre-tape or live at 4:05 pm or 5:05 pm.

Approx. 15 minutes

Host: Gloria Macarenko

Contact: Joao Correa s.22

They would prefer an in-studio interview, but will provide a call in in that is preferred.

#### Background

#### Recommendation

---

#### Reporter

Brielle Morgan, Reporter  
Discourse Media

**Deadline** ASAP (original request for Mon. Apr. 23, 5 pm)

### **Request**

The reporter would like to schedule a phone interview with Minister Eby to discuss concerns she has heard about the allocation of court resources and their impact on child-protection trial delays. The reporter would like to ask:

- 1) Per recent Time-to-Trial reports, why are child-protection cases consistently the most delayed kind of cases before the B.C. Provincial Court?
- 2) Have additional resources been allocated to the Courts since the 2010 Justice Delayed report - which found that parents who require a hearing because their children have been apprehended "have no means of compelling their case to proceed in a timely way" and "have no recourse if the court fails to do so."
- 3) Can Minister Eby respond to the criticism about the impact of the allocation of court resources on Williams Lake? (A judge retired and the vacancy was not filled for years, causing a backlog).

The interview would be 10 minutes long. She would like to conduct the interview at the Minister's earliest opportunity.

**Background notes to MO:** Court Services branch does not have 2017/18 child protection data yet as the statistics are too volatile at this stage and will not be run for a month or two from now.

The Provincial Court has insisted that they handle all matters related to the Office of the Chief Judge (i.e. judge appointments, vacancies). They would like the AG ministry to refer the reporter to their office.

Ministry of AG has been unable to obtain statistics on judicial appointments and vacancies.

### **Recommendation – Provide background**

1. Per recent Time-to-Trial reports, why are child-protection cases consistently the most delayed kind of cases before the B.C. Provincial Court?
  - **Nobody wants there to be delays in the system. It is a complex issue and delays result from a variety of reasons, including multiple stakeholders involved in the process. The ministry continues to work on reducing delays and improving the efficiency of the justice system.**
  - **In B.C. Provincial Family Court, child protection cases are required by statute to have a presentation hearing held within seven days from when a child is removed and a court file is opened.**
  - **While B.C.'s Provincial Court has seen a 16% increase in child protection cases over the last five years from 1,410 in 2011/12 to 1,638 cases in 2016/17, the number of child protection family court cases that meet the statutory guidelines for the time it takes to hold a hearing for the matter has remained steady at more than 98% compliance over the course of those years. A presentation hearing must occur within seven days after the removal of a child.**
  - **The Office of the Chief Judge also publishes standards for timelines.**

2. Have additional resources been allocated to the Courts since the 2010 Justice Delayed report - which found that parents who require a hearing because their children have been apprehended "have no means of compelling their case to proceed in a timely way" and "have no recourse if the court fails to do so."

- **The Ministry of Attorney General's Court Services Branch received a \$6.64-million budget lift this year, of which \$5 million was allocated to increase the number of sheriffs and court administration staff to help reduce court delays.**

3. Can Minister Eby respond to the criticism about the impact of the allocation of court resources on Williams Lake? (A judge retired and the vacancy was not filled for years, causing a backlog)

- **The Office of the Chief Judge manages the allocation of Judicial resources across the Province. We recommend you contact the B.C. Provincial Court for more information.**

Cassandra Togneri  
Senior Public Affairs Officer  
Ministry of Attorney General  
Government Communications and Public Engagement  
P: 250-953-3196 / C: 778-677-0870