



FOR IMMEDIATE RELEASE

Statement re launch of Judicial Review of HST initiative

Business Groups Seek Certainty on Validity of HST Extinguishment Act

Vancouver (June 29, 2010) - In a June 4, 2010 article in the Vancouver Sun, former BC Attorney General Geoff Plant questions the constitutional validity of the draft bill at the heart of the anti-HST initiative – the so-called “HST Extinguishment Act.”

Mr. Plant’s argument (<http://www.vancouversun.com/news/anti+initiative+doomed+Here/3110571/story.html>) is rooted neither in the politics nor in the substantive merits of the HST itself. Rather, he focuses on whether or not the draft bill at the core of the anti-HST initiative can, constitutionally speaking, become law in British Columbia. If the draft legislation is unconstitutional, the B.C. legislature will be legally unable to enact the bill as drafted by its proponents, regardless of how many signatures the petition receives.

The vast majority of B.C. business organizations support the HST as an integral component of the province’s long-term economic prosperity. The tax will make B.C. businesses more competitive in Canada and around the world, and will encourage investment and job creation in the province. However, concerns about the constitutionality of the draft HST Extinguishment Act – such as those raised by Mr. Plant – give rise to uncertainty about the future of the province’s tax policy. This uncertainty has the potential to harm B.C. businesses and the economy at large.

Concerned about this uncertainty, a number of business associations have today filed for Judicial Review of the decision to approve the initiative petition and its draft bill in the first place. This process will enable a judge to make a simple determination as to whether the draft bill is constitutionally valid and therefore suitable for introduction to the Legislature. The petitioners are the Council of Forest Industries, the Mining Association of British Columbia, the Independent Contractors and Businesses Association, the Western Convenience Stores Association, the Coast Forest Products Association, and the BC Chamber of Commerce.

We are hopeful that the Judicial Review we have requested can be completed expeditiously, providing British Columbians with certainty and confidence that considerable time and money will not be expended on a draft bill that is constitutionally unsound and therefore incapable of becoming law. The Judicial Review will provide clarity as to whether or not the petition can legally move forward.

Seeking judicial review at this juncture will avoid the considerable legal confusion that would result if the initiative process were to proceed unchecked on its current course. There should be no hesitation whatsoever in taking the necessary steps to ensure that British Columbians are presented with all the pertinent facts as they consider government policies that will profoundly impact the province’s future.

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