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3RD SESSION, 37TH PARLIAMENT

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MONDAY, OCTOBER 7, 2002

The House met at 2:04 p.m.

MENTAL ILLNESS AWARENESS WEEK

S. Brice: On behalf of the Minister of State for Mental Health, who will be opening the Seven Oaks mental health facility in my riding tomorrow, I would like to take this opportunity to recognize Mental Illness Awareness Week, which is October 6 to 12. This is the week in which we should be speaking openly and honestly about mental illness. It is just an illness, and the more we talk about it, the more we'll see that mental illness and, in fact, all mental health issues will be given the respect they deserve from within our community.

[1405]

Tributes

STU LEGGATT

Hon. C. Clark: I rise today on a sad note. I rise to extend condolences to the family of a former MLA for my riding, Stu Leggatt, who died last month. Mr. Leggatt represented Coquitlam-Moody from 1979 to 1983. Prior to that, he served as MP for New Westminster. He was also a distinguished lawyer who was elevated to the bench after serving as an MLA and later to the Supreme Court of British Columbia.

PETER McDONALD

Hon. C. Clark: I'd also, while I have the opportunity, like to acknowledge the passing of Peter McDonald, a very prominent British Columbia businessman, a prominent community leader particularly in Maple Ridge and a candidate for the B.C. Legislature for the Liberal Party in 1969 in the riding of Dewdney, where, ironically, he ran against Stu Leggatt. Both were defeated by the venerable George Mussallem. I hope the House will join me in sending condolences to both of their families.

Introductions by Members

K. Manhas: I would like to introduce three people visiting the Legislature today. It is my pleasure to introduce a former Minister of Housing and Urban Development and also a former Minister of Cultural Affairs, Tourism and Technical Education for the State of Punjab in India. She's currently a Member of the Legislative Assembly in Punjab, serving in the official opposition. Please welcome Dr. Upinderjit Kaur.

She is accompanied by Mr. Joga Singh Sangha and Mr. Sucha Singh Purewal of Vancouver. Would the House please extend them a warm welcome.

J. MacPhail: It's a time for us to welcome each and every one of us back. I do want to bring something to your attention, Mr. Speaker, that I think is in your purview. Since the last time we met, there have been many

things happening in this chamber. There have been many additions to those of us who work here every day, and you may be held accountable for it, Mr. Speaker.

Dirk Meisner from CP has had a baby. Jim Beatty from the *Vancouver Sun* has had a baby. Mike Smyth from the *Vancouver Province* has had a baby. The Government House Leader, the Minister of Finance, has had a baby.

It has affected the NDP opposition as well. We are about to have a baby in the NDP opposition as well. Perhaps "we" is the wrong term there. My colleague from Vancouver-Mount Pleasant is about to have the baby.

I would urge you to check the water before it affects you, Mr. Speaker. [Laughter.]

Mr. Speaker: Don't blame me. I wasn't even at the Christmas party. [Laughter.]

Hon. G. Collins: You can get blamed for all sorts of things when you sit in that chair.

I also want to extend congratulations to the members of the press gallery and to their wives, who have had the children. Having attended, I know that they tend to do most of the work. I also want to thank the member of the opposition for her comments and congratulations. It was by far the most amazing day of my life, head and shoulders above anything.

I just want to congratulate the member for Vancouver-Mount Pleasant and wish her health and happiness. I hope everything goes as well as it did for us, and we look forward to accommodating where we can any sort of extra demands that that puts on her.

J. Kwan: Thank you very much.

Mr. Speaker, I can assure my colleague that you had nothing to do with it. [Laughter.]

Mr. Speaker: Thank you for that.

J. Kwan: You know, in light of the non-partisan approach, we will be arguing for three votes. I know that the Minister of Health Planning is suggesting 2.3, but we will be arguing for three votes.

There are two visitors today in the gallery. One is a constituent of mine from Vancouver-Mount Pleasant, who is a strong activist in the community on all kinds of fronts. Of course, the latest issue that has surfaced in our community is the big fight to save the Woodward's building. Mr. Jim Layton is in the gallery. He's a member of the We Will Win committee of the Woodward's Squat Coalition.

[1410]

Joining Jim is Carol Romanow. Carol is a member of the Victoria chapter of the Woodward's Squat Coalition, Friends of the Woodward's Project. Carol, of course, is also a member of the Action Committee of People with Disabilities.

Would the House please make them welcome.

Hon. L. Stephens: In the House today are two constituents of mine from Langley. They are both very

strong advocates for our community and have won numerous community awards. They have the distinction of keeping me and my colleague the member for Fort Langley–Aldergrove on our toes every day. Please welcome Eric and Helen Bysouth.

R. Sultan: In the galleries today we have two distinguished citizens from the North Shore: Mr. and Mrs. John and Cathy Cave. They are active in politics and business on the North Shore and, in fact, through their daughter Kristi — a remarkable young lady — active in my constituency office, where she serves as a constituency assistant. Would you please make them welcome.

J. MacPhail: I note in the gallery two very young Victoria residents, along with their mom. We are joined today by our caucus researcher, Paula Gunn, and Rebecca and Katie. Would everybody please make them welcome.

D. MacKay: Once again, from the beautiful Bulkley Valley, I would like to introduce my wife, Edith. Visiting from Vancouver, with her is her sister Patricia Prior. Would the House please make them welcome.

Tributes

ANN RATEL

Hon. G. Plant: I have the sad duty of informing the House of the untimely passing of a longtime civil servant named Ann Ratel. Ann began her public service career in 1979 with the Ministry of Energy, Mines and Petroleum Resources, but many of us in this House will know of the work she has done in the Ministry of Attorney General since 1988, primarily as a policy and legislation analyst. She made a significant contribution to policy development in British Columbia over the years, including work in relation to policy on violence against women in relationships, adult guardianship and generally improving access to justice.

In addition to her commitment to public service in terms of the work she did, she was a marvellous person to work with. That is, I think, the view shared by everyone who ever had the opportunity to work with her. She was widely respected, and she will be much missed.

If I may say so on behalf of the Solicitor General and myself, I sincerely hope that all members of this House will turn their thoughts and prayers to the Ratel family in this difficult time for all of them, and I thank you for the opportunity to refer to her legacy in this House today.

Introductions by Members

K. Krueger: It's my privilege today to introduce to this House one of my newest constituents. It's seldom that I can say that I'm ahead of the House Leader on anything, but my granddaughter, Sydney Jane Krueger, was born August 31, 2002, so this time I'm a generation ahead of him. Would the House please make her welcome.

B. Belsey: I have the privilege today to introduce to the House the one that keeps me on the straight and narrow. My lovely wife, Lonnie, is sitting somewhere in this House. Would the House please join me in making her welcome.

Introduction and First Reading of Bills

HEALTH AUTHORITIES
AMENDMENT ACT, 2002

Hon. C. Hansen presented a message from Her Honour the Lieutenant Governor: a bill intituled Health Authorities Amendment Act, 2002.

Hon. C. Hansen: I move that Bill 60 be read a first time now.

Motion approved.

[1415]

Hon. C. Hansen: I am pleased to introduce this bill today. Bill 60 updates the Health Authorities Act to reflect the reforms that we initiated on December 12 of last year. This is a basic housekeeping measure. It's intended to remove references that are obsolete as a result of the restructuring of the 52 health authorities into the five regional health authorities and the one provincial health service authority.

In particular, the purpose of the amendment is to remove obsolete references to what we referred to as community health councils and also to community health service societies. The references to regional health boards will remain. In addition, the reference to the Tilbury Regional Hospital Laundry Society in the definition of the facility subsector is being removed in order to reflect that it has been amalgamated with the Vancouver coastal health authority.

This legislation addresses our new-era commitment to examine the governance structure and make alignments with community health councils, community health service societies and regional health boards and, as well, to develop an accountable framework for the delivery of provincial programs.

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

Bill 60 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

Statements (Standing Order 25B)

ROLE OF COMMUNITY

K. Manhas: Today I want to take two minutes to speak about the importance of our communities. As our population rises and grows more urbanized, it is increasingly important that we create and develop so-

cial structures that maintain and strengthen our connection to our community. A community with well-developed social organizations and structures allows us to shape and better the community in which we live and is vital to our sense of belonging.

The *American Heritage Dictionary* defines community as a group of people living in the same locality and under the same government, the district or locality in which such a group lives, similarity or identity and sharing, participation and fellowship. It is this last definition that exemplifies the heart of a community: sharing, participation and fellowship.

In 1995 I spent a summer working and living in rural India. Travelling through many small villages, I found the differences in people's lifestyles and values to be an eye-opening and moving experience. Although villagers generally had few material goods, lived in simple mud huts and often did not have access to running water, they were happy. They enjoyed life and each other's company, cared for each other and helped each other get by.

When we remove ourselves from the fracas of our daily lives, we discover that the most important things in our lives is our relationships, our family, our friends, our community. Recognizing the important role of community connections in our lives, the Society for Community Development formed 12 years ago to grow awareness and build partnerships among citizens, institutions, organizations and business. The society provides leadership and support in helping citizens address community issues. At its centre is the philosophy that a community can best meet its social needs through stewardship and the involvement of citizens.

This year the society will hand out 11 spirit of community awards to citizens in the Tri-Cities, recognizing their individual contributions. I'd like to congratulate those involved in the society for their work in helping develop our community, as well as all the recipients of this year's awards. Keep up the good work. These awards inspire community stewardship and the reward of being involved in sharing your time and your life.

Share your life and experiences with others, and you'll not only enrich the lives of those around you; you'll enrich your own too. The end result is deeper, more meaningful relationships, happier, more fulfilled lives, greater understanding and a warmer, more caring and more responsive community.

NIKKEI HOME ASSISTED LIVING FACILITY

P. Sahota: Two weeks ago I attended the official opening of the Nikkei Home assisted living facility in my constituency. Together with the Premier, the ministers responsible and my colleagues from Burnaby, it was a pleasure to meet with the residents and feel their excitement towards their new home. This is the first subsidized, non-profit, supportive living development of this magnitude in the lower mainland.

The partnership between the Nikkei Senior's Health Care and Housing Society, the Fraser Health Authority and the British Columbia Housing Management Commission has proven to be successful. I believe it can be used as a prototype for future developments. The facility consists of 59 units and is a model of the expanded care options providing our seniors with the alternatives.

[1420]

As we all know, there is a growing need for assisted-living housing for our seniors. I have spoken with many seniors in my riding who agree that the majority of elderly want to keep their independence for as long as possible. Housing projects like the Nikkei Home give seniors the ability to continue to live independently with added support services such as meals, housekeeping, recreation and 24-hour emergency response. Seniors who live in the Nikkei have a home, and their families have a piece of mind, knowing that their loved one will be taken care of in the best possible way.

One of the government's commitments to seniors is to ensure that it builds and operates an additional 5,000 intermediate and long-term care units by 2006. Nikkei Home is a very positive step for seniors in how we as a society care for them. I'm very pleased that this project was built in my community and, in particular, with the partnership of the Japanese community. The many dedicated people involved with the Nikkei place have shown tremendous vision and achieved exactly what the Japanese community wanted: a multi-function centre that truly addresses the need of the entire community.

For this leadership and visionary thinking along with the opening of the new Nikkei Home facility, I believe each and everyone involved with this project deserves our heartfelt congratulations.

MAPLE RIDGE-PITT MEADOWS SCHOOL DISTRICT

K. Stewart: Much has been said about what parents would find when their children returned to school this fall. I'd like to tell the House what happened in our school district 42, the district that represents both Maple Ridge and Pitt Meadows.

At the start of the summer we heard that 60 teachers were laid off. Recently, our newspaper reported that aside from leaves and retirement, all but two had been rehired. Class sizes have not exploded as some suggested they would. In fact, I was encouraged when superintendent Mike Suddaby reported that kindergarten sizes on average are smaller than last year, primary grades haven't changed at all, and the senior and intermediate grades are just up slightly by about one-half student per class.

Financially, the district is doing much better than anticipated also. School treasurer Don Woytowich anticipated that they were going to have a shortfall, but the final surplus was tallied at \$40,715 after a full-scale audit of the budget. Given the new funding formula

from the provincial government, district chair Judy Dueck announced that 2002-03 could see an increase in this budget surplus. This will leave school district 42 in a good financial position to deal with the upcoming teachers' wages, their increase and the costs for additional educational items such as new textbooks. On the construction side, Maple Ridge Secondary School is in a long-overdue rebuilding stage.

More good news from the educational front. The Justice Institute of British Columbia has received approval from the Ministry of Advanced Education for the construction of new facilities at the fire academy in east Maple Ridge. I would like to commend school district 42 and the Justice Institute of British Columbia for working with the province, teachers and parents and for allowing the students of Maple Ridge and Pitt Meadows to gain the best education available to them. This is a good example of people working together to make our education system work for our students.

Mr. Speaker: Thank you. That concludes members' statements.

Oral Questions

IMPACT OF GOVERNMENT PLAN FOR B.C. ECONOMY

J. Kwan: I want to start today by running through a few examples of what average British Columbians had to endure this summer while the Liberals were cooling their heels and attending expensive fundraisers.

A seven-year-old boy and his family discovered that camping in B.C. parks wasn't the educational experience they hoped that it would be. The child collected names on a petition and wrote to the Premier, asking why the interpretative centre was closed at his local campground. The Premier told him that closing the centre was necessary because times are tough. He told this young boy to read the park information boards if he wanted to learn something.

To the Minister of Water, Land and Air Protection: can she explain to this seven-year-old boy and the thousands like him how shutting down educational opportunities for children is supposed to get the economy moving?

Hon. J. Murray: One of the things that my ministry is doing is focusing on setting standards, on having good-quality science, on developing partnerships and then on doing compliance and enforcement of environmental standards. One of the places that the partnerships work well is with education.

[1425]

We recently had a panel recommendation that we consider what the government's role is in providing education and interpretation services and what the user's role is in paying for that. That's something we'll be looking at as we get the final draft recommendations from our panel. We'll be seeing how we can move forward with those recommendations.

Interjections.

Mr. Speaker: Order, please.

J. Kwan: Well, that is of little help to the seven-year-old boy this summer and many like him. They missed the opportunity to learn, and this minister has provided nothing to ensure they have those opportunities.

You know, Mr. Speaker, the Liberals have given away billions in high-income tax cuts and pay for it by downloading the costs on average- and low-income British Columbians.

Here's another example of how another British Columbian spent her summer. A senior citizen came to us recently, desperate because her very ill husband has been moved to a care home two hours away from Nelson, where she lives. I quote: "At a critical time in our life, the health authority has torn us from our family, friends and community and our source of physical, emotional and physical support, without which we cannot survive."

There are no places for her and her husband in Nelson because the government has closed the desperately needed beds.

To the Minister for Long Term Care: you promised seniors a new era of patient care. Can the minister tell this woman how making her life miserable meets that promise and will help get the economy moving?

Hon. K. Whittred: This government is committed to providing high-quality care for seniors. We are endeavouring across this province to provide 5,000 additional long-term care beds over the next five years. This is a process that is ongoing. It is a process that was started by the previous government in a report in 1999...

Interjections.

Mr. Speaker: Order, please.
Please continue.

Hon. K. Whittred: ...and the program for renewing home and community care is on target.

Mr. Speaker: The member for Vancouver–Mount Pleasant has a further supplementary.

J. Kwan: That is of little consequence to this woman and her husband. She has to be away from her husband for more than two hours of a drive to go and visit her own husband, who she's been with for many years. For the minister to say this is on target... Maybe this is the new-era agenda — destroy families and bring misery to families, because that is what's happening right now in our own communities. You know, I've got to hand it to the Liberals. They stay on message.

Here's another story. A single mother on social assistance came to our office a few weeks ago. She was in desperate shape. She has a two-year-old child and is

expecting another one. Unfortunately, she has serious health complications. The health of her child is at risk and so is hers. Her doctor has ordered that she has bed rest. She can't follow her doctor's orders without child care support for the two-year-old, support that has been taken away by this government.

To the minister responsible for early childhood development: can she explain to this single mom how it helps the economy if her family's health is put at risk by taking her child care services away?

Hon. L. Reid: I don't know the circumstances of this particular case, but if indeed this woman's health is at risk, she will qualify for other programs under the ministry. I will happily follow it up for the member opposite.

EMERGENCY HEALTH CARE SERVICES IN LYTTON

J. MacPhail: I know that deep inside, many people in this room must be saying: "Is this what we signed up for?" You know, I'm sure that when they ran, they thought they were running for the Liberal Party, not the Texas Republican Party. But hard as they might try, they can't ignore the pain and suffering they're causing.

In Lytton they've closed the St. Bartholomew's emergency room after 10 o'clock, and they've installed a phone outside that locked door. The phone has a recorded message instructing patients about what to do in a medical emergency. The message says: "If you have chest pain, hang up and call 911." If that's not bad enough, there's another problem. You can't dial out on the phone provided, and cell phones don't work in the Fraser Canyon. This is insanity, cruelty and incompetence all rolled into one.

To the Minister of Health: is this his idea of health care strategy — a non-working phone outside of a locked emergency room?

[1430]

Hon. C. Hansen: We put in standards of access to emergency care for the first time in any province in Canada so that we can actually have consistent and timely access throughout the province. The health authorities have looked very carefully in terms of the response times of the Ambulance Service. We have increased training for paramedics in British Columbia, which is something that was sadly lacking when we formed government a little over a year ago. We are being careful. We are being sure that British Columbians can get access to the emergency care they need in a timely fashion.

Mr. Speaker: The Leader of the Opposition has a supplementary question.

J. MacPhail: Sixteen months ago the St. Bartholomew's emergency room wasn't locked, and there was no phone that doesn't work outside the emergency room. This government promised health care where

you need it and when you need it. Try to get outside of that message box. It's going to be a long sitting if it's just the message box. People are asking for real answers. Instead of getting health care when you need it, where you need it, British Columbians with health emergencies get a recorded message on a non-working phone.

The St. Bartholomew's emergency room serves every British Columbian who travels that stretch of the Trans-Canada Highway. The nearest emergency room is two hours away in Kamloops. That's no help if you've been in a high-speed collision. Will the Minister of Health Services step outside that ridiculous non-answer message box he has, stop with the scripted answers and tell the people of Lytton...? Will he fix the phone, or more importantly, will he reopen the emergency room of St. Bartholomew's hospital now?

Hon. C. Hansen: We have taken measures to make sure that people get access to emergency care. We have added \$30 million to the Ambulance Service. We are improving on the training every ambulance attendant in British Columbia has. The residents of Lytton have seen their...

Interjection.

Mr. Speaker: Order, please.

Hon. C. Hansen: ...ambulance service strengthened. Their access to emergency care is not compromised.

GOVERNMENT PLAN FOR B.C. ECONOMY

K. Krueger: Clearly, the opposition still doesn't understand that a robust economy is the key to providing the services British Columbians depend upon. Events over the past summer have some of my constituents wondering about the state of British Columbia's economy. The slowing global economy certainly has the potential to impact our provincial economy. While exports account for much of British Columbia's wealth, the softwood lumber dispute hangs over us like a black cloud. I wonder if the Minister of Finance could update British Columbians on the state of the province's economy.

Hon. G. Collins: The member of the opposition must have been in some sort of Rip Van Winkle-induced coma for the last decade to not know what they did to health care, to education, to the economy in British Columbia.

Interjections.

Mr. Speaker: Order, please. Order.

Hon. G. Collins: I would like to direct my answer to Rip Van Winkle opposite.

Interjection.

Mr. Speaker: Order, please.

Hon. G. Collins: That member, when she was the Minister of Health, of Education, of Finance, did everything possible to destroy the fabric of this province, and we're fixing it, Mr. Speaker. For her to stand up in this House...

Interjection.

Mr. Speaker: Order, please. Order, please.

Hon. G. Collins: ...and cry crocodile tears about the impact on health care of their economic policies is a little hard to take. After a decade of decline in the health care system, after a decade of decline in the education system, after record welfare rolls, this government is turning the economy around.

Interjections.

Mr. Speaker: Order. Order, please.

Hon. G. Collins: We have 88,200 new jobs since January.

Mr. Speaker: Order, Mr. Minister, please. Order.
[1435]

Interjections.

Mr. Speaker: Order. Will the Leader of the Opposition please come to order.

Interjection.

Mr. Speaker: We will go on all afternoon if you do, hon. member. The Minister of Finance has the floor.

Hon. G. Collins: Let me tell the members opposite what we're doing for British Columbia and the changes that are taking place: 88,200 new jobs; 30,000 people off the social assistance rolls — the vast majority of whom, over 90 percent, are finding jobs for the first time or are getting the education that they need to get a long-term job. British Columbia has been near the top of the country in retail sales, housing starts and housing sales.

Interjections.

Mr. Speaker: Order, please.

Hon. G. Collins: For the first time in the history of British Columbia over two million British Columbians have work. That's what we're doing to improve the economy, and that's how you pay for health care and education and social assistance.

K. Krueger: I remember well the chagrin of British Columbians through the boom years in the 1990s in North America when everyone else was moving for-

ward, and we went from best-performing economy in Canada to worst-performing economy in Canada.

The Finance minister speaks of 88,000 new jobs in British Columbia. The Convergys call centre in Kamloops is hiring 400 new people over the next three weeks, as you know, Mr. Speaker. Now, that's a really positive indicator for what this government is doing.

People are concerned. This government embarked on a plan to balance the budget by the year 2004-05.

Interjections.

K. Krueger: Clearly, the Leader of the Opposition wasn't listening. We have 400 new jobs being hired over the next three weeks. I'd like to remind that member that our economy went backwards, and my constituents were suffering...

Interjections.

Mr. Speaker: Order, please

K. Krueger: ...during the 1990s because of her incompetent government. People were hurting. People were moving away.

Interjections.

Mr. Speaker: Hon. members, let us have some decorum in here. The Leader of the Opposition will wait her turn to speak, and the member will please put his question.

K. Krueger: Thank you, Mr. Speaker.

I would like the Finance minister to advise this House whether the government is still on track to balance its budget by the end of the year 2004-05, in spite of the tough events worldwide and in North America over the past year.

Interjections.

Hon. G. Collins: I hear the member from the opposition say that the rest of Canada seems to be doing okay. They've been doing okay for a decade, and we're now trying to get B.C. back on track. So yes, British Columbia is on track, as of the quarterly report, to balance our budget, as we said, by 2004-05. The economic indicators have been positive. The job numbers are encouraging. As I said, over two million British Columbians are now employed in this province for the first time ever. Right across British Columbia, in every region, the job numbers are headed in the positive direction since earlier this year — with the exception of the coast and northern Vancouver Island, where we are working hard to deal with the effects of the softwood lumber, and we're going to continue to do that.

[1440]

Interjections.

Hon. G. Collins: It's interesting to hear the Leader of the Opposition talk about the interior of British Columbia, because I don't think she went to one of those towns in the ten years she was in government. If she had and some of her colleagues had, perhaps there would be more than two of them in the House right now.

[End of question period.]

Tabling Documents

Mr. Speaker: Hon. members, I have the honour to table the following documents: the auditor general of British Columbia's report, No. 3, 2001-2002, Follow-up Performance Reports; the auditor general of British Columbia report, No. 4, 2001-2002, Monitoring the Government's Finances; auditor general of British Columbia, report No. 2, 2001-2002, *A Review of Financial Management Issues in the Office of the Police Complaint Commissioner*; auditor general of British Columbia, *Response to a Request Contained in a Ministerial Statement by the Minister of Competition, Science and Enterprise to the Legislative Assembly on May 14, 2002*; police complaint commissioner of British Columbia annual report, 2001; office of the child, youth and family advocate annual report, 2001, *Rethink the Reductions, Children and Youth Need More*; annual audit, office of the auditor general, year ended March 31, 2002; report of the chief electoral officer, thirty-seventh provincial general election, May 16, 2002; and the report of the chief electoral officer on the treaty negotiations referendum, 2002.

Orders of the Day

Hon. G. Collins: I call second reading of the Business Corporations Act. I know members have business to attend to, so perhaps we could give them a moment to proceed to their other duties. Then I'd be pleased to begin the debate.

Mr. Speaker: Hon. members, please make your way elsewhere as quickly and quietly as you can so we may continue with the debate.

Second Reading of Bills

BUSINESS CORPORATIONS ACT

Hon. G. Collins: I move second reading of the Business Corporations Act.

The new Business Corporations Act replaces the old Company Act, which was last revised in 1973. The Company Act is now significantly out of date not only in terms of new corporate law developments but also in terms of technological advances. As a result, the Company Act adds to the cost of doing business in British Columbia and places B.C. businesses at a competitive disadvantage. The new Business Corporations Act, with its modern provisions and enhanced flexibil-

ity for British Columbia businesses, will assist in rebuilding a competitive business environment in this province.

The new Business Corporations Act makes it easier to form and operate a company in B.C. Not only does it reduce filing requirements at the corporate registry, but it also allows incorporation and other corporate filings to be done electronically. The new Business Corporations Act provides companies and the general public electronic access to the corporate registry and will ultimately enable on-line corporate services to be made available seven days a week, 24 hours a day. New provisions will allow companies to keep their records in electronic form so long as their public records are accessible during regular business hours.

The new act, while embracing modern technology, retains the flexibility that is inherent in the current Company Act model based on the principle of freedom of contract. The Business Corporations Act continues to provide British Columbia companies with the freedom to determine their own internal rules of conduct. As well, the new act adopts recent significant developments in corporate law from other Canadian jurisdictions.

The new Business Corporations Act will provide British Columbia companies with greater flexibility in three important areas: corporate governance, corporate finance and fundamental corporate change. Governance flexibility is achieved by removing restrictions on directors' residency, by no longer requiring directors to be shareholders or requiring senior officers to be directors, by allowing for telephone meetings and waiver or postponement of annual general meetings, and by providing simplified rules for dealing with conflicts of interest.

Corporate finance flexibility is achieved by adopting easier rules for paying dividends, by allowing B.C. companies to have unlimited share capital and giving them greater flexibility in accounting for capital, by permitting financial assistance and by continuing to allow B.C. companies to issue par-value shares as well as shares without par value.

Greater flexibility with respect to fundamental corporate changes is achieved by removing restrictions on share allotments and repurchases, by removing the need for amalgamation agreements when related companies amalgamate, and by eliminating the need for court involvement in certain corporate reorganizations such as restoration and amalgamations.

[1445]

The new Business Corporations Act will also reduce the regulatory burden on B.C. companies. This is achieved by removing the need for B.C. companies to file their articles at the corporate registry, by removing regulatory overlap with the securities legislation, by removing the need to obtain the registrar's permission for certain procedures such as holding an annual general meeting outside the province and postponing an annual general meeting, and by reducing filing requirements for extraprovincial corporations as well as eliminating legal disabilities for a failure to register.

This new Business Corporations Act is good news for businesses in British Columbia. By expanding flexibility, reducing the regulatory burden and embracing new technology, the act will help British Columbia businesses achieve greater efficiencies and will help British Columbia's potential as an attractive jurisdiction for incorporation, investment and job creation.

J. MacPhail: Many of the concepts that I'll be addressing in the Business Corporations Act, Bill 47, were included in an act that was introduced and passed in 1999 — Bill 85. I anticipate that much of the debate has already been had during that debate of Bill 85 in 1999.

I introduced that bill in that year, and I observed at the time that it reduced company filing requirements, that it increased efficiencies at the corporate registry, that there was provision for electronic access to the registry, that it provided greater certainty on when corporate changes were effective and that it provided greater clarity on conflict of interest issues, etc. Shareholder proposals were also supported by Bill 85 in 1999.

Greater corporate flexibility was the measure of the bill at the time, and despite its enormity, it was recognized as a modern and streamlining approach. I assume, having read the legislation, that that is still the objective under Bill 47, which replaces the Company Act that was modernized in 1999.

This is a very detailed bill. It's our understanding that the government is planning to pass this bill this fall session but will be coming back with amendments over the course of the spring. It looks like the government's intent will be to make the bill law in about a year or so. I expect, even though we did so much work in modernizing the Company Act, that this government is finding governing a difficult process.

There is going to be little to debate at second reading for the opposition, but there will be some thorough canvassing of specifics at committee stage. Let me name a couple of those issues.

The federal government recently introduced amendments to the Canada Business Corporations Act. They did so in November 2001. The bill is now referred to as the CBCA, the Canada Business Corporations Act. That federal bill included amendments to its shareholder proposal provisions.

Experience with that federal act has demonstrated that there are certain problems with the shareholder proposal provisions, and those same federal provisions have been replicated in the provincial bill in division 7 of Bill 47. Therefore, I would submit that division 7 of this bill may be deemed to be unworkable, given that we must learn from other jurisdictions.

Specifically, what was found is that there's no clear deadline for the submission of shareholder proposals. Bill 47, section 188(1)(c), states that proposals must be received by the corporation at least four months before the anniversary of the previous year's annual reference date. The act does not define "annual reference date." What has been found and is just replicated in this bill is that there's no way to determine the date by when pro-

posals must be submitted. Most corporate legislation uses the anniversary date of the previous annual general meeting as the reference date, and we propose that should be followed in Bill 47.

We also recommend that the four-month period be reduced to 90 days to be consistent with other Canadian jurisdictions.

[1450]

In addition to the shareholder proposal provisions, we also draw the House's attention to division 6 of Bill 47. Division 6 deals with the meetings of shareholders. Section 166 allows for general meetings of a company to be held outside of British Columbia if provided for in the articles, if approved by ordinary resolution or approved in writing by the registrar. So section 166 is prejudicial to minority shareholders, because it allows a simple majority to move the meeting to another location.

This was acknowledged in the amendments to the federal act, which allow meetings outside of Canada only upon agreement of all shareholders entitled to vote at the meeting. Just for the reference of the Minister of Finance, that's under CBCA, section 132(2). The prejudicial impact of section 166 of this Bill 47 is even greater, given that most companies incorporated in British Columbia have a small number of controlling shareholders.

Another point for consideration that will be raised in committee stage is that section 174(1) of this bill deals with participation at meetings of shareholders. The provision, similar to section 132(4) of the federal act, allows for participation of shareholders in general meetings by electronic means unless the company's memorandum or articles provide otherwise. Following amendment of the federal act, CBCA, a number of federally incorporated companies have introduced bylaw amendments at their 2002 annual general meetings that allow for annual general meetings to be held exclusively via electronic means.

We believe this is highly prejudicial to shareholders. While the intention of section 174(1) of this bill, Bill 47, is sound — namely, that shareholders be able to participate in general meetings through some virtual communication medium — experience at the federal level indicates that section 174(1) of the provincial bill needs to be amended or an additional provision needs to be added, qualifying that the provision is not to be interpreted in a manner that allows corporations to do away with physical annual general meetings.

As well, the bill varies from the 1999 provincial act with changes to limitations of director liability, and we will want to canvass that provision very carefully. Director liability is a very, very big issue with investors throughout Canada and in British Columbia as well.

Another point we will raise in committee stage is that we will want to look at the changes from the 1999 provincial act in the area of residency requirements. The residency requirement has been deleted from Bill 47. There is no longer a residency requirement for directors of a company. The removal of the residency requirement means that the capital need not stay in the

province, because the directors will not necessarily have a vested interest in the overall economy of the province. This was a principle that was promoted in the 1999 legislation that was passed and has now been deleted by this government.

That change, along with changes to the requirements for locations of general meetings, will mean that the shareholders of a B.C. company will be less likely to participate in or even attend the general meetings that companies hold. Companies will be less involved in the economy and community in which they do business, and this is a disturbing development in this particular piece of legislation. We think it serves the province and the economy less well than the previous legislation. That will be an area we will be exploring at committee stage, Mr. Speaker, and we look forward to doing so.

Mr. Speaker: Further debate on Bill 47 at second reading? The Minister of Finance closes debate.

Hon. G. Collins: I want to respond, if I may, to some of the comments of the member opposite. She has itemized a number of issues that are present, policy issues arising from the legislation that is before the House now. There was a bill that the previous government introduced in the latter part of the last decade, which made many of the changes provided for in this legislation. That legislation was never proclaimed, and as a result, it has never become the law of the land.

[1455]

There were sufficient challenges with the previous legislation that it was not put forward. Clearly, there will be disagreement in some areas, I think, between that member and her party and members of the government over some of the policy items that are contained and some of the policy differences that are reflected by the two pieces of legislation.

She has raised a number of issues that we are aware of with regard to the federal government, and she was correct in her earlier comments when she said that the government does have an intention to pass this bill this fall but that it is not intended to become law immediately. We anticipate another round of amendments to what is a very large piece of legislation in the spring and that this legislation will become law at some point in the not too distant future.

I've also made an undertaking with those in the legal community and the corporate community who deal with the Business Corporations Act and the old Company Act on an ongoing basis that it is my intention, the government's intention and the ministry's intention to try to have various amendments come to the House each year in order to keep this legislation current. There are always changes in corporate governance. There are always changes in the legalities around incorporation, and I think it is important that British Columbia maintain a piece of legislation that is timely and that reflects the needs of shareholders, investors and owners alike. We intend to do that over time.

There are some areas where we may well agree with the member in her assessment of some of the

changes that need to be made. She is correct, also, in saying that it is important that government learn from the experiences in other jurisdictions. We certainly intend to do that.

There may be areas that she's identified where we will be introducing amendments — not this fall. We're not attempting to open this bill up for another round this fall, but to pass it. But those issues will be discussed and will be introduced in the form of amendments, where necessary, in the spring sitting of the House.

This is a large piece of legislation. It's very complicated. It has been years and years in the making. We expect that this is a work in progress. I certainly take the advice and the recommendations of the member opposite, and her suggestions. I'll be pleased to deal with each of them when we move into committee stage, and respond as best I'm able. If there are issues of which I'm not aware, I'll certainly undertake to pursue the issues she raises, to make sure that we have a piece of legislation that — when we ultimately proclaim it — is as good a piece of legislation as possible, which will make sure that British Columbians and B.C. corporations are competitive, that they're not held at a disadvantage and that we have a piece of legislation that everyone can work with.

As I mentioned earlier, there will be areas where we disagree on policy. A residency requirement is one of those. The previous government and the previous act had a residency requirement that had become, in practice, very artificial. There were ways to get around it. It did not achieve the goals that the member stated of having the directors live here, keep their capital here, invest their capital and become involved in their communities. Directors will do that based on commitment and based on their resolve in their communities and the roles they play. Having to force a company to have a resident director in British Columbia will not achieve any of the goals that the member stated, and it simply hasn't in the past. Instead, there were nominal directors or token directors appointed who had a residence here in British Columbia and really didn't contribute to the goals the member stated. I think if we want to make sure that people are successful, that they invest in British Columbia, that they create opportunities and jobs for the people who live here, then we have to make it as competitive as possible within the social parameters that we have, to make sure that they can do that and be successful and that the people in British Columbia have those jobs and are able to build their futures here in this province.

I think it's fair to say the previous legislation that was in place and remains in place today doesn't achieve that, hasn't achieved that, is viewed as archaic by the business community and the legal community, and needs to be changed. I know there are many areas where the opposition and the government will agree that we need to make changes in this new legislation. I know, as well, that there will be a number of areas where we disagree. I will be pleased to explain the rationale for government's policy decisions around those

areas, and I'm sure the member opposite will be more than willing to highlight those areas where she thinks the act is deficient.

I look forward to the debate. I expect from the comments of the member opposite that while it won't be months in the making, there will be some debate around some of those key areas, and I look forward to it.

I move second reading of the Business Corporations Act.

Motion approved.

Hon. G. Collins: I move that the bill be referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

[1500]

Bill 47, Business Corporations Act, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Hon. G. Plant: I call second reading of Bill 59.

ELECTION STATUTES
AMENDMENT ACT, 2002

Hon. G. Plant: I move that Bill 59 be now read a second time.

The current provisions on spending limits in both the Election Act and the Recall and Initiative Act have been deemed by a Supreme Court of British Columbia decision to be contrary to the free-expression provisions of the Canadian Charter of Rights and Freedoms. Also, in litigation the Supreme Court of British Columbia has deemed provisions relating to election opinion surveys to be contrary to the Charter. This bill amends both the Election Act and the Recall and Initiative Act by repealing provisions that relate to advertising limits and the mandatory publication of empirical information on political opinion surveys.

Third-party registration and disclosure report requirements will be retained for the effective administration and enforcement of the Election Act. In other words, there will still be registration, and there will still be disclosure, but there will no longer be a limit on the amount of spending in relation to third-party spending in the context of elections.

Charitable organizations registered under the Income Tax Act for tax purposes are, by law already, not allowed to make political donations. However, there are some non-profit organizations that can be described as charitable and that are not registered under the Income Tax Act. These organizations, accordingly, can make political donations. These non-profit organizations are organizations that would meet the definition of "charitable" in common law. That is, they are organizations that provide for the relief of poverty, the advancement of education, the advancement of religion and other purposes beneficial to the community.

Bill 59 will prohibit all charitable organizations, whether registered under the Income Tax Act or not, from making political contributions. The goal is to ensure that money which is donated to charities is used for the purpose intended by the donor.

When it comes to examining the role of charitable organizations in the context of initiative petitions, we have taken a different approach. The approach taken in this bill is that charitable organizations will not be restricted from contributing or financing initiatives under the Recall and Initiative Act. In other words, a charitable organization could still make use of the initiative process as part of its general advocacy role in relation to its charitable purposes.

The Election Act currently allows an employer to contribute the services of an employee to a provincial election campaign and to exempt the fair market value of that donated service from being disclosed as a campaign contribution. In this respect, the Election Act takes a different approach than that taken in the Local Government Act. The Local Government Act does not allow the same exemption to apply in local government elections. The better approach, we think, is the approach taken in the Local Government Act. Accordingly, Bill 59 will amend the Election Act and, by default, the Recall and Initiative Act to ensure the disclosure of any donation of labour during a political campaign where the individual donating his or her services and time is being compensated by an employer or someone else. In other words, donations of labour will be required to be disclosed as political contributions. This amendment does not apply to unpaid volunteers or donations of professional services made by self-employed people.

[1505]

These amendments give effect to election reform commitments made during the last general election in the new-era platform. They are part of the government's overall and continuing commitment to electoral reform in the province, and I commend them for the consideration of members of the House.

Mr. Speaker: Further debate on Bill 59 at second reading?

Hon. G. Collins: I just want to make clear, if we can take a moment, that if the opposition wishes to speak to the bill, they'll need to do so now. I'm just sending out to see if they would desire to do so, because members aren't present at this point in time.

Mr. Speaker: We'll just pause here for a couple of moments.

J. MacPhail: I rise to make a few comments on the amendments introduced to the Election Act by the Attorney General. As the Attorney General has articulated, this act is to bring openness to disclosure rules by requiring services provided by campaign workers during an election campaign to be considered a politi-

cal contribution if the workers are paid by another employer.

It is interesting. This, of course, has been labelled by the Liberal government as a way to get all those union people who work for the NDP during the election costed against the elections spending — fair enough. It does mean, though, that all those real estate agents that support the Liberal government won't be calculated. They will be excluded, I'm sure, by not working directly for an employer. They'll be considered entrepreneurial business people, and there would be no way for accounting for their time. It means lawyers probably won't be included in accounting for all of the work they do for the Liberal Party at election time, because they won't be considered employees. The Howe Street people, developers who are self-employed — they won't be calculated in to this cost either, because of course they're not defined as employees.

I always say, when one as a government tries to impose their political authoritarian agenda on society at large, that it comes back to haunt the person or the government that tries to do that. When a government uses legislation to throw out of balance the participation in a democratic election by all citizens, there is a price that will be paid for that. We know where the Liberal government comes from on these matters. They're getting their way in this area.

The next thing the piece of legislation does is prevent charitable organizations from making donations to political parties. Good. I don't know where.... I'm sorry; I was out in the hallway when the Attorney General addressed this. I'll be asking him for specific examples to make sure the problem is really corrected. Of course, the donations to political parties that have been most controversial recently have been the donations made to the governing party, so we'll be looking through that very, very carefully.

[1510]

The act also removes the financial limit of \$5,000 on third-party advertising during election campaigns. Of course, this was already declared unconstitutional by the B.C. Supreme Court.

This is what I call a minimalist act — almost a kind of wish list of the Liberal Party in the Election Act — but this is a time when this government could be bold about creating a society where citizenship is valued and democratic participation is encouraged.

I actually wasn't out on the front steps or the lawns of the Legislature today, nor was my colleague from Vancouver–Mount Pleasant, but I'll tell you that I heard there were lots and lots of young people — lots of young people. The Government House Leader likes to take cheap shots at anyone who criticizes his government by somehow dismissing them. He likes to dismiss them as small in numbers and, therefore, unimportant.

I have no idea whether they were small in numbers, but I do know that everywhere this government goes and everywhere the Premier goes, he is followed by protest. I say: how do we get the people who were out front on the lawns of the Legislature, or parents who

attend their schools to protest what's happening, engaged? How do we get people who feel they have no access, because of the way parliamentary democracy or electoral democracy in this province works now, involved in a way that is meaningful?

It is something of a sociological truism that the public is becoming increasingly disconnected from public life. I don't know. I expect, actually, that these changes to the Election Act will do nothing to increase participation. In fact, they may lessen participation. More and more it seems that our Liberal democratic institutions aren't particularly liberal, in the small-L liberal sense of the word, or democratic. Of course, there's all sorts of evidence for us to see that. Just look at the participation rate in elections.

Surely we must take it as evidence that something is askew in our democracy when in election after election, the number of people who exercise their democratic franchise declines. After all, this right is supposed to be at the very heart of what it means to live in a free society. Indeed, the universal extension of the right to vote was at the core of a 200-year struggle that began with the French and American revolutions. It began with a discussion of how people who felt all they could do was protest could come inside and participate in democracy.

You know, Mr. Speaker, as well as everyone in this chamber, that in the twentieth century countless lives were lost in its defence. But ironically, as we enter the twenty-first century, a deep malaise seems to have set in about the very idea of democratic citizenship. One prominent pollster, Allan Gregg, has been looking at this trend for years, and he says: "We are cascading towards a society of meaninglessness."

In other words, when people begin to feel they have no connection to a democratic community or to the democratic process, those concepts lose all meaning and all power. When the strength of our democratic community is severely weakened, so is the cohesiveness and health of our society. No matter how much the Finance minister wants to dismiss those who protest his government, society is weakened by those feeling forced to protest.

What do we do about it? I don't think there are any simple answers. Much of the recent public debate has recently focused on electoral reform. We in the NDP have been giving this issue a lot of thought as well, and we've published an extensive analysis on electoral reform in 2001, which is available for all of the public to see. It's on our website at bc.ndp.ca. In that report and subsequently at our convention before last, we endorsed a mixed-member proportional representation electoral system. That would continue single-member constituency representation with a form of proportional representation as well.

[1515]

We're not suggesting in any way that this is the route all British Columbians will agree with. Indeed, while my party favours a very specific system or — actually it's not that specific — a specific system in which there are many models, our position has been to

support a non-partisan process of examining, in a very public forum, alternatives to the first-past-the-post system.

Let me begin the sitting by saying that we fully support the Liberal government's decision to begin to map out how that public debate will be conducted, what a citizens' assembly might look and function like, and how it provides for a thorough examination of all electoral models before coming to a recommendation that suits B.C. best.

I want to suggest, though, that a citizens assembly might also be the forum where many other ills of our current system can be examined and remedies prescribed. The reason why I raise them under this debate is because if these remedies are prescribed, it will be under the Election Act that they will be carried out.

Many British Columbians have told my colleague and me that it really doesn't matter who's elected to the Legislature or how they were elected in the first place, that once in Victoria, MLAs become mired in a rigid institutional process that stifles rather than encourages democratic debate and decision-making. It doesn't matter whether you're a New Democrat or a Liberal, that charge is made against the government in power.

The fixed sessional calendar, while progressive in theory, has in practice to serve only as an excuse for the government to ram through its agenda, pushing through bills with little or no debate and certainly no critical debate from the government benches, as was the case at the end of the last spring session. Free votes, while theoretically an option, are rarely taken advantage of by government MLAs. The government MLAs stand and sit according to a centrally scripted agenda.

Of course, many of the same complaints have been made against the previous government — that the agenda was set by a domineering Premier's office; that debate in the Legislature excluded some important voices. Here's what I have learned in my role as an opposition member, one that I take very seriously. My colleague from Vancouver–Mount Pleasant and I take that role perhaps even as greatly and, because of our small numbers, even more seriously now that we are in opposition than from the days when we were in government.

The question of why our legislative process has evolved in this fashion and why our legislators continue to conduct business this way is perhaps best left to the pundits. No doubt, a common theme would be that once obtained, the concentrated power of the Premier's office is an addiction that is difficult to quit.

Other jurisdictions with the parliamentary form of representative democracy have established mechanisms that allow for much greater participation by citizens in both the review and the debate of a government's proposed legislation. I'll just outline some of those. I'm going to be raising these issues as the leader of the NDP within the context of the citizens assembly proposed by the Premier.

One example is in Ottawa, where reform has taken place. The standing orders automatically direct bills to the Standing Committee for Review after second read-

ing. At that time members of the public have the opportunity to appear as witnesses and engage in a dialogue over the merits of the bill with MPs.

Another exciting modern enhancement of this concept is already in place in Scotland. It has been piloted in Great Britain and is being prepared for in Australia where Web-based forums host a dialogue between committee legislators and the public. Why in British Columbia does the public have no right to participate directly in the legislative process? Perhaps the government of the day would feel more comfortable having that dialogue via a Web-based forum. Fair enough, but let's have it.

More radical mechanisms exist in other jurisdictions that seek to push some of the authority and power concentrated in the Premier's or Prime Minister's Office back to the elected assembly and therefore, ultimately, back to the people.

[1520]

In New Zealand and Australia, for example, Labour Party cabinet members are elected by the caucus. That's a complete reversal of the practice here in B.C. Regardless of party — let me make it clear: it's regardless of party — the practice here is that the Premier holds the power to select cabinet as a means of maintaining strict caucus discipline. Would free votes have more meaning if the practice of caucus-elected cabinet members was adopted here?

An even more dramatic response to the increasing concentration of power in the office of Premier or Prime Minister is being considered in Britain right now. There's a private member's bill sponsored by a government MP and a former government Whip that would define and limit the powers of the Prime Minister's Office.

In other forms of representative democracy where the executive and legislative powers are held separately, powers are clearly defined by constitution or statute. That does not exist here. Why should we remain committed to a system that presents no barriers to the ever-expanding grasp of the Premier's office?

If a citizens assembly were granted terms of reference that encompassed a review of the limits to a Premier's power, would it condone a situation where all government ministries communicate through 180 hand-selected communications specialists reporting to the Premier? In fact, the communications people now are the ones who talk from government. Since their appointment, I rarely see a cabinet minister — and I never see a government caucus member — speaking. I do see government communications people speaking on a daily basis. Is that democracy — that the public service speaks on behalf of the elected representatives of government?

There's another issue too: how we raise our funds as political parties. The recent public outrage expressed when the media revealed expensive party fundraising dinners by the government has to be addressed. There are also concerns that the NDP gets too much of its money from trade unions, from the labour movement. Those issues need to be addressed. A citizens assembly

would be the perfect forum to debate and establish the standards of conduct that the public expects of all political parties when it comes to electoral financing.

Regrettably, the terms of reference for the citizens assembly are restricted to the issue of electoral reform. I say that doesn't go far enough. My party will participate in the debate on the issue of electoral reform, but I believe it's essential for those items to be included in the citizens assembly if we are to overcome the malaise I spoke about earlier, if this government truly wants to have participation by its citizens and if British Columbians are truly to engage in a discussion on how we are governed after an election as well as how we elect our governments in the first place.

I may be reading the government and the Premier wrong, but it doesn't appear at this time that the government is enthusiastic about fostering or participating in such a debate. Even if that is the case, I believe that debate is unavoidable.

I am sincerely interested in hearing the views of other legislators on this issue. I'm also interested in hearing the views of British Columbians from all walks of life on these matters. I and my colleague from Vancouver–Mount Pleasant look forward to participating in the forums on these issues, and I actually encourage wide-ranging participation in the citizens assembly.

[1525]

I hope the government members don't get up and say: "Well, you had lots of time to do these reforms. Why didn't you?" That is to say that one can't learn from experience. It is a way of dismissing the experience of all of us, whether that experience be through triumph or through humility. What I am offering here is the view of the opposition — that what we learned in government, we are experiencing to an even greater degree how important these matters are as a small but hardy opposition. I have also been quite clear with the government members that there is a critique to be made of all political parties in this province around these matters, but as the Leader of the Opposition I am prepared to put the issues front and centre so that citizens of this province can experience real participatory democracy that brings about meaningful change for all British Columbians.

Mr. Speaker: Further debate on Bill 59 at second reading? The Attorney General closes debate.

Hon. G. Plant: I listened with interest to the remarks of the opposition leader with respect to both the specific proposals included in Bill 59 and her statement of interest in the larger question of electoral reform. I think I would be remiss in closing debate if I did not respond to some of the comments she has made in her contribution to debate, which I think she would characterize as a sincere attempt to participate in the broader discussion of electoral reform but which from my perspective contained — and it's not surprising — the usual trip over her irrepressible partisanship.

We're here amending the Election Act, and in fact the Election Act we're amending is her statute. She was

a member of the government that introduced this Election Act in 1995. I think aspects of it were subject to quite critical scrutiny in that debate. I was not a member at the time. I heard the opposition leader express some critical comments about the extent of the amendments which we have put on the table for discussion here today, to which I would say: if she has other ideas, I would be delighted to hear from her about them. She supported the government that brought in this act, but if she has decided that in ways other than the particular issues that are the subject of these amendments, she thinks we could do a better job of regulating elections, then she's as well equipped as anybody to offer those ideas.

The fact is that we have pretty comprehensive elections legislation in British Columbia. It is a statute that regulates the conduct of elections very, very comprehensively and prescriptively, and I would welcome a discussion that looked at all the many, many rules that this statute both imposes and permits others to impose to see if we could somehow make the conduct of elections simpler while ensuring that they continue to be fair and that the basic requirements of democratic process are maintained.

These specific amendments will, I think, go some distance down the path towards ensuring a number of things. First, this statute complies with the constitution as it is interpreted from time to time by the courts. In fact, her government had the opportunity to do that, because the decisions we are now reflecting and respecting in this package of amendments were court decisions made when she was in office as government, but she chose not to bring forward the amendments then. I think it's important that we make sure to the extent possible that our statutes actually do get amended, when we get guidance and instruction from the courts on what is and is not constitutional, so we're making some changes in relation to advertising spending and opinion poll survey detail publication that really just give effect to some judicial decisions.

[1530]

We're also making some amendments here that speak to the participation of charitable organizations in the political process, and the Opposition House Leader says she has some questions about that. I look forward to pursuing those issues in committee stage debate.

She also spoke in less than favourable terms about the changes we propose to require the donation of labour and services to be included in the amounts for purposes of spending limits in political campaigns. It was very hard for me to make the transition from her particularly special brand of sarcasm during that portion of the debate into the later part of the debate, where she claimed to want to switch the public discussion into a sincere exploration of the challenge of raising citizen participation. Sometimes I think that her particular brand of sarcasm is in itself a reason why people are occasionally turned away from public participation.

It is the case that the proposed changes I am introducing here will, in fact, operate with some impact on

all political parties that rely upon donated labour in their election campaigns. This was an issue pursued at some length in 1995, when her party introduced the framework we have in place now. I think her party was justifiably criticized then for having introduced a set of disclosure requirements and limits that were politically influenced. They were influenced, in fact, by their desire to ensure that their particular way of participating in the electoral process, which does involve widespread use of donated labour, did not actually get to play on a level playing field with the way in which other political parties work.

In fact, I would suggest that the bill that her government introduced in 1995 was directly intended to make the playing field less than level in that respect. What we're proposing to do now is simply restore the balance that I think is essential if elections legislation is to be fair and operate equally across the political spectrum.

That's it on the particular details of the bill that's before the House.

I want to turn for a moment to the larger question that the Opposition House Leader raised and say that while I have some skepticism about the sincerity of her commitment to these issues, because it seems to be impossible for her to separate herself from her extraordinary partisanship, I am willing to put that to one side, take her interest in the subject at face value and say that I look forward to the contribution of her party to the discussion around the question of electoral reform and the larger question of what we can do as politicians to get the citizens of the province more engaged in the business of how we're governed.

[1535]

I want to say with, I think, an appropriate degree of objectivity that I don't think there has been a government in the history of this country that has done more in so little time than this government to reform our electoral system and our governance system to encourage a reconnection between citizen and government and to encourage a dispersal of power to ensure that members as representatives of their constituents have the fullest possibility to represent those interests. I think what this government has done in this area is pretty darned impressive.

Let me take this opportunity to survey some of the things that occurred to me as I was listening to the member in debate. Before the last election the Premier said that if you elect a B.C. Liberal government, we will have free votes on matters that are not confidence matters or new-era platform commitments. Now, many political leaders, particularly political leaders in opposition, are happy to say that if they are elected, they'll expand the use of free votes. There aren't very many of them who actually allow that to happen after they are elected, but the Premier of British Columbia, the head of the B.C. Liberal Party, said that he would do this if he was elected. We were elected, and he has done this.

I have sat in this chamber over the past year and heard members of this caucus stand up and explain why they could not support government initiatives,

and they have voted against those initiatives. That is what free votes are about. They're about ensuring that the member for Peace River South can stand in this chamber, knowing that he is a member of a government caucus, and feel free to speak what he believes his conscience requires him to say or his constituents have urgently demanded him to say, and to cast a vote based on those convictions, knowing that he will be welcomed into the caucus and that his voice will be heard and respected in this chamber. That's what free votes are about.

We have done that, and no matter how hard I work as a member of government to try to make sure that our legislative initiatives are the kinds of initiatives that should appeal to and be attractive to all the members of this House, I think there are going to be some times when some of my colleagues disagree with me. They're going to continue to stand up and vote against us when it is absolutely essential for them to do so.

What do free votes mean in the calculus of the opposition leader's comments? What they speak to is her concern, which is our concern, about the concentration of power in the Premier's office or the Prime Minister's Office. They strike directly at that by saying that members of a government caucus can vote against the cabinet on issues of importance. That adds a little extra responsibility in the House of the Premier. The Premier has to think to himself: "Knowing that I will be accountable in this chamber to some members of my caucus who may not support me on initiative, have I got the right initiative?" In other words, it acts as a temporizing influence on the power of the Premier.

Let me give you another example. There are few areas of our democratic history and few aspects of our democratic institutions where the power of the Premier or Prime Minister is more direct, more important and more linked to political considerations, as opposed to public interest considerations, than that fundamental question of when to call an election. Across parliamentary democracies, the rule of thumb is that the Premier or the Prime Minister calls the election when the Premier or the Prime Minister wants to, but that's not the law in British Columbia anymore. We said that if you elect us, we will make a change to that basic approach. We did make that change. Everyone in this chamber and, increasingly when I travel around the province, everyone in British Columbia knows that the next provincial general election will be May 17, 2005.

The Premier's office can no longer manipulate the electoral process. The electoral process and the power has been returned to the citizens who now know for themselves when the next election will be. I think fixed election dates represent a significant step forward in democratic and electoral reform. It is a step that has not been taken anywhere in Canada, so far as I know.

[1540]

What else have we done? We have restored legislative committees to their rightful position as participants in the democratic process. For the first time in years, if not decades, the Education Committee and the Health Committee have been out travelling the prov-

ince, listening to people tell the committee members what their concerns are and provide input and advice on policy issues. Then the committee members have brought that advice and input back into this chamber with reports where we get to hear the voices of citizens directly. That's all about expanding the participation of citizens in the democratic process.

Mr. Speaker, I was waiting for the opposition member to mention this one, but she didn't. For the first time in I don't know how long, members of the public of British Columbia can write questions for question period that will be asked on the floor of this chamber. We have brought the public into this room for the purpose of holding cabinet ministers to account for the decisions we've made. That's about reaching out and bringing the public into the process of governing.

We have had dialogues and forums on health care, education and transportation for the first time in the history of British Columbia — if not, perhaps the second time.

We have now had two meetings of the cabinet, the full cabinet, with the entire First Nations Summit, direct face-to-face accountability over the issues that are of concern to first nations leaders around British Columbia, ensuring that band chiefs, first nations chiefs around the province can go to their community members and say: "Look, I get to go and talk to the Premier and the Health minister or the Agriculture minister once a year. What would you like me to say to them?" That's about reaching out to the public.

We had a referendum on aboriginal treaty issues that reached out and said to the people of British Columbia: "Your voice will become government policy on the issues that relate to the province's position on treaty-making." Now, I don't recall the opposition speaking in favour of that particular exercise in direct democracy — and not to be partisan for a moment, but I wonder if she likes direct democracy on her terms when it works for her but still hasn't figured out how to wrap her arms around it when it doesn't work for her on her terms.

If you want to talk about electoral reform, the subject is wide open. What else have we done? We have done more. We have Monday private members' statements; we have two-minute statements. We've given more opportunity for changes to the rules in this place to allow MLAs to speak on behalf of their constituents, and yes, we have open cabinet meetings. The list of things goes on and on. It is actually a pretty darned impressive record for a government that hasn't even been in office for a year and a half.

What else have we done? Well, we have put in place and put in train the steps that will lead to fulfilling another new-era commitment on electoral reform, and that is the citizens assembly. I appreciate the member's statement of her commitment to or support of, as I heard it, the citizens assembly process. She is concerned that the subjects for discussion in that process are too limited. We have looked at that question. Frankly, I've had some experience with public consultation processes. I was a member of the Premier's panel

around the Calgary declaration in about 1997, and I was part of a group of people that included politicians and laypeople from all walks of life. I watched as we wrestled with one quite difficult subject, and I had a good sense of how much time it took to bring a room of people up to speed around constitutional reform issues, how expensive it was and the challenge around making sure we could come to resolution on just one or two issues.

[1545]

I think that experience has been instructive to me and, I think, to government, as have other experiences as we look for ways to make sure that the citizens assembly is in fact able to deal with that very important question of electoral reform. If we throw too much on their plate, there is a risk we'll overwhelm that process and that it won't actually achieve the very important task we want it to achieve.

I don't dismiss the other issues the member raises. I think what we need to do is discuss how we can pursue those issues and in what forums, if not in the citizens assembly. That represents an overview of some of what we have done as government that I think responds to the urgent public need to make our government's institutions and our electoral system a system that brings people in, that values their contribution, that restores a measure of authority and autonomy to the role of each of us as individual MLAs, that breaks down some of the institutional reasons why the Premier and Prime Minister in our system tend to have too much centralized authority. I think there's more we can do.

I actually respectfully suggest that the three general areas of amendments in this bill are also a step along the road to ensuring that we have an electoral system and a government that meets those needs. I'm grateful to have had the opportunity to talk about those things, but I also think we'd also better get on to the business at hand.

Accordingly, once again, I'll move second reading on Bill 59.

Motion approved.

Hon. G. Plant: I move that the bill be referred to a Committee of the Whole House for debate at the next sitting after today.

Bill 59, Election Statutes Amendment Act, 2002, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Hon. G. Plant moved adjournment of the House.

Motion approved.

The House adjourned at 3:47 p.m.