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**3RD SESSION, 37TH PARLIAMENT**

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Morning Sitting

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THURSDAY, OCTOBER 24, 2002

The House met at 10:04 a.m.

Prayers.

[1005]

### Orders of the Day

**Hon. G. Plant:** I call committee stage debate on Bill 64.

### Committee of the Whole House

#### HUMAN RIGHTS CODE AMENDMENT ACT, 2002

The House in Committee of the Whole (Section B) on Bill 64; J. Weisbeck in the chair.

The committee met at 10:07 a.m.

On section 1, section 1.

**J. Kwan:** A quick question on section 1. Could the minister please advise how many members he anticipates would be on the tribunal?

**Hon. G. Plant:** The chair of the tribunal is currently looking at that question from the perspective of the change in the workload, wanting to make sure that she has the flexibility she needs to adjust to the change responsibilities. There will certainly be a chair. There will certainly be at least as many members as there are now.

**J. Kwan:** Would there be only one chair, or would there be several chairs?

**Hon. G. Plant:** The act provides for one chair, I believe.

Section 1, section 1 approved.

On section 2, section 3.

**J. Kwan:** Section 2 really deals with section 3, which is the purposes. Bill 64, as we understand it, is removing subsections 3(f) and (g) of the Human Rights Code, which provide a mandate to monitor progress in achieving equality in British Columbia and to create mechanisms for providing the information, education and advice necessary to achieve the purposes set out in paragraphs (a) to (f).

[1010]

My question is: why was it necessary to remove the statutory responsibility for providing information, education and advice, as well as the responsibility to monitor human rights in the province of British Columbia, when section 3 of the bill makes it the respon-

sibility of the minister to develop and conduct a program of public education?

**Hon. G. Plant:** The education function is now there, or will be there, expressly in the statute in what will become section 5. It provides that the minister will be responsible for developing and conducting a program of public education and information designed to promote an understanding of the code. It is a mechanism that will assist in achieving the other purposes of the code. Our view with respect to subparagraph (f) is that it's not an appropriate function for a Human Rights Code to monitor progress in achieving equality. I think there are lots of other ways in which that can be done and will certainly be done.

**J. Kwan:** The minister suggests there are lots of other ways that the monitoring of advancement in equality and justice can be done. How can it be done?

**Hon. G. Plant:** Among the ways, the Public Service Employee Relations Commission has responsibilities in respect of monitoring equality in public service employment. The Ministry of Community, Aboriginal and Women's Services includes within it the Minister of State for Women's Equality, who has responsibility for women's equality issues. The minister himself, of course, has responsibilities in the area of access to social programs for aboriginal persons, persons with disabilities and visible ethnic minorities.

Across government, there are ministers that have responsibilities for achieving purposes similar to that. It would all fall under the heading of the basic achievement of equality rights, and that, of course, includes only the responsibilities of government. Within the civil society that is British Columbia, of course, there are individuals, media outlets and many non-governmental organizations that have a passionate interest in these issues. They are vocal, articulate and very often effective in ensuring that we all as British Columbians are made aware of the rate and progress we do or do not make in achieving equality.

**J. Kwan:** It's all very well for the minister to name off all his colleagues who supposedly have some sort of mandate to monitor human rights, but they don't. It's not in their mandate within the ministry. It's not in their service plans to do any such things. They may have a peripheral role, but the fact of the matter is that it used to fall into the responsibilities of the Attorney General under the Human Rights Code. That is now gone.

We'll get into questions around overall education when we get to section 5, but I know that in section 5, overall education — developing education programs about informing people what the code is — is not the same as monitoring to make sure there is advancement in human rights. That is what was in the code, and that is now gone. I want to ask the minister: will there exist

a statutory body responsible for monitoring human rights in B.C.?

**Hon. G. Plant:** The member's questions began with subparagraph (f), and she has misstated subparagraph (f). Subparagraph (f) of the existing section 3 is the obligation to monitor progress in achieving equality. Her question is about responsibility for monitoring human rights, and my answer to her previous question was a partial list of all of the agencies in government that will have some responsibility in respect of that. But clearly, the Human Rights Tribunal, as it deals with complaints that are brought before it, will be able to assist complainants and respondents in addressing the human rights issues that are brought before it.

[1015]

My hope and expectation is that as we do that, we will all make progress towards achieving human rights. I think that, in fact, monitoring human rights is a service plan obligation of the Ministry of Attorney General.

**J. Kwan:** The role of the tribunal will be doing human rights cases on a case-by-case basis. There is no indication it will be looking at a broad class of issues in terms of discrimination that may actually take place in the broader society, to look at it from a higher level, if you will, aside from the individual case-by-case basis.

It's fundamentally different. We're talking about two separate approaches in terms of dealing with human rights. Yes, it is important to deal with human rights on a case-by-case basis. There's no doubt about that. But it's equally important, if not more important, to look at it from a broader societal basis in terms of how to advance human rights for all of our communities. That role is now gone. The way I read this act, the role is now gone by the elimination of it under section 2.

If the minister says there is a role — and he says there is a role within the tribunal — to what extent would it be able to monitor human rights situations in B.C.? Are they specifically mandated to do so? Are they specifically funded to do so?

**Hon. G. Plant:** No. In fact, the obligation to monitor human rights is an obligation that the Ministry of Attorney General has in its service plan, and so I have that obligation.

**J. Kwan:** I'm sorry. Did the minister say that there was funding attached to it? I missed that.

**Hon. G. Plant:** No. The member was asking a question about the tribunal, and I did not speak about the tribunal. I spoke about my ministry obligation, which is to monitor human rights in British Columbia.

**J. Kwan:** Is there specific funding allocated to the minister's ministry?

**Hon. G. Plant:** My ministry has funding that will permit us to discharge that obligation. The funding is

part of the funding my ministry has, which is approved by this Legislature.

**J. Kwan:** How much is allocated for this specific aspect of the function within the ministry?

**Hon. G. Plant:** We don't have the funding for next year, and this doesn't take effect at least until the early part of next year. We have adequate funding now to do what we believe is necessary to discharge that obligation. It's not a separate line item in the voted appropriations, but it is an obligation that I have as minister. Along with the other obligations, it's an obligation I am required to discharge within the limits of the amounts that have been voted for the Ministry of Attorney General.

**J. MacPhail:** Perhaps when the Attorney General is answering the question, he could introduce staff as well. I've lost the names of who the staff may be.

What kind of reporting will the Attorney General be doing to the public on these issues that are now solely his responsibility?

**Hon. G. Plant:** I'm joined by Susan Christie and David Hosking, who are both from the Ministry of Attorney General.

The reporting will be done, I expect, on an as-and-when-needed basis. There is also the opportunity afforded by what will become section 6 of the code: if research is undertaken or consultations are carried out, to report on the outcome of that research or those consultations.

[1020]

**J. MacPhail:** Because this now is becoming part of the Attorney General's responsibility, and there's no line item for allocation of resources to that, will it be part of the accountability contract, maybe, that the Attorney General...? Will there be human rights monitoring aspects for education programs, research and public consultation under the Attorney General's accountability contract that he holds with the Premier?

**Hon. G. Plant:** I don't know what the accountability contract is that the member's referring to.

**J. MacPhail:** Well, every minister was required to sign accountability contracts with the Premier, and they were published. Perhaps the Attorney General has forgotten that.

**Hon. G. Plant:** I apologize for the fact that I have forgotten exactly what the member was referring to. I appreciate the member's interest in the issue.

The extent of the obligation here in substance, in terms of statutory obligations, is actually not much different. That is, the old act provided that the commissioner was given the power to conduct or encourage research into matters relevant to the code, and that power has now been shifted to the minister.

As and when it's needed to undertake this work and on an ongoing basis, I intend to take seriously the obligation to ensure that we monitor the progress of human rights in British Columbia, that we develop and conduct programs of public education and information that are designed to promote an understanding of the code, and that we conduct or encourage research into matters relevant to the code and carry out consultations relevant to the code. It is my obligation as minister to undertake these general responsibilities.

When the bill we're debating here comes into effect, there will be new obligations, as I've just stated, and my obligations will become part of the basis of the relationship I have with the Premier. Of course, these obligations do not exist in the same way now as they will when the bill is passed, so no doubt if the Premier wishes to include them expressly in his letter of instructions to me as minister, he'll do so.

**J. Kwan:** There's a big difference between the promotion of the understanding of the code versus the promotion of the purposes of the code, which is then, of course, to help eliminate discrimination, and that is the issue here. Bill 64 talks about and the minister reiterates his role, and that is to promote the understanding of the code. The issue that is being taken away from the previous Human Rights Code is the notion of promoting the purposes of the code. There's a broader, bigger agenda, if you will, around advancing human rights, and that is no longer statutory. It's no longer mandated. That is the issue I wish to canvass with the minister.

The minister says it would be his role to do the education piece, even though it's just on the understanding of the code. Does the tribunal have any role at all, then, in this regard? Are they expected to do any education in this regard? If so, what are they expected to do, and what's their budget for it?

**Hon. G. Plant:** First, I want to remind the members of the purposes of the code that will continue after this bill, and they are as follows. The first is to foster a society in British Columbia in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia. That's a pretty ambitious purpose.

The second is to promote a climate of understanding and mutual respect where all are equal in dignity and rights. I would say that's a fairly ambitious purpose. The third is to prevent discrimination prohibited by this code. That's another, I think, recently ambitious purpose. The fourth is to identify and eliminate persistent patterns of inequality associated with discrimination prohibited by this code. I would say that's also an ambitious purpose, but it will continue. Then, also, it's to provide a means of redress for those persons who are discriminated against contrary to this code, and I believe that purpose will continue.

I spoke yesterday in second reading about the role the tribunal will have in ensuring that the public

knows its processes, knows its role and has access to those processes.

[1025]

**J. Kwan:** For the minister to read out the purposes of the code is all very well and fine. The point is this: what is the minister doing to promote the purposes of the code? That is at issue here. He's talking about that he will take on the education role to get people to understand it, but beyond that step, what is the minister doing? What is the activity attached to the role of promoting the purposes of the code and, therefore, the broader advancement in the areas of human rights? That used to be part of the code — a specific mandated statutory activity under education. It is now gone, under Bill 64. Maybe the minister can clarify that. It simply is not there, and it's a big concern. There's a big difference between information education and promotion of purposes.

**Hon. G. Plant:** I'm grateful for the fact that the member has asked me what I am doing to promote the purposes of the code. What I am doing first, foremost and fundamentally is bringing in a bill that will put in place an institutional framework that will, in fact, work to help promote the achievement of the purposes of the code, unlike the current institutional framework, which, in my respectful opinion, does not do that. I think we're taking a great step forward here in achieving the purposes of the code. That's, I think, worth noting at this point.

**J. Kwan:** No, there is a significant difference. What used to be mandated within the act was to say: "Here's an activity that you must engage in, and that is to go out and engage by educating the public and promoting the purposes of the code." That is now gone. The minister can say the overall act promotes the purposes of the code, but it is a fundamental difference to eliminate an action that specifically targets that to what it is now. There's a fundamental difference.

There's another problem with making the minister in charge of the information education about human rights — that is, the belief, quite frankly, in the broader community that the minister is not a defender against government discrimination. Some would argue that it's like putting the fox in charge of educating other foxes on how to guard the henhouse. That is a major problem in terms of reality and also perception in terms of what the government might be doing. To that end, we have an issue around how the minister can legitimately do his job in promoting education without the biases that come from being... From time to time it may well be that he has to regulate and monitor against his own government's action around discrimination and biases.

**Hon. G. Plant:** First of all, if I may, I think it would be useful if we make sure we do keep clear what we're doing and what we're not doing. The member said very clearly and categorically a moment ago that the education responsibility was disappearing from the act.

That is quite clearly not the case. In fact, the education responsibility continues. The education responsibility as it now exists, exists in section 5 of the act. It will continue in section 5 of the act. The main difference is that it will be the minister rather than the chief commissioner that will have that responsibility. Let's be very clear about this. There is an education function. It continues, and it will continue in this act.

The member then asks the question, which is the animal menagerie question, about the foxes guarding the foxes in the henhouse. I think what I would say in response to that is two things. First, I would remind the member that the fundamental guarantee against discrimination in our system in British Columbia is a strong and effective and independent human rights tribunal which we are, I believe, strengthening in this bill. That tribunal is independent and will in fact have to, from time to time, hear and deal with complaints that are brought against government, perhaps even some brought by government, although I think that probably doesn't happen very often. I would remind the member and other members that in addition to that, of course, we have a strong and independent judicial system that stands as a bulwark against incursions of fundamental human rights in an even more profound way.

[1030]

The second point I would make, though, is this. The member has some concern about whether or not it's appropriate for a minister of the Crown to be responsible, and I'll put her question properly if I may: whether it's appropriate for a minister of the Crown to have responsibility for developing and conducting a program of public education and information designed to promote an understanding of this code.

Well, I disagree with the premise that it's inappropriate to give that responsibility to a minister, but I would make this further comment that there can be, I think, no better minister to give that responsibility to than an Attorney General, because an Attorney General has, by virtue of other constitutional conventions, responsibilities which make the holder of that office independent from government in important ways. From time to time, it is the responsibility of the Attorney General to give advice to government and take positions in respect of matters that are not politically convenient or consistent with the policy intent of government. That's part of the responsibilities of the Attorney General, so when you're looking at a minister that ought to have some responsibility around ensuring that the public understand this code, I think a reasonably good minister to give that responsibility to is an Attorney General.

**J. Kwan:** I just want to put on record that in terms of what the differences are relative to the old Human Rights Code and the change that we're now debating, there is a fundamental difference. If there isn't a fundamental difference, then the question is to the minister: why eliminate clauses (f) and (g)? Why amend it by striking it out? I want to read this, because the minister

read out (a) to (e) in terms of the purposes of the Human Rights Code, but he neglected to read the other two that are now being eliminated for the purposes of the act we are now debating before us, and they are vitally important.

What is the government eliminating? Subsection (f): "to monitor the progress in achieving equality in British Columbia." Subsection (g): "to create mechanisms for providing the information, education and advice necessary to achieve the purposes set out in paragraphs (a) to (f)."

What are paragraphs (a) to (f)? It is the purpose of the code, and that is:

"(a) to foster a society in British Columbia in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia; (b) to promote a climate of understanding and mutual respect where all are equal in dignity and rights; (c) to prevent discrimination prohibited by this code; (d) to identify and eliminate persistent patterns of inequality associated with discrimination prohibited by this code; (e) to provide a means of redress for those persons who are discriminated against contrary to this code."

If all of the functions per the previous code that the minister is arguing are still intact, then why would you take out the two aspects that would make sure the purpose of the code is actually fulfilled? That is: "to monitor progress in achieving equality in British Columbia" and "to create mechanisms for providing the information, education and advice necessary to achieve the purposes set out in paragraphs (a) to (f)." It makes no sense.

You can't say on the one hand, "Oh, statutory. It is there," and at the same time, right before our eyes in black and white under Bill 64, have the government striking out the two functions that would actually facilitate the reality of achieving the purposes of that code. The public would know the difference, and we see the difference, Mr. Chair, through you to the minister.

**Hon. G. Plant:** Well, the reason it makes no sense to the member is because she is confusing purposes with obligations. Nothing in section 3 imposes an obligation on anyone to do anything. Section 3 simply states the purposes of the code, and I've already answered the question why we are removing subparagraphs (f) and (g).

[1035]

Of course, the question of whether or not the code does any of the things it is intended to actually do is not determined by section 3, but rather is determined by the other provisions of the act. It is in the other provisions of the act that the issues of how we enforce human rights, how we make them real and how we educate people to understand them are all dealt with. We are now debating a purposes clause that imposes no obligations on government or anyone else.

**J. Kwan:** No, I'm not confusing the purposes and the functions and obligations of what are required in

the code. I understand that you need to read the code in conjunction with the other sections.

Just for one moment — because section 5 is coming up, and I'll debate that and ask the minister questions when we get there — I want to highlight what section 5 is about, what was in the old code and what is now being taken out. When you read those two sections together, it is very clear that the function of promoting and monitoring equality in the broader context is now eliminated under Bill 64. Let me just go to section 5 for one second.

Section 5 talks about education and information programs. The chief commissioner is responsible for developing and conducting a program of public education information designed to promote an understanding and acceptance of the code.

The difference now under Bill 64, section 5, is that the minister is responsible for developing and conducting a program of public education and information designed to promote an understanding of this code — end of sentence. There is no statutory requirement for the government to ensure that there are educational programs to promote the acceptance of the code, which is laid out in the purposes from (a) to (g). And (f) and (g), which include monitoring progress in achieving equality in B.C. and creating mechanisms to provide information, education and advice necessary to achieve those purposes, are now gone. When you read the two together, the functions of ensuring that the purposes of the code are actually met are no longer there. That is the reality of it. It is now in black and white.

The minister can argue in his own mind. Maybe he's trying to convince himself that he is doing that job. But if he is, it is a very simple question. Why eliminate it? Why eliminate it if it's a valued objective of government to advance human rights? Why eliminate it from the existing Human Rights Code? It makes no sense. Why limit education only to the function of making sure people understand the code — not only just understand it but also accept the code?

Ultimately, if you go through the process of respect, of a community free of discrimination, you've got to go through not just the understanding of it. People need not just to understand the concept behind it; they need to internalize it, accept it and come to respect it. That's how we can advance human rights in our community. Without that concept, it doesn't materialize. You can talk about it all you want, but you have to practise it. That's the difference. To practise it, you have to fully accept it. That is now gone from the code, and the function that facilitates that work is now gone also.

**Hon. G. Plant:** The member is interested in section 5 of the act, which of course is being amended in section 3 of the bill. I am as interested in that as she is, and I look forward to discussing it when we get there.

**J. Kwan:** Yes, we'll engage in debate on section 5. There's no doubt about it. It was the minister himself who brought up section 5. He wanted to say to me: "You're actually in some Lalaland over there, because

you're not reading the purposes and the functions together. The purposes don't talk about the functions."

I wanted to highlight for the minister how those two actually go hand in hand. They're not separate and working in isolation from each other. They come together, working together hand in hand to make the precise point of what government's responsibility ought to be if government wants to advance and promote human rights. That is to make sure part of its purpose is to monitor progress in the area of human rights in British Columbia and to make sure that there is an educational program there, mechanisms to achieve those purposes set out, broader than a case-by-case basis but from a societal perspective for all of our communities to benefit. That is the point the minister is missing.

[1040]

Section 5, with the amendments now tabled before us, also disables the government in achieving that purpose. That is the point the minister is consistently missing. Perhaps he's just trying to convince himself that he is doing his job, when in reality what he's doing is stripping the work that has been advanced in the area of human rights, at least back to 1997 in terms of the changes that we have actually moved forward in. Now we're in the process of moving backwards in time.

Section 2, section 3 approved on the following division:

[1045]

YEAS — 57

Coell	L. Reid	Halsey-Brandt
Hawkins	Whittred	Cheema
Hansen	J. Reid	Barisoff
Nettleton	Roddick	Wilson
Masi	Lee	Hagen
Murray	Plant	Collins
Clark	Bond	de Jong
Stephens	Coleman	Chong
Jarvis	Orr	Harris
Nuraney	Belsey	Bell
Long	Chutter	Mayencourt
Trumper	Johnston	Bennett
R. Stewart	Hayer	Christensen
Krueger	McMahon	Bray
Les	Locke	Nijjar
Wong	Suffredine	Cobb
Visser	Lekstrom	Brice
Sultan	Hamilton	Sahota
Kerr	Manhas	Hunter

NAYS — 2

MacPhail	Kwan
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[1050]

On section 3, sections 5 and 6.

**J. Kwan:** Hon. Chair, section 3 deals with sections 5 and 6 of the code, and it is replacing sections 5 and 6, which formerly were the education and information programs under section 5, and section 6 was the research and public consultation component. This was, of course, a key section of Bill 53. Sections 5 and 6 were removed and not replaced with any other provisions.

Now, under Bill 64, that has been changed, and the minister himself will now be responsible for developing and conducting a program of public education and information designed to promote an understanding of this code. As well, section 6 of Bill 64 allows for the minister to conduct or encourage research into matters relevant to the code and to carry out consultations relevant to the code.

Just by way of background, some of the information the Human Rights Commission created and distributed were the human rights curriculum kit, the *Preventing Harassment in the Workplace* materials, various human rights fact sheets, the self-study guide to understanding the Human Rights Code and various other publications and research papers.

In section 5, under section 3, the big issue, as we were talking about earlier, is that it is no longer required to promote an acceptance of this code. There is the statement to say that the minister will promote the understanding but not the acceptance of the code. That is, again, a big issue in terms of promoting human rights, advancing human rights, in a broader context within British Columbia. Why did the government take that out? Isn't the promotion of the acceptance of the code an important component in advancing human rights?

**Hon. G. Plant:** Well, that's an interesting question. In my view, understanding breeds acceptance. If there is no understanding, there is unlikely to be acceptance. That is why the obligation is to work to see that people understand the code. If they understand the code and if they see that we have in place a tribunal which ensures that people who believe their rights have been violated have access to a remedy for those violations, then that will help build broad public support for, and help us move towards, a society in which all are equal.

I have to tell you I feel just a little bit nervous when the state ever thinks it should get in the business of promoting acceptance. That sounds just a little bit too much like Big Brother to me.

**J. Kwan:** Wow. The minister just said that he doesn't think the state should be working towards promoting acceptance of fundamental basic human rights within our society. That is just absolutely astounding. It's astounding, and I'm glad, actually, because the true colour's out. It's now on *Hansard*; I'm not even paraphrasing. This is what the minister just said.

I had thought that I'm in a province, in a country, where we work hard to learn about similarities and

differences amongst people — not only learn about it, but come to understand where the differences are, how they are, why it's there, and then move towards not just understanding it but respecting it and fully embracing it. I thought those were the goals that we shared in terms of working towards ending discrimination of all sorts, whether it be racial discrimination, sexual discrimination, ageism, homophobia — whatever the case may be. I had always thought that we as a society would want to promote and move in that direction.

[1055]

Now the minister, the Attorney General, the person who is going to be in charge of providing education, consultation and information, says: "We only need to promote understanding. We don't need to go any further than that." I am absolutely shocked. I'm shocked, because there are some issues, basic fundamental rights that are too important for us to not take a further step. It's not just to say: "Well, you know, here's the information. Read if it you will." I thought that we want to go further than that on basic, fundamental human rights to actively promote not just understanding but acceptance of them.

Maybe the minister thinks it's just an ideological view. I suspect that I'm not the only British Columbian who shares that view. God hopes — I hope — I'm not the only British Columbian. In fact, I know I'm not the only British Columbian. I suspect that within this caucus I am not the only person who feels that way. I suspect that is the case. But this government wants to take a different tack.

A 1991 declaration from the human rights educators network of Amnesty International states:

"Human rights education promotes domestic principles. Human rights education helps to develop the communication skills and informed, critical thinking essential to a democracy. It provides multicultural and historical perspectives on the universal struggle for justice and dignity. Human rights education affirms the interdependence of the human family. It promotes understanding of the complex global forces that create abuses as well as the ways in which abuses can be abolished and avoided."

This is part of the promotion of education, no doubt about it. Aside from promoting the education side, one would have thought that the other important piece of it would be for people to embrace those principles and therefore to practise them and fully accept them. That's how we can advance human rights. Just talking about it is not good enough. Telling someone to read about it is not good enough.

Before I go further into the acceptance issue, I do want to go back to the education one, because education is important. Is this the type of human rights education that the minister will be providing?

**Hon. G. Plant:** The minister is responsible for developing and conducting a program of public education and information that is designed to promote an understanding of this code. Of course, as the minister discharges that obligation, he or she will be mindful of

the purposes of the code. The purposes of the code are as follows: (a) to foster a society in British Columbia in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia; (b) to promote a climate of understanding and mutual respect where all are equal in dignity and rights; (c) to prevent discrimination prohibited by this code; (d) to identify and eliminate persistent patterns of inequality associated with discrimination prohibited by this code; and (e) to provide a means of redress for those persons who are discriminated against contrary to this code.

When the minister discharges the obligation that he or she will have under the new section 5, the minister, I am certain, will be mindful of those purposes. I know that so long as I hold this portfolio, I will be mindful of those purposes.

I think that as we look forward, we can build on some of the good public education tools that are already in place and also improve on them from time to time. One of the things that was not done adequately, in my view, over the past half-decade was the kind of practical education that helps people understand, in the workplace or in a place of business that the public has access to, the way in which their conduct can discriminate against others.

[1100]

A good example of this issue is the development of training programs around sexual harassment. I have been part of that. I've worked in a business where people have come and given that training, and I've seen the eyebrows lift around the room as people start to understand what sexual harassment is, how hurtful it can be and what kind of conduct can amount to sexual harassment. That's the kind of education that I think is the practical but essential building block for the success of the basic purposes of the Human Rights Code. It's to actually get people, sort of one by one, one citizen at a time, one business at a time, to start to understand what our obligations are as citizens and how it is that we can, as individuals, where we work, where we shop and where we play, make sure we treat other citizens with dignity and respect. That's a part of what I think is encompassed within the section that will become section 5.

**J. Nuraney:** Anytime the Human Rights Code is being discussed or tampered with, there is skepticism out there to see if there is any erosion taking place in the fundamental rights of human beings. I can assure you, Mr. Chair, that I am perhaps one of the few in this House who understands the importance of human rights. I have experienced situations and gone through matters and lived in countries where these rights are denied to people and there is a huge void in these kind of fundamental human rights. When I came to this country some 27 years ago, I considered myself one of the beneficiaries of this fundamental right which is entrenched in the legislation and also in the constitution.

Yesterday we heard the Attorney General very eloquently describe the history of human rights in this country. I was assured that the fundamental rights, the code, remain intact. Having seen that assurance, the other aspect the Attorney General laid out for us was the institution that is responsible for making sure these acts, these rights, are carried out. Those institutions, again, are as good as what they can deliver, and it seems that in the past, those institutions have not really quite met the purpose they were set out to be. In this amendment what we are seeing, perhaps, is an improvement, an enhancement, of the protection of those human rights.

Having said that, in my mind it is also important that the education of what these rights are all about is just as important as the other two. We have in this country a very diverse community — diverse in terms of cultural backgrounds, diverse in terms of language backgrounds, diverse in terms of all different kinds of aspects — which makes this country a great country. One of the fears I may have in this section is — to ask the Attorney General — how far this education program would go to ensure not only that the people who have benefited from these rights are assured and guaranteed of those rights but for those who have assumed these rights, who have taken them for granted, to also have that educational facility available for them — what our member from Mount Pleasant just talked about as the acceptance of these rights.

Would these education programs that the Attorney General would carry out envelope this larger and broader aspect of educating the public about the Human Rights Code and perhaps go a step further to eventually make a curriculum in our educational system so that everybody is aware of these very fundamental rights we are now enjoying?

[1105]

**Hon. G. Plant:** I thank the member for his question. I know of his personal interest in the subject. Perhaps by way of attempting to answer the question, let me begin by situating the code, which is the legislation being amended here, in its larger context, because the Human Rights Code of British Columbia is not the only place or the only way in which governments in Canada attempt to respect fundamental human rights.

The code, in large measure, is an anti-discrimination statute. We are, as citizens and residents of Canada, guaranteed a wide range of rights and freedoms by our constitution, including the rights and freedoms guaranteed to us under the Charter of Rights and Freedoms. Those rights and freedoms are much broader in scope than the issues addressed by this code. The existence of the Charter and the larger constitutional framework provide a touchstone against which all of our acts as governments can be measured, whether it is the arrest of someone for an alleged offence or the introduction of legislation that confers or limits access to social welfare benefits or the legislating of changes to election acts.

In all of those things that government does, governments, including the provincial government of British Columbia, have an obligation to ensure that we respect the broadest range of human rights reflected in our national law and even beyond that, to do what we can to ensure that the acts and the instruments through which we act as a government in British Columbia respect Canada's international obligations. That's a big project.

The member asked about education. It seems to me that when you ask the question about education in the context of the broad picture I've just set out, it's immediately apparent that education is understanding that our obligations exist also in other parts of our government, beyond simply the statutory and traditional responsibilities that I would have as minister. I think we have an obligation as government to do what we can to ensure that our public education system, through curriculum, introduces students across the province to the issues of human rights, the reality of discrimination, and the obligations we have as a country and as citizens to avoid and prevent discrimination.

I think there are other places and other ways where other institutions beyond the ones that are at the heart of this discussion today also have a role to play. I'm thinking of employment and labour relations legislation and statutes. Some of the rights we guarantee to people in the workplace in British Columbia that are not encompassed within this legislation, because they're not essentially discrimination rights, are also nonetheless connected to some pretty fundamental obligations that we believe in as Canadians, which employers have or ought to have with respect to their employees. So there are other agencies of government that have responsibilities.

The practical way in which the Human Rights Code is made real in the lives of British Columbians is by having an institution in place that can effectively, fairly and efficiently entertain, adjudicate and dispose of complaints of discrimination, and that can provide a remedy for discrimination.

[1110]

I think a very significant tool in terms of building public awareness and understanding of human rights is a properly functioning, effective tribunal that people can see in operation. When people open their newspapers in the morning or turn on the TV set and they see the news, they see that the tribunal has made a decision they can understand. That causes them to have some respect for the issue, which builds confidence that we have in place institutions that are in fact addressing these very real issues. That's also a component, broadly speaking, of this large issue of education.

As minister, I will have the specific obligation in this section of the code to develop and conduct a program of public education and information designed to promote an understanding and acceptance of this code. But because I am the minister responsible for human rights and, for that matter, because I am the Attorney General and, for that matter, because we are also a government that made an electoral commitment to the

people of British Columbia that we would respect equality rights.... I think that for each of those three reasons, my responsibilities are broader than simply the responsibilities set out in section 5.

From time to time I discharge those responsibilities as I deal with my cabinet colleagues on issues they have before them. We have not yet sat down and decided what specific new or additional or different educational initiatives might be undertaken when we move into the new regime that is contemplated by this act, but that work is certainly underway. I can tell you we've spent an awful lot of time thinking about the process and institutional issues that are really the big part of what's before us, but we do intend to take this obligation seriously and move forward in the weeks and months to come to see how we can make it a part of the day-to-day business of what I do as the minister responsible for this statute.

**J. Kwan:** I do want to go back, because the minister once again read out the purposes of the code. The minister believes his job is to promote the understanding but not promote the acceptance of the code. If the minister's suggestion is that if we promote the purpose, acceptance will follow.... Even if you accept that logic, which I don't, from the minister's point of view, why would you take out the section that talked about the need to monitor progress in achieving equality in B.C.? If you don't actually monitor it, how do you know sheer promotion of understanding will achieve the end goal and what is going on out there in the broader community? Someone needs to be watching this — be an independent watchdog, if you will. Why take out the section that says: "Let's monitor to see what's going on and whether or not we've advanced or regressed"?

**Hon. G. Plant:** Well, we've already debated section 2. As I said then, section 2 imposes no obligation on anyone. Section 2 is a purposes clause. I've already explained why I thought that was a difficult purposes clause. While I have listened to the member express a contrary view, I am so far not persuaded to her view. I think we are in disagreement on that particular issue.

**J. Kwan:** To date, the minister has not answered the importance of actually doing the monitoring work. I mean, if you want to say you're promoting the understanding of it, and your logic, from the minister's point of view, is that by promoting the understanding, acceptance will therefore follow.... Perhaps. As I say, I doubt that. I think we need to go further than that. Education is definitely one component of it in terms of promoting understanding, but it doesn't stop there. But that's what this act says now: it stops there.

I know the member for Burnaby-Willingdon means well — or he tries to mean well — when he answers the minister's question by saying that beyond understanding, in terms of what the ministry will do, perhaps other ministries, like the Ministry of Education and so on, will take up the task as well. If the minister's approach is such that his view of previous functions of

education were not as ideal or far-reaching as they could be, I can accept that. For the minister to say, "We need to go further. There needs to be a better education program and so on," I can even accept that.

[1115]

But for the minister to stop by simply saying, "If that's all we do, that's all we need to do, and then, therefore, we're eliminating the other components in going further than just promoting its understanding," that's where we dispute.

It's not just promoting the understanding. Just putting a marker on where things are at and how far we've advanced or regressed is important, and yet that provision is gone. How does the minister know? If nobody is monitoring this, how do we know that the education function the minister is talking about is actually working? How do we know? What's to say?

**Hon. G. Plant:** That's an interesting question. I'm not certain there exists a universally understood and accepted checklist or framework for answering the question, but I can say this. As a minister responsible for this legislation, I think it's my obligation to see that this legislation achieves its purposes, and as I have already said, its purposes are pretty broad and pretty ambitious. In whatever way I can and in whatever way ministers do from time to time, we'll see how this new process and new structure work.

We will certainly hear from the community of people who use it whether they think it's an improvement on the current structure. Someone said to me the other day that the really, really great thing to start with about this was that it could not possibly get any worse than it now is. That's an interesting argument from somebody who obviously has modest and cautious ambitions. I think we have a good chance of improving on the status quo, but I certainly intend to keep my eye on it, and I'm certain any minister who has responsibilities for this act would carry on the same function.

**J. Kwan:** With all due respect, I don't have that kind of confidence in the minister. I do not. In fact, his colleagues in a vote of non-confidence said to the minister they don't trust him with his administration of justice for our community. There was a vote from his own colleagues around his practices. There is no confidence in the broader public in terms of all the cuts that have now taken place and how that would advance the promotion of human rights.

People can't even access legal aid services and assistance. That's simply not available. With all due respect, though the minister may say, "Hey, I'm responsible, so trust me," my apologies, because I don't. I don't. I've seen far too many programs, policies and initiatives implemented in the short period of time this government has been elected that actually hurt people and set the clock back. Access to justice for many people is denied, and we see that right before our very own eyes.

I know of a case where someone actually had legal aid support, but after the changes, the person was no longer eligible because of the cuts. That person has the

case around his livelihood before an adjudicator. He has brain injury as well and has nobody to advocate for him, nobody to represent him. How is that justice in our society? I fail to understand it. The minister says: "Please trust me; I'll do my job." I don't.

When you couple that with Bill 64, the elimination of fundamental roles for this government to advance human rights, the government still says: "Trust us; we'll do it." There's no monitoring in place. It's not just the need for monitoring, because the monitoring also needs to be independent, and this section also doesn't speak to that. Section 5 actually gives the minister himself the authority to do this work. It is like putting the fox in charge of the henhouse.

They say: "Hey, don't worry. We're doing a great job." Then the minister says: "You know, if something goes awry and if there's a problem, the community will speak up." The trouble is that there are so many things going awry and service agencies being cut back so severely, I don't know how they would be able to manage all of this. I suspect that to a certain extent, they will. I have no doubt.

[1120]

People try really hard in the most difficult circumstances, and they still come through. They actually give me a lot of inspiration in terms of how they can manage. There's no doubt about that. They will try hard. But you know what? The onus is on the government to set up an independent agency to do exactly that work and not just depend on Joe Blow out there and say: "Hey, you do the work. It's your job."

It's all of our collective work, including the government's. The government must set an example and take a lead on it. That's what the Paris principles talked about — the importance of independence, of actively promoting and being proactive in moving forward and advancing human rights. Canada was a signatory to that. We weren't just a signatory to that. We actively advocated for change, and yet I think we're the first jurisdiction to actually breach that principle. Bill 64 does not meet the principles set out under the UN Paris principles.

The removal of the monitoring aspect is at issue. There's no replacement to ensure that monitoring takes place, other than what the minister says, "Trust me; I'll do it," or to the broader community: "Please check it out, if you will." But there is no systematic approach to the monitoring aspect for British Columbia to achieve equality and justice in the area of human rights.

Second, there are no mechanisms that mandate the government to provide the information, education and advice necessary to achieve that principle. There aren't. The minister's taken that requirement out.

**Hon. G. Plant:** Where? Where was the systematic mechanism? What section was it in?

**J. Kwan:** The minister goes: "Where? Where is the systematic mechanism?" I will read it on the record for the minister so that he can see. Sometimes I think there is an approach with which people will choose to see

what they want to see and choose not to see what is there.

Under "Purposes," the minister has just voted to strike out the requirement under section (g) "to create mechanisms for providing the information, education and advice necessary to achieve the purposes set out in paragraphs (a) to (f)." These were the sections around the purposes of the act. That's what it says very clearly.

The government just voted to eliminate that under Bill 64. No wonder he says: "Well, it's not there." By a stroke of a pen, we just took it away. That's why it's not there, but it ought to be there. That's the responsibility of government. That's what we're debating right now — that it should be there. That is exactly the point.

I asked the minister: where is it? How is that going to be fulfilled? His only answer so far is: "Don't worry; trust me. I'll do it." That's hardly any comfort at all for anybody.

The removal of subsections (f) and (g), the provisions to provide education and information, is significant, as I have talked about. Can the Attorney General now please outline the differences between providing human rights education and information?

**Hon. G. Plant:** I don't understand the member's question, because she started her question by a reference to (f) and (g). Does she have a question about what will become section 5?

**J. Kwan:** Well, in case the minister doesn't understand, let me read for him what section 5 talks about: "Education and information programs. The minister is responsible for developing and conducting a program of public education and information designed to promote an understanding of this Code."

Question for the minister: can the Attorney General please outline the differences between providing human rights education and information? What is there not to understand?

**Hon. G. Plant:** Well, that obligation exists in the act now. What's happening here is that the agency that has the obligation is an agency that will no longer exist. The obligation will continue. It's an obligation that the minister will now have.

[1125]

I imagine that we'll draw to some extent on what the commission did in terms of providing education and information. We'll look at how we think we can do a better job, if we can, of putting together a program of information and education that will help promote an understanding and acceptance of the code.

Among the things I'm certain that will involve is ensuring that we provide some basic information about what it means to discriminate, about the prevention of discrimination and the grounds that are in this act that constitute unlawful discrimination. I'm certain that either the tribunal or the ministry, or both, will be in the business of ensuring that the processes of the tribunal are publicized. I suspect that the tribunal will

probably be the agency that will undertake that responsibility.

I spoke in second reading debate yesterday about the role the clinic will have in terms of assisting in providing training and education. There will be education and information provided to the public and to prospective complainants and respondents in a number of different ways under the scheme that we're putting in place — not limited to the obligations of the minister under section 5. That's how I see this playing out, at least for the near future.

**J. Kwan:** In that litany of things that the minister said he may do, which he has identified, he has not distinguished what is education versus information, which is the crux of my question.

For the minister's information, education, in my view, is transformative. It is designed to help participants identify prejudice and discrimination and then take action to prevent discrimination from happening or, if discrimination does occur, take appropriate action to address the discrimination. Ideally, good education programs would enable someone to become a champion of human rights.

Information, on the other hand, answers questions about how to go about making a complaint, the process a complaint goes through and how the law works.

There are two sets of distinctive differences in terms of education and information, and through the minister's answer, I'm not clear whether or not there is that distinction in his mind. Perhaps not; perhaps there is no distinction in the minister's mind, because he certainly didn't answer that question.

I'm specifically interested in some of the educational programs that the commission, when it was in place, actually engaged in. Can the Attorney General outline the educational programs that the commission was engaged in when the budget was cut and the education staff were fired?

**Hon. G. Plant:** I know the member is always interested in what's in my mind. I'm actually here to debate what's going to be in the legislation.

The member set out an explanation of the distinction between information and education, which I thought was quite helpful. It was actually a pretty reasonable summary of the distinction between what it means to provide people with information and what it means to educate people. I think that is probably a fair basis upon which the government will proceed as it discharges, through the minister, the obligations that are contemplated by section 5.

We're here to debate legislation. I know the member is interested in the details of what has happened in the commission, but I don't think we're going to have an estimates debate here.

**J. Kwan:** There are several points I want to make. One is that the minister says I'm interested in what's in his mind and that we're here to debate the legislation, not what's in his mind. The exception is this. The min-

ister just said: "Trust me. I will develop the programs. Everything will be hunky-dory, and human rights will be advanced." That's paraphrasing, now, because he spoke longer than that in terms of what he aims to achieve under this section.

British Columbians have no way of knowing what this legislation means, other than for the minister to say what is on his mind, because he's saying: "Trust me. I'll do it. Don't worry."

Well, as I mentioned earlier, I don't trust the minister. I am very worried. I'm very concerned with the direction in which we're going. If he doesn't share with the public in this House and let people know what his intentions are, how else will people know?

[1130]

This would be the appropriate time, as we're debating this piece of legislation, for the minister to identify what his intentions are. Legislation comes with the intentions of government, and what those intentions are goes to the extent of what the legislation is — especially with a comment from the minister that says: "Don't worry; trust me. I know what I'm doing, and I'm going to do it." Maybe the reality is that the minister has no plan, and maybe he doesn't think it's necessary for him to fulfil some of the goals that were in place and that were important, because they have just eliminated that in a previous section.

The minister then went on to talk about how some of the programs he would adopt would be what the commission had done. Well, what are those programs? The fact of the matter is: the minister's not interested in talking about what has been done. Well, those things are relevant to the legislation. Nothing happens in isolation. We don't live in a vacuum. It is generally understood that where there's an action, there's a reaction. This is a very well known scientific principle, and things don't happen in a vacuum. Here we are debating a piece of legislation in the context of what's happened to date and the elimination of educational programs, which is a component of it. The firing of the commissioner is a component of it.

Youth Act Now — End Discrimination was a program to fund programs that address issues of discrimination and bullying in schools and communities. In 2001, 96 proposals were received, and 16 received funding. That's one educational program. Does the Attorney General anticipate that he will continue or reinstate this program? How will the Attorney General engage youth in the educational system in combatting discrimination and bullying?

**Hon. G. Plant:** Some of the things that I think are important to this debate.... Fundamentally, the debate we're having here is whether we in the Legislature think that the minister should have the obligation that's provided for in section 5. That's a pretty straightforward question. My view is that the minister should have that responsibility. It's also the intent of this legislation to do away with the commission. Unless we give the minister this responsibility, there will be no one with the statutory responsibility.

The member opposite will have a choice to make: whether she believes there should be someone with a responsibility for education or not. We are going to, I think, do away with the Human Rights Commission. When we do away with the Human Rights Commission, there will be no one that has that obligation. I look forward to the member's vote on the question whether there should be an obligation similar to that set out in section 5.

The second point I want to make is this. We're changing the status quo because the status quo was broken. I take the member's interest in the subject, but let's be clear how completely ineffective the commission was on this very issue.

The commission surveyed the public to ask about public awareness about the existence of the Human Rights Commission and the code. What I believe the commission found was that a pretty small percentage of British Columbians outside the lower mainland even knew we had a Human Rights Code or a Human Rights Commission.

Now, I can tell you this, Mr. Chair: that wasn't my fault. But I think it could also be said that if that were true, it was probably the fault of the Human Rights Commission, which had failed to make sure that the public even knew it existed outside the lower mainland. What more do we know about that?

[1135]

Maybe it's not just the issue of knowing whether they existed. In fact, it may be more than that. Let's ask the question: "Well, how effective was the commission in doing the business of receiving complaints outside the lower mainland?" In fact, the evidence is that an even smaller percentage of the actual complaints received by the commission — I think it's even in the single digits — were ever received outside the lower mainland.

With the years of operation of this commission, which I know the member has defended and will defend in the course of this debate, that commission was singularly ineffective in letting people know it even existed outside the lower mainland or southern Vancouver Island, or in providing any service to them. That's a problem we've identified, and I can tell the member and the members of this House that we intend to work with the tribunal to address that problem.

I think that the status quo was, in this respect, pretty close to a signal failure. It was a complete failure for the large number of British Columbians who live somewhere outside the southern Vancouver Island and lower mainland areas. I think we have an obligation to do a better job, and I think we can do a better job.

I know that the Minister of Education, for example, understands that she has a responsibility in relation to ensuring that the curriculum that is provided to public school children in British Columbia includes some element of understanding about the existence of a Human Rights Code and what it does and why human rights are important in the broadest possible sense. I know that if the member opposite is interested in that subject, as I'm sure she is, she will be able to pursue it

with the Minister of Education at the next available opportunity.

**R. Lee:** I look at this code, and I also listen to the debate. I actually have some experience in this code and also in the Universal Declaration of Human Rights. I had the opportunity to go to Geneva to participate in quite a few sessions of the United Nations Commission on Human Rights meetings and sub-commission meetings.

In the Universal Declaration of Human Rights, it says in the preamble — there are a lot of preambles — in one of the sections that the General Assembly proclaims the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms, and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member states themselves and among the peoples of territories under their jurisdictions.

Education and teaching are very important. The key words I pick up there are "to promote respect for those rights and freedoms." I just wonder: in these changes, are there any opportunities in the ministry to promote respect for these rights and freedoms?

**Hon. G. Plant:** I appreciate the member's intervention. I think that question is broader than the scope of the code itself. I think that is a larger obligation that all ministers of the Crown have, but certainly the minister responsible for human rights has. I also think that in relation to this code... I'll tell you this, if I may. This responsibility is a responsibility that the minister would have, in effect, whether or not this provision was in the code.

The reason it's here is because there were some folks around the province who looked at the changes we were making and said: "Education is important. We want there to be some statutory guarantee." We listened. We said: "All right, let's put that statutory guarantee there." After all, this is not a statute that is supposed to last a week. It may last years, if it's successful. It may outlast this government. Let's make sure that whoever comes along later as the minister responsible for this act has that responsibility.

[1140]

You know, the responsibility stated in section 5, I think, is stated quite broadly: "...a program of public education and information designed to promote an understanding of this code." Well, what education does, if it's successful, is change behaviour. When you educate people about why we need human rights legislation and how it operates in our day-to-day lives, I think you can change behaviour away from behaviour that is founded in ignorance and disrespect towards behaviour founded on understanding and respect. That is all encompassed within the provision we have before

us. I think the member's concern is adequately addressed in this bill.

**J. Kwan:** The fact of the matter, aside from advancing education, is the next step in yielding the end result of what the member for Burnaby North wishes to accomplish, and that is respect, acceptance of that practice. The government just struck that out. The member may just recall moments ago that the member and this government and the Attorney General all rose in this House... With the exception of my colleague from Vancouver-Hastings and I, who said: "No, you must not take away that as a statutory mandate of the government to achieve." The minister just rose in the House to say: "That's Big Brother. We just provide the information. Why are we telling people or trying to promote acceptance? That's big government. That's Big Brother." Those were the minister's words.

He does not accept that responsibility in ensuring that not just understanding is being promoted, but respect is being promoted. Let's be clear about that, and there's no wishy-washy middle of the road that if I do pass the information on out, somehow I will yield the result of trying to advance respect and acceptance of human rights. Let's be clear about that, because I don't want people to be confused and walk away feeling good about themselves that they somehow did their job.

If you believe in advancing human rights more than just passing information along, then you've got to take a step further. There are certain things in life that we must stick our neck out for if we believe in it, to take that one extra step to say that fundamental basic human rights are too important for us to set aside. Putting a piece of paper out there is simply not good enough, and it does not allow you to say: "I've done my job." That's what Bill 64 is setting the foundation for. It's setting the bar to say that is what qualifies for having done your job — not good enough. Not good enough — not in this country, not in this province, not in the year 2002.

Mr. Chair, before the member for Burnaby North rose to intervene, I had a follow-up question with the minister on his answer. He said that by striking out the role of education and the role of research and public consultation from the commission and by the eliminated commission... He said: "Well, someone's gotta do that job, so I guess I have to." Well, let me just make this point. Prior to the elimination of the Human Rights Commission, there was an independent agency that was responsible for education. Now, the minister will get up and say: "Well, you know, the member just wants to advance the status quo and protect the status quo." Well, you know what? For the House's information and for the minister's information, British Columbia, I believe, is the only Canadian jurisdiction that has actually eliminated the commission and set us back in time. We're the only jurisdiction that has done that in Canada. In fact, a new jurisdiction, Nunavut — a new territory that was founded not long ago — is in the

process of setting up a human rights commission, if they haven't set it already.

[1145]

If the commission is so awful, why are people going around setting one up? If having an independent agency to advance human rights and to monitor the progress of human rights, if an independent agency should not do that, why would it be enshrined in an international covenant calling for exactly that?

Why would Canada be a signatory, saying to other countries that this is the direction we must go? It is illogical if the minister wants to say that the Human Rights Commission was ineffective or somehow did not do its work as well as it should and that we should therefore scrap it and all the processes associated with it. It is completely illogical to say that. As I said, I can accept it if the minister has criticisms about how the commission did its work and felt it wasn't as effective as it could be and hadn't gone far enough in advancing human rights. I could accept that. The minister could then supplement how that could be changed, but not by scrapping the whole thing, throwing it out and then saying: "I'm going to put myself there."

A person who is not independent, a person who is going to monitor himself on how well he has done, a person who is not going to advance and promote equality and justice in British Columbia in a broader sense, a person who is not going to make sure there's a monitoring process in place to see how well we have done — how is that better than what it was? I fail to understand that. Maybe the minister doesn't want to debate this point, but it is an important point. Around this education and around the promotion of education, it is exactly relevant to the section we're talking about.

The other point the minister made in his comments was: "If I'm doing it, isn't that good enough?" Can the minister get up in this House and say that for him to appoint himself under this piece of legislation — or for the Legislature, I suppose, or the government to appoint him — to do the work of developing and conducting a program of public education and information designed to promote an understanding of the code...? Can the minister advise who will monitor him in terms of how well he has done that work?

**Hon. G. Plant:** The public of British Columbia gets the opportunity to decide every four years, particularly through a remarkable advancement in electoral reform that this government instituted in its first year in office. They will actually get the opportunity on May 17, 2005, to decide how good a job we did as government in protecting human rights in British Columbia.

Among other things, I will also say this. I have noticed that we have a vibrant public discourse on this subject. Yesterday, for example, the member read from letter after letter from people who were active, vigorous, articulate and very public and vocal contributors to the discussion about this proposed reform. I know all those agencies will continue to be active and vigorous in making sure this tribunal does the job we hope it

will do and in monitoring the extent to which government does respect human rights in all the work it does.

I have noticed that we have in this province a wide range of media outlets, many of which take a real interest in this issue and are not afraid of speaking out and criticizing government on issues on a day-to-day basis, including even this issue. I am certain that government will be monitored constantly and that I as minister will be monitored constantly in relation to the discharge of my obligations. I don't have any concern that that's not going to happen.

[1150]

**J. Kwan:** I know the minister would like to assert that the people who disagree with the government, in this case Bill 64, are just people who want to maintain the status quo and don't want to see any advancement in this area. I do just want to take a moment to correct that.

People who criticize this government in this action care deeply about human rights. In some cases, people have devoted their entire lives to advancing it. Some have experienced tremendous violations and abuses in the past, and that might have been what brought them to be the advocate on some of these issues.

Having said that, I also want to touch on the people the minister praises, in terms of the folks who agree with some of the direction this government is going. But it is not complete endorsement, if you will, of the direction of the government.

I, too, spoke with those people. At least, the government and the minister may accuse me of being very biased, only selecting a group of people I may agree with or identifying information that I wish to obtain. That is not true. I spoke with people who accepted some of these changes, but they, too, have criticisms. As I mentioned yesterday in second reading debate, the person I spoke with is actually someone from the Human Rights Coalition. She advised me that this is perhaps the best in the worst lot. That's what she said: the best in the worst-case scenario. As I mentioned yesterday in second reading, I would have thought we would want to be in an environment where we don't want to be the best of the worst; rather, we would want to be the best of the best and strive towards that.

The person I spoke with also advised me of this: criticisms of what the government has brought in under Bill 64. What are those? The lack of an independent body, such as a centre for excellence for research, to address systematic discrimination — to have a watchdog to do that work — and to abide by the international covenant around the principles revolving around human rights, the UN Paris principles. In some jurisdictions, even if they have brought in direct access, they maintain those principles.

The point about an independent watchdog goes to section 5, as well, on the education component, around who is monitoring. The minister got up and said, "Well, the media will be there; the people who disagree will be there," but you know, the fundamental difference is this. When there was an independent agency, it

then there was no concern for biases. The independent agency took care of that, and that is now gone.

When the minister says, "Well, when we take away the commission, I have no other choice but to put myself there," that's not true. The minister has a choice. The minister can appoint another independent agency to do exactly that work. Why didn't he? If he values independence in the area of human rights, why did he not choose that option as opposed to putting himself into this role and therefore compromising the fundamental principle of independence required?

I have many questions with section 3, as well as with this act. Noting the time, Mr. Chair, I move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 11:55 a.m.

The House resumed; Mr. Speaker in the chair.

Committee of the Whole (Section B), having reported progress, was granted leave to sit again.

Hon. G. Plant moved adjournment of the House.

Motion approved.

The House adjourned at 11:56 a.m.