



5th Session, 37th Parliament

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LEGISLATIVE ASSEMBLY
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LIEUTENANT-GOVERNOR
Honourable Iona Campagnolo

5TH SESSION, 37TH PARLIAMENT

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CONTENTS

Wednesday, May 12, 2004
Afternoon Sitting

Routine Proceedings

	Page
Tributes	11043
Settlement for victims of abuse at Jericho Hill School	
Hon. G. Campbell	
J. MacPhail	
Introductions by Members	11043
Introduction and First Reading of Bills.....	11044
Parks and Protected Areas Statutes Amendment Act, 2004 (Bill 50)	
Hon. B. Barisoff	
Wildlife Amendment Act, 2004 (Bill 51)	
Hon. B. Barisoff	
Electoral Reform Referendum Act (Bill 52)	
Hon. G. Plant	
International Financial Activity Act (Bill 53)	
Hon. G. Collins	
Statements (Standing Order 25B)	11046
Fibromyalgia and chronic fatigue syndrome awareness	
J. MacPhail	
Adoption of children in B.C.	
W. McMahon	
Fibromyalgia and chronic fatigue syndrome awareness	
J. Nuraney	
Oral Questions.....	11047
Release of audit involving Doug Walls	
J. MacPhail	
Hon. G. Collins	
J. Kwan	
Hon. C. Clark	
Changes to B.C. College of Teachers	
P. Nettleton	
Hon. T. Christensen	
Access to grazing lands	
W. Cobb	
Hon. M. de Jong	
Tabling Documents.....	11050
Environmental Appeal Board, annual report, 2002-03	
Committee of Supply.....	11050
Supplementary Estimates: Ministry of Health Services	
Hon. C. Hansen	
J. MacPhail	
Introduction and First Reading of Bills.....	11056
Ministerial Accountability Bases Act, 2004-2005 (Bill 49)	
Hon. G. Collins	
Recommittal of Bills.....	11056
Cremation, Interment and Funeral Services Act (Bill 3)	
Hon. R. Coleman	

Committee of the Whole House.....	11056
Cremation, Interment and Funeral Services Act (Bill 3)	
Hon. R. Coleman	
J. MacPhail	
Reporting of Bills	11057
Cremation, Interment and Funeral Services Act (Bill 3)	
Third Reading of Bills.....	11057
Cremation, Interment and Funeral Services Act (Bill 3)	
Committee of the Whole House.....	11057
Provincial Revenue Statutes Amendment Act, 2004 (Bill 34)	
L. Mayencourt	
Hon. R. Thorpe	
B. Kerr	
Reporting of Bills	11062
Provincial Revenue Statutes Amendment Act, 2004 (Bill 34)	
Third Reading of Bills.....	11062
Provincial Revenue Statutes Amendment Act, 2004 (Bill 34)	
Second Reading of Bills.....	11062
Vital Statistics Amendment Act, 2004 (Bill 43)	
Hon. C. Hansen	
B. Suffredine	
Hon. C. Hansen	
Correction Act (Bill 44)	
Hon. R. Coleman	
J. Kwan	
B. Suffredine	
Hon. R. Coleman	
Committee of the Whole House.....	11074
Community, Aboriginal and Women's Services Statutes Amendment Act, 2004 (Bill 36)	
Report and Third Reading of Bills	11074
Community, Aboriginal and Women's Services Statutes Amendment Act, 2004 (Bill 36)	

WEDNESDAY, MAY 12, 2004

The House met at 2:05 p.m.

Prayers.

Tributes

SETTLEMENT FOR VICTIMS OF ABUSE AT JERICHO HILL SCHOOL

Hon. G. Campbell: It's an honour to rise today to pay tribute to some special guests joining us in this House. Last month the province concluded a settlement that we hope will provide closure and healing for victims of abuse at Jericho Hill School. We are joined today by eight members of the negotiating committee that worked so hard on behalf of the class members in that settlement. To all of them I say welcome. Welcome to our assembly. Welcome to our chamber.

Words fail us in attempting to describe the hurt that they and their families have experienced. The abuse of students at Jericho Hill never should have occurred. There is no excuse or justification for what happened.

The victims bear no responsibility for events over which they had no control. I know I speak for all members of this House in saying how deeply we regret that the victims were exposed to these terrible experiences. We have a duty as a government, as a society, to ensure the well-being of children in our care. We have a responsibility to do better.

I want our guests to know this important thing. Because of your courage, because of your leadership, we can learn from the mistakes of the past, and we will learn from those mistakes. We can work together to heal the hurt, to bring hope and renewal for victims and their families, and we can do everything in our power to try to ensure that it never happens again.

Each of you has made that possible. The settlement is a testament to your courage, to your spirit, to your strength and to your determination.

On behalf of all British Columbians, I want to say thank you to each of you for what you have done to start this healing process and to bring healing about. To Leanne Rumley: thank you. To Sharon Rumley: thank you. To Robert Gordon: thank you. To Mark Dunn: thank you. To Ravi Coughlan: thank you. To Susan Birley: thank you. To Robin Eldridge: thank you. To Douglas Eldridge: thank you.

To all of you, for your leadership and for your strength of spirit: thank you.

[1410]

J. MacPhail: I'm sure I speak for all of us who are not members of the government in joining with the Premier in expressing our sincere regret and apologizing for the terrible journey upon which so many were forced to enter. I do join, along with my colleagues, to express hope that there is recovery. However, sometimes there cannot be any recovery, and all we can hope for is that the path is cleared enough that people

can continue through life in a way that allows for much clearing away of the pain and promotes healing — understanding that that may never occur.

We have been at this process — both the victims and the perpetrators, and those of us who were responsible for the governance of this — for decades now. All I can hope is that those who were deeply affected and harmed and injured by this can complete the rest of their lives with some solace.

Introductions by Members

D. Hayer: It gives me great pleasure to introduce 28 special grade 5 students visiting from Pacific Academy in my riding of Surrey-Tynehead. Joining them is their teacher, Ms. Sharon Douglas, as well as several parents and volunteers who have taken time out of their busy schedules to accompany these students. Would the House please make them very welcome.

Hon. B. Barisoff: In the gallery today is one of my staff from the Ministry of Water, Land and Air Protection, Robin Platts. Would the House please make him welcome.

M. Hunter: It's my pleasure to announce in the gallery today a couple of visitors from the beautiful city of Nanaimo. I would like the House to welcome Joy Cameron and Julia Saurazas, who is the director of the MBA program at Malaspina University College and who came to Nanaimo from Dubai in February of this year. That's how much we're attracting people back to B.C., back to Vancouver Island. Please help me welcome these folks.

Hon. K. Falcon: It's my pleasure today to welcome in the House Lynne Cyr and Betty Ann Cyr, who are joining us today. Betty Ann is joining us from Campbell River. She is the mother of my ministerial assistant, Dave Cyr, and Lynne is his wife. On behalf of Dave, I want to thank Lynne for her patience on the many late evenings I am stealing her husband. I appreciate it. Would the House please make them welcome.

J. MacPhail: I would like to welcome to the House today a very special guest who will probably be the next MLA for Surrey-Panorama Ridge, Mr. Jagrup Brar. He was nominated last week and will carry the NDP banner in the upcoming by-election, which we are all anxious to get going on. I know that the by-election is, of course, dependent on the Premier, but Jagrup is already campaigning.

Mr. Brar is the executive director of the Self-Employment and Entrepreneur Development Society — deep roots in Surrey. He is working for an organization that helps people launch small business ventures. Please make Jagrup Brar very welcome.

V. Roddick: After an excellent, fun lunch in the legislative dining room, a group of exceptional young people are in the gallery today, who are here to receive

various levels of the Duke of Edinburgh special needs awards at Government House. Accompanied by Judith Watt and also accompanied by the head of the B.C. and Yukon division and one volunteer from Scotland are Alex Chartrand, 14, and Christina Chamberlain, 23, from Tsawwassen; Christopher Buckland, 23, from Vancouver; and all the way from Telkwa in the riding of my colleague from Bulkley Valley–Stikine are Lisa Beatty, 24, and Kathy Mortenson, 27. Will the House please make them very welcome.

[1415]

Hon. I. Chong: Today visiting from my constituency of Oak Bay–Gordon Head is a very special lady, Margaret Rolston. On Monday Mrs. Rolston celebrated her eightieth birthday, and she represents just one of the many young and active seniors in my riding. Mrs. Rolston has served on several boards, such as the Lodge at Broadmead and Victoria's Single Parent Resource Centre, and she is also the grandmother of the ministerial assistant for the Minister of Forests. Would the House please make her very welcome.

Mr. Speaker: Hon. members, I would like to bring to your attention 25 public servants seated in the galleries who are participating in a full-day parliamentary procedure workshop. This Legislative Assembly workshop provides a firsthand opportunity for the public service to gain a greater understanding of the relationship between the work of their ministries and how their work affects the Legislature. Would you please make them welcome.

Introduction and First Reading of Bills

PARKS AND PROTECTED AREAS STATUTES AMENDMENT ACT, 2004

Hon. B. Barisoff presented a message from Her Honour the Lieutenant-Governor: a bill intituled Parks and Protected Areas Statutes Amendment Act, 2004.

Hon. B. Barisoff: I move Bill 50 be introduced and read a first time now.

Motion approved.

Hon. B. Barisoff: I am pleased to introduce a bill that makes amendments to both the Protected Areas of British Columbia Act and the Park Act. These amendments continue our government's ongoing work toward expanding British Columbia's parks and protected areas system and improving its management. Last September the Premier committed to the UBCM that before designating any new provincial parks, we would deal directly with local councils and the regional districts to see what they want.

Some local governments said that adding new parks at this time would create a level of uncertainty. One example is Okanagan-Similkameen regional dis-

trict, which may be home to B.C.'s next national park. The regional district has asked us to wait until we know how this proposed national park is going to affect their communities before designating any new provincial parks in that area. We take the concerns of our local government seriously. While we're expanding our local park system significantly, where there are local concerns, we have elected to wait.

Today we make these amendments with the support of our communities. Amendments to the Protected Areas of British Columbia Act add more than 150,000 hectares to British Columbia's protected area system — an area 13 times the size of the city of Vancouver — by establishing 28 new class A parks and one ecological reserve and by making additions to four existing ecological reserves and 31 class A parks.

This will mean more opportunities for visitors and more opportunities for B.C. communities. This bill also provides map boundaries for a number of existing parks and ecological reserves — a more accurate, understandable and practical system than written descriptions previously used. The amendments to the Park Act allow the minister to enter into collaborative agreements. The Premier has committed to opening our parks to people. Parks benefit small business and encourage new investment, recreation and tourism, and they help diversify local economies. We're bringing out our best in B.C. by preserving these special areas.

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

Bill 50 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.

WILDLIFE AMENDMENT ACT, 2004

Hon. B. Barisoff presented a message from Her Honour the Lieutenant-Governor: a bill intituled Wildlife Amendment Act, 2004.

Hon. B. Barisoff: I move Bill 51 be introduced and read a first time now.

[1420]

Motion approved.

Hon. B. Barisoff: This makes amendments to the Wildlife Act to enhance the ability of the government to designate and protect species that are at risk in British Columbia. The amendments will provide the authority to the Lieutenant-Governor-in-Council to list and protect any species or population of animal, bird, fish, plant or other species as require additional protection and management in British Columbia.

These amendments — combined with our existing Wildlife Act, our world-renowned parks and protected-area systems, land use plans, environmental assessment processes and partnerships with industry

and conservation stakeholders — will provide greater certainty regarding the protection and recovery of species in B.C.

These amendments reinforce the province's authority with regards to species and give B.C. the tools to approach the protection and recovery of species in a way that meets the specific needs. They will help the province to protect its interest as we work with the federal government as it implements its respective legislation.

In developing and implementing this approach, the province will determine its own principles and standards — a solution made in British Columbia for British Columbians — defend its jurisdiction, its right to determine its own management approach, and make species management decisions with the understanding of the best available science and full consideration of socioeconomic implications.

The best way to protect B.C. interests is to make sure we have B.C. legislation to provide certainty for our species and certainty for our landowners. We need to protect B.C.'s wildlife resources, but we must also protect B.C.'s families and the jobs they rely on.

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

Bill 51 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.

ELECTORAL REFORM REFERENDUM ACT

Hon. G. Plant presented a message from His Honour the Administrator: a bill intituled Electoral Reform Referendum Act.

Hon. G. Plant: I move that the bill be introduced and read a first time now.

Motion approved.

Hon. G. Plant: I am pleased to introduce Bill 52. This bill demonstrates government's continuing commitment to an independent and transparent process for examining our electoral system. Specifically, the bill gives legislative authority for a referendum on a new electoral model that may be required following the report of the Citizens' Assembly on Electoral Reform. If the Citizens' Assembly recommends a new electoral model, a referendum on the proposed new model will occur in May 2005 in conjunction with the next provincial general election.

The bill confirms that if such a referendum occurs, the Referendum Act will apply with certain exceptions. The primary exception concerns the level of voter approval necessary for the referendum result to be considered binding. The government last year determined and announced that because of the fundamentally important nature of our voting system, the referendum result must show that a substantial majority of the

province's voters approve of the new model. Therefore, the approval threshold is 60 percent or greater of the popular vote provincewide, and a simple majority in at least 48 of the province's 79 electoral districts — 60 percent of the electoral districts. These provisions will help to ensure that there is significant voter support for the proposed new model in different regions of the province.

The bill also provides that if a new model is approved, the government will be required to make the necessary legislative changes to the Election Act so that the new model is in place in time for the May 2009 general election, consistent with the commitments that we have made. This provision is necessary to ensure that there will be adequate time to make the substantial amendments to the Election Act that would be required if the referendum succeeds.

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

Bill 52 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.

INTERNATIONAL FINANCIAL ACTIVITY ACT

Hon. G. Collins presented a message from His Honour the Administrator: a bill intituled International Financial Activity Act.

Hon. G. Collins: I move that the bill be introduced and read a first time now.

Motion approved.

[1425]

Hon. G. Collins: Bill 53 implements the International Financial Activity Act effective September 1, 2004, and at the same time repeals the existing International Financial Business (Tax Refund) Act and the International Financial Business Act.

As announced in Budget 2004, this new legislation enhances the competitiveness of British Columbia's international financial sector by expanding the types of corporations that are eligible to register under the act, expanding the list of financial activities that qualify under the act to include six new activities and extending the program to all areas of the province, which will allow registered corporations to locate anywhere in British Columbia.

The list of new financial activities that will qualify under the act effective September 1 of this year includes certain treasury functions on behalf of non-residents, back-office operations as well as backup office operations on behalf of non-residents, the distribution of film and television rights outside of Canada, expansion of the range of eligible foreign exchange activities and import letters of credit. The tax refund for specialists will remain in place and will be extended

to five years from two years. At the same time, the maximum refund amount will be reduced to 75 percent of B.C. income tax payable.

Effective January 1, 2005, the employee refund under the international financial business program will be eliminated. This is because British Columbia's personal income tax rates are now competitive with other jurisdictions.

These changes to British Columbia's international business financial legislation will attract new financial business to British Columbia, encourage the development of new international financial activities such as film and television distribution, and create new employment opportunities and well-paid, highly skilled jobs. Bill 53 sets the stage for renewed growth in British Columbia's international financial sector and reflects our commitment to increase competitiveness and revitalize the economy.

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

Bill 53 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)

FIBROMYALGIA AND CHRONIC FATIGUE SYNDROME AWARENESS

J. MacPhail: Today I rise in the House to recognize May 12 as Fibromyalgia and Chronic Fatigue Syndrome Awareness Day.

Imagine having a chronic disorder for which the causes are not known and for which there is no cure. This is the reality for those who suffer from fibromyalgia and chronic fatigue syndrome. Fibromyalgia, or FM, is a chronic disorder characterized by widespread musculoskeletal pain, fatigue and multiple tender points. Chronic fatigue syndrome, or CFS, is a serious and complex illness that affects many body systems. The central characteristic of CFS is a debilitating pathological exhaustion not reversed by rest, no matter how much rest one has.

These disorders have devastating impacts on people's lives, people's professions and their families. Moreover, these disorders are surrounded by misconceptions. For example, just as multiple sclerosis was labelled as hysterical paralysis for years before people fully understood the disorder, both FM and CFS suffer from public misunderstanding. Thankfully, Canada is at the international forefront of attaining clinical definitions and protocol for treating these disorders in order to provide a standard for diagnosis, treatment and research.

Understanding these disorders begins with raising public awareness. Public awareness leads to calls for action. The reality of living with chronic pain means that not only are patients impacted, but so are families

and our broader communities. With visionary support from health professionals, patients and researchers, I hope that we can work towards finding effective treatments for those who suffer from fibromyalgia or chronic fatigue syndrome.

ADOPTION OF CHILDREN IN B.C.

W. McMahon: On Monday my colleague from Surrey—Green Timbers stood in this House and spoke about what it was like to have two adopted daughters. Her statement struck a very personal chord with me. It made me reflect on my own childhood and upbringing, as I was adopted when I was just 11 days old.

It made me remember how wonderful it was to be raised in a strong family environment. My parents, like parents throughout British Columbia, taught me values and how to respect and be kind to others. They taught me the importance of a good education and a strong work ethic. They taught me about the importance of stability in a child's life and the opportunities that we can realize as adults if our parents point us in the right direction.

[1430]

However, there is also an important message that British Columbians need to hear. Right now there are approximately 1,000 children in our province waiting for a permanent home. That's 1,000 children who don't have a stable home. The best-case scenario for these children — to learn the values of a good education, a strong work ethic, how to be kind to others and how to make the most of the opportunities given to them — is to have a permanent family. This by no means takes away from the thousands of foster parents who do a terrific job in our province. However, children who move from home to home are missing the consistent love, nurturing and support that will help them through the rest of their lives.

Saturday is International Family Day. There is no easy road of life for anyone to travel, but having a family forever can make a world of difference not only in childhood but as we become adults and raise our own families.

Today I am calling on British Columbians who are in a position to have a family, whether you have your own biological children or not, to consider adoption. You can get more information by calling 1-877-ADOPT-07. Please remember there are kids who can't wait to have a family.

FIBROMYALGIA AND CHRONIC FATIGUE SYNDROME AWARENESS

J. Nuraney: It is not very often that I would consider standing in this House and echoing the sentiments of the Leader of the Opposition, but today I do stand up in recognition of May 12, which is the day that Canadians and people around the globe gather to raise awareness about the devastating effects of chronic fatigue syndrome and fibromyalgia.

It is estimated that at least 5 percent of Canadians are affected by this ailment. To date, there is no known cure or cause of these diseases. Among those is Rosie, a former drug and alcohol counsellor, who had a very active lifestyle. She was raising a family, she had an active lifestyle, and she even drove 30 miles a day to get to work. Unfortunately, things would take an unpleasant turn. She recently wrote me a letter describing her terrible and unexpected fight with chronic fatigue syndrome.

In her letter she writes: "Going from that to not being able to get out of bed for days at a time was a horrible shock and an adjustment. I think it is very, very important for people who are newly diagnosed, along with their families and their employers, to become educated, because this disease affects not only the person who has it but all those people closest to them."

I can only begin to imagine her frustration and disappointment. Fortunately for both her and a friend that I know, they've been able to find some relief from their symptoms through alternative treatment methods such as aromatherapy, acupuncture, massage, yoga and meditation. As Rosie said to me in her letter, it is crucial that we begin to open our minds to these non-traditional healing methods as tools that can work in tandem with conventional medical science.

I do hope and pray that at some point in time we will find the cure and realize the cause of these devastating diseases.

Mr. Speaker: That concludes members' statements.

Oral Questions

RELEASE OF AUDIT INVOLVING DOUG WALLS

J. MacPhail: This afternoon British Columbians will be treated to the summary of the findings of an audit into the Doug Walls fiasco. The public, families and those who provide community living services are concerned that they will get only selected details approved by the Premier and his spin doctors — a whitewash.

Let me remind the House what this scandal is about. The Premier's friend, political supporter and relative got a six-figure salary from the B.C. Liberals with no competition, no notice, no announcement and no scrutiny.

Interjections.

Mr. Speaker: Order, please. Hon. members, order. Let us hear the question.

J. MacPhail: He also got a \$400,000 government loan written off. To the Deputy Premier: this afternoon, will she do the right thing and release the entire audit to the public, not just a spinned-up version of it?

[1435]

Hon. G. Collins: Given the summary of the member opposite, you would think there was no need to do

the audit, because she seems to know all the facts. The reality is that the entire audit will be released this afternoon, except for those small sections that needed to be severed relative to third-party statutory requirements under the Freedom of Information Act. I hope the member reads it, checks her facts and corrects many of the statements that she's made in the House over the last number of months.

Interjections.

Mr. Speaker: Order, please.

The Leader of the Opposition has a further question.

J. MacPhail: Here's what happened, Mr. Speaker. Not only did Mr. Walls get a six....

Interjections.

Mr. Speaker: Order, please.

Interjections.

Mr. Speaker: Order, please, hon. members.

J. MacPhail: This is already on the public record.

Not only did Mr. Walls get a six-figure salary, he was also the beneficiary of B.C. Liberal government loan write-offs totalling at least \$400,000. We'll find out how that loan was written off. Not only is Mr. Walls a friend, supporter and relative of the Premier, but he also has close ties to other members of the B.C. Liberal cabinet, including the former Minister of Children and Family Development and the Minister of Advanced Education — all admitted on the record by Mr. Walls. It's a very cozy relationship, a very serious scandal.

To the Deputy Premier: can she guarantee that every aspect of the audit will be released in full with no spin whatsoever?

Interjection.

Mr. Speaker: Order, please.

Hon. G. Collins: I think I already answered the member's questions, probably more fully than she would have liked. The reality is that the Premier made a commitment some months ago that the entire audit would be available through freedom of information. Government has done that. The freedom-of-information coordinators have gone through the audit to ensure that any release is compliant with the act.

There are some third-party requirements under the legislation that need to be complied with. I think the member will find that she's very pleased with.... Well, she may not be very pleased with the report, but she'll be pleased to know that virtually all of it will be made public this afternoon. Certainly, pending a request by government or a response from those people who have personal protection privacy rights under the act, if we

hear from them to say those additional details can be released, those will be released as well.

Interjections.

Mr. Speaker: Order, please.

Interjections.

Mr. Speaker: Order, please, hon. members.

The Leader of the Opposition has a further supplementary.

J. MacPhail: We welcome that, Mr. Speaker. We welcome that commitment. It's a brand-new commitment, and we welcome it — absolutely. The Premier said he was going to release the conclusions. Now he's releasing the whole audit, and we....

Interjections.

Mr. Speaker: Hon. members, the Leader of the Opposition has the floor.

J. MacPhail: We'll let the Premier's words stand on their own, Attorney General — absolutely.

In July 2002 the Minister of Children and Family Development was told that there were serious concerns related to Mr. Walls's activities in the ministry. The minister did nothing. He handed it off to staff and turned a blind eye to its contents. Six months later, in January 2003, Mr. Walls was appointed to act as CEO of the interim authority on community living, a fact that the minister wouldn't own up to in the House three months later.

Can the Deputy Premier and the Premier guarantee that every single recommendation of the audit...

Interjections.

Mr. Speaker: Order, please. Let us hear the question.

J. MacPhail: ...will be delivered by this government as quickly as possible?

Hon. G. Collins: The fact of the matter is that the Premier's words are on the record about the release of the report.

Interjection.

Hon. G. Collins: Part of the reason why the member gets her facts wrong is because she never listens when she asks a question. She never listens to the answer.

Interjection.

Mr. Speaker: Order, please.

Hon. G. Collins: The fact is that the report will be released. I think the member will find that not only will we commit to implementing all the recommendations, she may find that the vast majority of them are already in place.

Interjections.

Mr. Speaker: Order, please.

J. Kwan: We certainly will ensure that the Premier's words stand, as do the words of the Deputy Premier. We can certainly look to the record to see what they said about the release of the report.

[1440]

Up until the B.C. Liberals took power, Mr. Walls was helping non-profits get Internet access. Soon after the election was over, Mr. Walls was invited into the Premier's office and given enormous influence over the Minister of Children and Family Development. Finalizing plans for community living and taking control...

Interjections.

Mr. Speaker: Order, please. Order, please. Members on the government side of the House, please extend the member the courtesy of listening to the question.

J. Kwan: ...of a \$600 million budget long before the core review was complete, Mr. Walls was also immediately handed \$400,000 in taxpayers' money through a loan write-off. Also from the government, a special prosecutor was initiated to review this matter.

Will the Deputy Premier assure British Columbians that the document the government releases today will explain how a friend and relative of the Premier was given control over \$600 million in terms of budget for the ministry and handed a \$400 million loan write-off as soon as the Liberals took office?

Interjections.

Mr. Speaker: Order, please.

Hon. C. Clark: The report will be released this afternoon. The member will be able to have her questions answered as soon as it's released. In response to the other questions the member asked, those have been asked and answered. Perhaps she wants to move on to plan B for question period.

Interjections.

Mr. Speaker: Order, please. Member for Vancouver-Mount Pleasant has a further question.

J. Kwan: The Deputy Premier is correct insofar as this. Questions were asked of her during the estimates process, but no answers were forthcoming from the

Deputy Premier. The Minister of Children and Family Development is....

Interjections.

Mr. Speaker: Order, please.

J. Kwan: The Ministry of Children and Family Development is in chaos, thanks to the B.C. Liberal government mismanagement and special deals for a friend and relative of the Premier. That's the bottom line in the scandal. The government took money from kids at risk and handed that money over to Liberal friends. The Premier won't answer questions, and the Deputy Premier won't answer questions. You know what? When the government releases....

Interjections.

Mr. Speaker: Order, please. Your colleague is interrupting your question. We'll just wait a moment, and you can continue, please. Now it's time for the question.

J. Kwan: Yes. I was interrupted by many members of the House.

When the Premier releases his version of the audit this afternoon, will he use the opportunity to apologize to British Columbians for this gross mismanagement of tax dollars that were supposed to help kids and the developmentally disabled but ended up padding the pockets of Liberal insiders? Will the Deputy Premier also release all correspondence and e-mails between officials...

Interjections.

Mr. Speaker: Order, please, hon. members.

J. Kwan: ...and his office and Mr. Walls?

Interjections.

Mr. Speaker: Order, please.

Hon. C. Clark: The member will see the report this afternoon. I suspect that she will have an opportunity to apologize for all of the misinformation she's put on the record. As long as we are standing here and talking about the opportunity to apologize, this member might want to start taking the opportunity to offer apologies for all of the misrepresentation — all of the facts that she puts on the table that are proven to be wrong again and again and again. Just for starters is her suggestion that the ministry is in chaos.

For example, we have doubled the number of adoptions that have happened in British Columbia. We have cut court wait times through alternative dispute resolution. We have, for the first time, made it possible to place children with extended families instead of taking them from their homes where they're at risk. We have

also made possible the 15 percent drop in the number of children that are coming into the care of the ministry. And the numbers on recruitment and retention for our staff in this ministry are excellent.

Interjections.

Mr. Speaker: Order, please.

Hon. C. Clark: We are recruiting and retaining more staff than we have for a long time in British Columbia.

Interjections.

Mr. Speaker: Thank you.

Hon. C. Clark: So when the member stands up and makes these statements, she will very soon, I'm sure, have the chance to retract them...

Interjections.

Mr. Speaker: Thank you.

[1445]

Hon. C. Clark: ...and offer her apology.

Interjections.

Mr. Speaker: Order, please. Hon. members, order, please, so we may continue with question period.

CHANGES TO B.C. COLLEGE OF TEACHERS

P. Nettleton: On December 10, 2003, the former Education minister promised to restore democratic governance to the College of Teachers. More than four months later, elections have not taken place, and the politically appointed councillors continue making fundamental changes to the bylaws that govern the teaching profession. My question is to the Minister of Education. Why has the current minister not lived up to the democratic promise of his predecessor and dismissed the political appointees on the college council?

Hon. T. Christensen: This government committed to putting in place a democratically elected College of Teachers, and that's exactly what we intend to do.

Mr. Speaker: Prince George-Omineca has a supplementary question.

P. Nettleton: Yes, I do.

When might those elections take place, and will these legitimate representatives of the profession have the mandate to review and reject, if necessary, the sweeping bylaw changes imposed by the appointed councillors?

Hon. T. Christensen: The member will see the legislation at the same time as the rest of the House. Certainly, as I said, it's our intent to follow through on the commitment the government made in December. The newly elected college council will have the opportunity to act as a college council, just like any past one.

Interjection.

Mr. Speaker: Order, please.

ACCESS TO GRAZING LANDS

W. Cobb: My question is to the Minister of Forests. As we all know, drought and forest fires have hit my region very hard over the last year. This summer is gearing up to be as dry as last, and if we don't get some rain soon, we could be in another crisis. Those events have my ranchers faced with shortages of hay and grazing for their cattle. Because of the BSE, they couldn't ship their cows and had to feed them over the winter, which exacerbated the problem. Last September the Premier requested that the criteria be relaxed to accommodate the ranchers. I ask the Minister of Forests if he could please tell my constituents: is there anything being done to expand access to grazing lands for the B.C. ranchers?

Hon. M. de Jong: To the member: he's right. Between droughts, fire and BSE, it's been a pretty tough year for the ranching communities. District managers are exercising their maximum jurisdiction within the bounds of the legislation, their discretionary authority, to get cattle out onto rangeland at the very earliest possible moment.

It's a balancing act. The member and his ranching constituents will know that causing damage or overgrazing to lands can take upwards of ten years to correct, so there is a balancing act involved. We're doing some little things. We're lending water troughs to ranchers. We're doing some larger things, longer-term things, and those are the negotiations taking place now, discussions with the Cattlemen's Association, aimed at expanding the amount of land available for range use in the future.

[End of question period.]

Tabling Documents

Hon. B. Barisoff: I beg leave to present the 2002-03 annual report of the Environmental Appeal Board.

Leave granted.

Orders of the Day

Supplementary Estimates

Hon. G. Collins presented a message from Her Honour the Lieutenant-Governor: supplementary estimates for the fiscal year ending March 31, 2005.

Hon. G. Collins moved that the said message and the estimates accompanying the same be referred to Committee of Supply.

[1450]

J. MacPhail: Maybe we could have the bill distributed and have a recess, Mr. Speaker.

Hon. G. Collins: I think there's a motion on the floor, but I'm prepared once we're in committee to have the House recess.

Mr. Speaker: The motion is that we approve the motion and the message and that the supplementary estimates accompanying the message be referred to a Committee of Supply.

Motion approved.

Hon. G. Collins: I call Committee of Supply and also move that the House stand recessed for 15 minutes to give the opposition and members, as well, a chance to look at the supplemental estimate.

Mr. Speaker: So ordered.

The House recessed from 2:51 p.m. to 3:08 p.m.

Committee of Supply

The House in Committee of Supply B; J. Weisbeck in the chair.

The committee met at 3:09 p.m.

SUPPLEMENTARY ESTIMATES: MINISTRY OF HEALTH SERVICES

On vote 25(S): ministry operations, \$147,986,000.

Hon. C. Hansen: By way of a few very brief opening comments about the supplemental estimate that's before us today, these supplementary estimates reflect British Columbians' share of the incremental federal funding for health care which flows from the first ministers' accord on health care renewal and specifically the announcements that were made on January 30 of this year by the federal government. These supplementary estimates also reflect B.C.'s share of the new 2004 public health and immunization trust, which was also announced by the federal government earlier this year.

[1510]

When the Ministry of Health Services budget was proposed earlier this spring, government expected to receive additional federal funding at that time. However, we did not include these funds in our budget at that time because the federal government had not yet confirmed details about the health accord funding and exactly how it would flow to the various jurisdictions. The Ministry of Finance announced at that time that once details were known, these funds would be added

to the health budget. We now know that B.C.'s share of the federal funding that was announced at that time is \$130,961,000 for the fiscal year we're currently in. In addition, this year we will receive \$17,025,000 from the public health and immunization trust.

These supplemental estimates follow through on this government's commitment to add all of the incremental federal funds to the Health Services budget. Specifically, as members will note in the supplemental estimates that were circulated in the chamber moments ago, all of these moneys will be allocated to the line item in the budget referred to as the regional health sector, and these moneys will go primarily to home care and critical care areas. All of this new money that flows into this particular sector will go to improving direct patient care and the health of British Columbians.

Our health care system is dedicated to providing quality health care services to citizens in our province. There are a wide range of pressures which we will continue to see impact on our health care system now and into the future. These additional funds are not the panacea to all of the health challenges that we are facing in this province. Clearly, the health sector is one that has the ability to consume billions of dollars, and while these additional millions of dollars will help, it certainly does not alleviate all of the pressures that we're facing. But it will mean that more patients will be able to get access to surgeries. It means that more seniors will get the supports they need in the communities where they live. It means that children will get better access to vaccines to keep them healthy and to prevent them from getting ill in the future. More federal moneys are welcome.

I would also like to say in closing that I think all of the provinces and territories recognize that more is needed in terms of the federal government's role as a funding partner in health care across Canada. The one thing that concerns me specifically about this particular allocation of moneys that is before us is that it has not been annualized by the federal government. In the case of the latest increment to the health accord funding, it's the \$2 billion allocated on a per-capita basis to all provinces notionally over a three-year period. But in fact, one of those years has already passed us, so we're now into a two-year frame in which those additional health moneys will be spent. B.C.'s share of that is approximately \$260 million, which divided into the two years will allow us to allocate about \$130 million this year and \$130 million in the subsequent year. The problem with that particular funding is that we do not have certainty that there will be any ongoing funding vis-à-vis that particular envelope.

The other moneys I mentioned are from the public health and immunization trust. Again, this money will be well received and will be put to some very important purposes, but that again is to be designated over a three-year period. At the end of the three years we do not have any certainty that this funding will continue, which makes great difficulty in trying to plan for long-term stability and certainty.

We will continue to work with the federal government and to encourage them not only to increase their share of federal dollars towards the 25 percent that was proposed by the Romanow report, but also so that we have certainty with regard to long-term and stable funding for the province.

J. MacPhail: What a difference a government makes. Now it's that the federal government isn't giving enough money and that it's not stable funding. That's certainly different than what the Premier was saying just a couple of months ago. The Premier, in fact, said at a Premiers' conference on this very topic that it's not about the funding; it's about delivering health care in a different fashion. At the same time, of course, he was saying that, the Minister of Health Services was saying: "It's about the money. We need more money."

[1515]

Of course, this is a new mantra for the B.C. Liberal Party. Before they were in government their mantra was, "We don't need more money. It's about the incompetence of the health care system. It's about the government of that day not being able to deliver the services in a cost-effective way," etc. Now it's about the money when this government takes over.

It is also about the money even though they're slashing health care workers' wages, slashing it for the very people who deliver the patient care and the direct services. Those wages are being slashed. But, oh, this government needs more money.

Also, I find it interesting that this minister is standing up and saying that this province is committed to delivering every single dollar to direct health care. Well, duh. That's required under the health accord. That's the legal requirement by the federal government. The federal government says: "We're going to give you \$130 million, and you have to put it into patient care." That's what the accord says. Well, aren't we supposed to be grateful that in one contract, at least, this government isn't breaking its word? How much since 1994 has...? What is the federal transfer payment for health care since 1995?

Introductions by Members

R. Lee: I have the privilege of having a school from my riding visiting the Legislature. Today in the gallery are 29 grade 5 students from Holy Cross Elementary School in Burnaby. They are here to learn about the Legislature and how government works, and they are accompanied by their teacher, Ms. Moscone, and 14 adults. Would the House please join me in making them welcome.

Debate Continued

Hon. C. Hansen: I don't have that cumulative number at my fingertips, but I can advise the member that it is contained in the budget reports that are tabled by the Finance minister each year.

J. MacPhail: Actually, it isn't. The CHST may be contained, but I'm asking what allocation this government has made for health care from the federal government. It is interesting to note that every year since 2001 — the agreement was reached in August 2000 — there have been substantial increases in the flow of federal dollars to the provincial government.

Prior to that, of course, there were actually cuts in transfer payments between the years 1994, '95, '96, '97 and '98 — cuts in transfer payments for the health care system. That was at the time when the then opposition party, the Liberals, were berating the former government for not doing a good enough job — that the money was there, and why couldn't they deliver on a better health care system? Now, of course, we see that the wait-lists are up and the wait times are up, and yet ever more money is coming from the federal government.

When the minister says that the federal funding for \$130,961,000 is not guaranteed funding, what submissions has his government made to ensure stability?

Hon. C. Hansen: I wouldn't want to leave the impression that the \$130.9 million is not guaranteed. It is. Those are revenues to the province in this year, and we are assured of those revenues, just as we are assured of the approximately \$130 million the following year. It is the year after that where we have not been given any certainty around that annualization.

To answer the member's specific questions about the long-term stability, there have been representations made by the Premier and by Premiers, in terms of their first ministers' conference, urging the federal government to annualize the additional moneys that we're showing in this supplemental estimate today.

J. MacPhail: How does that jibe with the Premier saying that it's not about money and that it's about doing the business of health care differently? What is it? Is it about the money or not?

Hon. C. Hansen: I think if the member were to go and check the comments made by the Premier, she would learn that what the Premier said is that it is not just about money. We can't continue to throw more and more money at the health care system in an incremental way, and I think this is the problem we've seen in the past. What we have had is budgets for health care growing faster than the economy, and that's simply not sustainable if you start going forward ten, 15 or 20 years into the future.

[1520]

What the Premier has been saying — and, in fact, all Premiers of all political stripes across Canada have been saying — is that we have to also fix the health care system so that it is sustainable. It's not just about adding more money. All of those Premiers have been pushing for additional federal funds so that the federal government can reflect the share of health care funding that most people are pushing them for. There is also a recognition that there has to be fundamental change in

the system if it's truly going to be sustainable in the medium to long term.

J. MacPhail: Actually, I do remember it, because the conference amongst the Premiers took place here in Vancouver at the same time that the Minister of Health Services was commenting far differently about the same matter here in Victoria. I was asked to comment on the differences between what the Premier and the Minister of Health Services were saying. The Premier said, "It's not about money," at the same that the Minister of Health Services was saying: "It's about money." It was an embarrassing moment for the government upon which I got to comment, as a matter of fact.

Sorry, Mr. Chair. As always, this government tries to bully the opposition by saying: "Oh no, you're misrepresenting what the government said." They just did it completely in question period, saying: "Oh no, we never said we weren't going to release the PricewaterhouseCoopers report in full." They just did it. Even though day after day, that's what the Premier said; that's what the minister said.

The Chair: Member, can I caution you just to stay on this particular item. You're getting off track here. Could we refocus, please, on this vote — 25(S).

J. MacPhail: The Premier did say it wasn't about the money. That was consistent with his message prior to him becoming government. The minute he became government, his entire cabinet said: "Oh, the federal government isn't stepping up to the plate, not doing their job."

How is it that this government is going to manage? What are their plans for sustainability and reducing the wait times and the wait-lists for surgery? What are their plans for eliminating the two-tier health care system that they're promoting day after day?

Hon. C. Hansen: What we have before us is a supplemental estimate to increase funding to the regional health sector by \$147.986 million. Those moneys will primarily flow through the health authorities who have responsibility for management of the delivery of health services in that sector. They are developing their programs to make sure that we maximize the amount of surgeries, the amount of home care support and other services that British Columbians are counting on.

The Chair: Could the member take her seat, please. I just want to caution the member that we're not here to recanvass the estimates of the Ministry of Health Services. We're here to deal with this particular vote. I just want, as a caution, to keep focused.

J. MacPhail: Thank you very much, Mr. Chair. I really appreciate your direction. I actually am canvassing the \$130 million, but thank you very much for your direction.

How much of that \$130 million have the health authorities already taken into account?

Hon. C. Hansen: Clearly, when the initial budget was brought down by the Finance minister, we knew that there would be additional moneys, but we didn't know exactly how we would be able to allocate that. We were trying to be very careful in terms of the commitments that we made to the health authorities.

There has been a notional allocation of about \$80 million of that to the health authorities early on in the fiscal year so that they could at least start some planning with a bit of certainty. It's only since we have been able to confirm the exact allocation and how it would flow in each of the fiscal years that we've been able to now, finally, start sitting down with the health authorities to determine how the additional moneys would be allocated out of that \$130 million.

[1525]

J. MacPhail: How many health authorities were in deficit at the end of the fiscal year '03-04?

Hon. C. Hansen: The member's direct question, I think, was: which of the health authorities were in deficit at the end of the fiscal year? The answer vis-à-vis the fiscal year that just ended is that all of them were.

The reason is that the arrangement we had with the health authorities was that they had to balance their budgets over a two-year cycle, a 24-month cycle. If you look at it, most of them ran surpluses in the first year and deficits in the second year. If you look at it over the two-year period, all of them wound up with surpluses with regard to their operational budgets.

Now, there are also some adjustments that came in with regard to the health benefits trust — which we canvassed when we were in main estimates, if I recall correctly. That does make a difference in terms of their final bottom line, but in terms of their operations, they were all able to be in the black over that 24-month period.

J. MacPhail: What is the black after the 24 months? Could I have it per health authority, please?

Hon. C. Hansen: I don't have that breakdown with me at this point, but I can endeavour to get it for the member.

J. MacPhail: The minister must have it there. How can he say he knows the answer to that, then? I don't understand. Is the minister referring to some sort of generic document that says: "Oh, if the member for Vancouver-Hastings asks this question, give her this answer"? Or does he actually have some numbers there that he's looking at?

Hon. C. Hansen: These numbers are still subject to audit. The table that I have in front of me is not set up with the kind of information the member is asking for. I do know that all of the health authorities in terms of their operations for the '03-04 fiscal year were in deficit and that all of them over the two-year cycle were, in fact, in surplus. I don't have the specific breakdown

with each health authority, but I will endeavour to get it for the member.

J. MacPhail: Maybe what the minister can do is give me the global budget for the regional health authorities — what the estimate was for '03-04 and what it ends up being, the revised estimates. What is that — just the global one then?

[1530]

Hon. C. Hansen: I guess the reason we're trying to dig through papers to get answers to the member's questions is that we came well prepared to talk about the additional \$147 million but not prepared to talk about all of the details of last year's budget, because I thought we had canvassed that when we did the main estimates in fair detail.

What's in the budget for this year that we have before us is a base budget of the regional health sector funding of \$6,495,945,000.

J. MacPhail: That's \$6 billion?

Hon. C. Hansen: It's \$6,495,945,000. What we were adding to that is the \$147.986 million. Of that base budget that had I referred to, what was allocated to the health authorities in the base budget was \$6,239,204,000.

J. MacPhail: Mr. Chair, I'm not quite sure why the minister thinks these questions are inappropriate and he came ill-prepared. I'm trying to figure out how much of the \$130 million, if any, has already been spent — or not. If there's a deficit from previous years, then the \$130 million will have already been accounted for. If there's a surplus, then it won't. I think it's a pretty straightforward question. It should be anticipated. I'm not quite sure....

Let me ask this: can the minister surmise whether we're talking about \$10 million overall surplus on the regional health budget or \$1 billion or \$5 million? What's the ballpark figure for the surplus?

Hon. C. Hansen: Actually, I think I get where the member is coming from, so let me try this answer to see if I can address her concern. Because we have gone to the new generally accepted accounting principles, the health authorities can no longer carry forward their surpluses. The last year that health authorities could carry forward a surplus was in the '02-03 fiscal year, and that's why they did wind up with a surplus. That was carried forward into the '03-04 fiscal year. They all ran surpluses in the first year and deficits in the second year, and over that two-year period they wound up all being slightly in the black. They cannot carry those surpluses forward under the new generally accepted accounting principles, so we start with a new fiscal year with the base budgets as I mentioned in response to the previous question, and we are now adding the \$148 million to that.

J. MacPhail: So the budget prior to this.... Is it \$130 million or \$148 million? The immunization fund is distributed to the regional health authorities. The minister can answer that question in a moment, if he can remember it. I'm sure he will be able to.

Interjection.

J. MacPhail: No, I don't mean that facetiously. I don't. I'm sorry if my tone was.... I apologize.

After we pass these estimates, the new regional health budget will be \$6.496 billion?

Hon. C. Hansen: First of all, just to clarify on the first question that she asked, there are two elements to this additional federal money that flows. The first part is money that flows from the original health accord — that was in February of 2003, I guess it would have been — that was signed in Halifax. B.C.'s share of that over a three-year period was, if my memory serves me right, \$10 billion. Sorry; it was \$1.3 billion. That was B.C.'s per-capita share of the overall \$10 billion in the health accord.

[1535]

What the federal government had indicated was that if there was a federal surplus last year, they would allocate an additional \$2 billion of that federal surplus to the health accord moneys. They confirmed that for us in January of this year, I believe it was, just immediately prior to the budget. B.C.'s share of that \$2 billion was \$260 million — again, strictly a per-capita share. We still, at that point, didn't know whether we would have to allocate it over three years or whether it would all come in one year. Those are all the details that had to be worked through with both the federal auditor general and the provincial auditor general. The federal government had to pass special legislation to facilitate the establishment of this trust in a way that meant that provinces could draw it down. B.C.'s share of that for this fiscal year we are now into is \$130.961 million.

In addition to that, the federal government also announced another fund, which is a \$300 million public health and immunization trust. B.C.'s share of that is, again, divided up on a per-capita basis. We can spread that over three years so that we take equal allotments, or close to equal allotments, in each of the three years. So the additional moneys that will be put into the budget this year from that trust are \$17.025 million. If you add those two together, you come up with the roughly \$148 million that is being added to the health budget by way of this supplemental estimate that's before us today.

Just to go back to what I had indicated earlier, the base budget for the Ministry of Health Services as it was presented to the House in the original estimates was a total of \$6,495,945,000. That was allocated to the regional health sector, which is what's before us today. Of that line item in the budget for the regional health sector, the overwhelming majority of that flows to the health authorities, and that is \$6,239,204,000. In es-

sence, all except about \$250 million flows into the health authorities themselves.

J. MacPhail: I'm going to round it off to \$148 million that the government is now getting. How much of that goes to the regional health authorities as opposed to the regional health sector?

Hon. C. Hansen: As I mentioned earlier, so far we have allocated \$80 million to the health authorities around the province. We are now working with them in the allocation of the additional moneys — of that base \$130 million. We have yet to sort out all of the final details in terms of how much would go to each individual health authority, but that work is being done. In addition to that, the \$17 million that is allocated for public health and immunization will flow into the provincial health services authority, as they are responsible for the provincial immunization programs.

J. MacPhail: What I'm trying to get at is.... The minister, in the original main estimates of '04-05, distinguished between regional health sector funding and regional health authority funding. There is \$200 million, approximately, that is sectoral funding that doesn't flow to the regional health authorities, as I understand it.

Separate and apart from the immunization fund, of the \$131 million that we're now debating, how does that divide between the distinction he made previously in the main estimates — between sectoral funding and authority funding?

[1540]

Hon. C. Hansen: I guess first of all, just to outline, the main budget items that are within this line item of the budget but not specifically with one of the health authorities are items such as the Canadian Blood Services and the provincial health office. Also a big item is the out-of-province coverage for British Columbians who are travelling in other provinces, who have treatment and then the bills come back to the province. That's paid out of this line item out of the budget but not specifically out of one of the individual health authorities.

If you take the allocation of the \$131 million — and as I mentioned, we have already allocated to the health authorities \$80 million of that — the remaining \$51 million.... We're still working with the health authorities in terms of exactly how that would be divided up among the six health authorities in the province. We have not yet come to certainty with regard to how that will be divided up among the health authorities, but that's the work that is being done.

J. MacPhail: I guess the short answer is that the full \$130 million is flowing to health authorities. That's what I understand from what the minister is saying in answer to my questions.

I thought the funding formula was based on a population formula. Is there something different happening in this case?

Hon. C. Hansen: Yes, with the exception of the PHSA. We wind up with big cost pressures in the PHSA that we are obviously trying to address. Then the other health authorities are allocated according to the population needs-based funding.

J. MacPhail: What are the cost pressures of the PHSA?

Hon. C. Hansen: Some of the major cost pressures for PHSA would be items such as some of the new cancer drugs that need to be funded, because those are all funded through PHSA to the cancer agency; the renal program in the province, where we have expanded the number of renal dialysis stations in this province by.... It's over 40 percent. I forget the exact number. There are also increased cost pressures with regard to the B.C. Transplant Society and also the B.C. Centre for Disease Control with some of the new challenges they are faced with — whether it's things like the avian flu monitoring or the West Nile virus programs that they are embarking upon. Those are all the types of cost pressures that we're facing within PHSA.

J. MacPhail: Are these one-time cost pressures, or are they ongoing cost pressures?

Hon. C. Hansen: In terms of most of the things I indicated, they're all ongoing — certainly the new cancer medications, which are extremely expensive but are really so vitally important to the treatment of cancer in this province. The renal programs are all ongoing funding. Those are new permanent stations that have been established in communities all around the province. The B.C. Transplant Society, again, is all ongoing money.

In the case of the B.C. Centre for Disease Control, I guess we had to fund West Nile virus programs last year on a one-time basis, and we'll be doing so again this year. We can certainly hope that's not an ongoing challenge for this province, but we have no way of knowing that for certain. I'm sure everyone that's involved with the current avian flu challenges in the Fraser Valley is hoping and praying that this is a one-time fund and that it's not going to be an ongoing challenge for the province, but those are all the kinds of unforeseen events that we have to be prepared to fund.

[1545]

J. MacPhail: As the minister has already stated, the funding flowing from the federal government is a one-occurrence funding over two years. If the government is now going to put the money into programs that require ongoing funding, is his government committed to ensuring — regardless of federal funding increases — that his government will continue to fund the programs at the new level?

Hon. C. Hansen: If the member refers back to the original budget and fiscal plan that the Finance minister tabled in February, you will see the three-year funding projections that are there. The determination, if that's the right word, of these one-time moneys from the federal government was anticipated. She'll see in the budget plan that we are committed to a significant investment in '06-07, which would be the first year for which there is not certainty around these additional federal moneys.

There is an additional allocation that has been indicated for that year, which would allow us to meet those challenges if the federal government does not give us ongoing certainty. Certainly, what we're pushing for and what the Premier is pushing for is for the federal government to annualize these funds, so that we do have that kind of stability going forward. But we have built into our ongoing third-year budget additional moneys to allow for stability in the overall health budget.

J. MacPhail: We're talking about federal funding that flows from federal taxes, and of course, this government has written off \$250 million of federal taxes through their deal with CN. If they hadn't given CN a \$250 million federal tax break, that money could have easily flowed to British Columbia for health care.

It is kind of like this government talking out of both sides of its mouth, saying, "Oh, we want more money from the federal government for health care. But by the way, we've just cut a deal with CN that they don't have to pay federal taxes" — a \$255 million deal that CN doesn't have to pay federal taxes, a complete write-off — that would have more than made up for two more years of stable funding around federal transfer payments for health care. Isn't it ironic? On the one hand the government says, "Oh no, it's not about money" — the Premier says. The Health minister says it is about money, and then both of them throw away \$255 million of federal taxes that should have been collected by CN — let alone all the other breaks that CN gets.

I don't have my book here, Mr. Chair. How much in '06-07 is the budget increased over '03-04?

[1550]

Hon. C. Hansen: If you look at the base budget at the start of '03-04 to the projected budget for '06-07, it would be an increase of \$1.047 billion. And just for reference, you can find that on page 17 of the budget and fiscal plan.

J. MacPhail: How much of the \$148 million that flows extra in '04-05 and then another \$148 million in '05-06 will continue in '06-07?

Hon. C. Hansen: The answer is approximately \$17 million, which is the amount that pertains to the public health and immunization trust.

J. MacPhail: No. Well, maybe this is the answer. I'm asking how much from the provincial government funding will continue.

Hon. C. Hansen: Of the amount that I indicated earlier, the \$1.047 billion increase in the '06-07 year, \$435 million would be from provincial sources — i.e., not pertaining to increases in federal moneys that have been transferred.

J. MacPhail: Do the health authorities have autonomy in allocating this extra federal money?

Hon. C. Hansen: With regard to the health accord moneys, generally, that are flowing, some of those are tied to the specific objectives of the reform fund. The specific \$130 million that's before us today is an increase to the CHST, so it's not an increase to the health reform fund per se. In essence, it doesn't come with conditions attached to it.

As we, in turn, then flow it to the health authorities, there are no conditions that flow from the federal government, but there are expectations that flow from the provincial government. They're with regard to the performance agreements that are in place. Also, moneys that flow into the PHSA would be to target specific cost pressures that they're facing.

The dynamic as it works is that it's not really a case of the health authorities going out and doing whatever they want with the money. There is a very healthy dynamic between the ministry and the health authorities around trying to achieve specific objectives with regard to home care and dealing with wait-lists and things like that.

In essence, the health authorities do have the ability to manage that money, but they manage it towards specific performance outcomes that we expect of them.

J. MacPhail: How much of this federal money that we're debating right now will flow to surgeries?

Hon. C. Hansen: That's the kind of detail I wouldn't have at this point. The health authorities, when they see what their allocations will be, will have to determine where their pressures are. If you look at all of the health authorities, they have differing needs when it comes to doing surgeries versus other needs in the health care sector. We rely on them and their expertise to determine exactly where those priorities should be.

Vote 25(S) approved.

Hon. C. Hansen: I move the committee rise, report resolution and ask leave to sit again.

Motion approved.

The committee rose at 3:55 p.m.

The House resumed; Mr. Speaker in the chair.

Committee of Supply B, having reported resolution, was granted leave to sit again.

Introduction and First Reading of Bills

MINISTERIAL ACCOUNTABILITY BASES ACT, 2004-2005

Hon. G. Collins presented a message from Her Honour the Lieutenant-Governor: a bill intituled Ministerial Accountability Bases Act, 2004-2005.

Hon. G. Collins: I move the bill be introduced and read a first time now.

Motion approved.

Hon. G. Collins: This bill is similar to other bills of this nature that have been introduced following the introduction and passage of supplementary estimates. Its wording is virtually identical to the one that was introduced earlier this year for the supplemental estimates we had for forest fires as well as the emergency response from the Solicitor General, etc.

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

Bill 49 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.

Recommittal of Bills

CREMATION, INTERMENT AND FUNERAL SERVICES ACT

Hon. R. Coleman: By leave, I move that the proceedings in regards to third reading of Bill 3, intituled the Cremation, Interment and Funeral Services Act, be declared null and void and that the bill be recommitted forthwith in respect to sections 1 and 68.

Leave granted.

Motion approved.

Committee of the Whole House

CREMATION, INTERMENT AND FUNERAL SERVICES ACT

The House in Committee of the Whole (Section B) on Bill 3; J. Weisbeck in the chair.

The committee met at 4 p.m.

The Chair: Minister, you have an amendment on section 1.

Hon. R. Coleman: I move the amendment to section 1 standing in my name on the orders of the day.

[SECTION 1, in the proposed section 1 by adding the following definition:

"spouse" means a person who

- (a) is married to another person,
- (b) is united to another person by a marriage that, although not a legal marriage, is valid at common law, or
- (c) has lived and cohabited with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, for a period of at least 2 years immediately before the other person's death;]

On the amendment.

J. MacPhail: I'll just read the amendment into the record, Mr. Chair. It's an amendment to section 1 "by adding the following definition: 'spouse' means a person who (a) is married to another person, (b) is united to another person by a marriage that, although not a legal marriage, is valid at common law, or (c) has lived and cohabited with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, for a period of at least 2 years immediately before the other person's death."

My colleague the member for Vancouver–Mount Pleasant and I will be voting in favour of this amendment.

[1605]

Amendment approved unanimously on a division.
[See *Votes and Proceedings*.]

Section 1 as amended approved.

On section 68.

The Chair: The Solicitor General has an amendment to section 68.

Hon. R. Coleman: I move the amendment to section 68 standing in my name on the orders of the day.

[SECTION 68, in the proposed subsection (2) by deleting paragraph (y).]

On the amendment.

J. MacPhail: I note that section 68 deletes what was the reference under Bill 3 to propose that this government put in regulation who could have a say, in what order, over the disposal of the body of a deceased person. It was an interesting discussion. Here's what subsection (2)(y) of section 68 reads: "prescribing classes of persons who are spouses, including persons who are not married."

We had quite a little discussion at the original time of Bill 3, where the minister insisted that it had to be done behind closed doors. Now, of course, the government has seen the ways that the opposition promoted and said this should be in legislation. That's why the deletion of this section is here — to not allow the government to make these decisions behind closed

doors but to actually have those rights of people who are same-sex couples confirmed and incorporated into the legislation.

Amendment approved.

Section 68 as amended approved.

Title approved.

Hon. R. Coleman: I move that the committee rise and report the bill complete with amendments.

Motion approved.

The committee rose at 4:10 p.m.

The House resumed; Mr. Speaker in the chair.

Reporting of Bills

Bill 3, Cremation, Interment and Funeral Services Act, reported complete with amendments.

Third Reading of Bills

Mr. Speaker: When shall the bill be considered as read?

Hon. G. Collins: By leave, now, Mr. Speaker.

Leave granted.

Bill 3, Cremation, Interment and Funeral Services Act, read a third time and passed.

Hon. G. Collins: I call Committee of the Whole House for consideration of Bill 34.

[1615]

Committee of the Whole House

PROVINCIAL REVENUE STATUTES AMENDMENT ACT, 2004

The House in Committee of the Whole (Section B) on Bill 34; J. Weisbeck in the chair.

The committee met at 4:16 p.m.

Section 1 approved.

On section 2.

L. Mayencourt: Section 2, which is amending the Corporation Capital Tax Act, refers to the administrator under sub (4): "Despite subsection (2) (b) if an assessment action has occurred in respect of a corporation, the administrator may assess or reassess the corporation for a tax or make an additional tax assessment

against the corporation for a taxation year before the end of the later of...."

Can I get some clarification? Who is the administrator, and what is the limit on the reassessment? Is there a time limit on that?

Hon. R. Thorpe: First of all, I'd like to recognize the staff that are with me today: Simone Decosse and Jeffrey Krasnick, who are with the Ministry of Provincial Revenue. I thank them for all their hard work.

The administrator is the director of the income tax branch. There is a six-year statute on corporate capital tax. This amendment here is providing us with the flexibility to comply with changes to the federal law where there is a reassessment and reallocation.

Sections 2 to 4 inclusive approved.

On section 5.

L. Mayencourt: The director — when he or she is deciding that a board member is jointly and severally liable, is it required that the board member in question was aware of the non-payment and did nothing about it? Is that what's intended there?

Hon. R. Thorpe: For someone to be liable in this situation, it would have to be demonstrated that they, in fact, did not do due diligence.

Sections 5 and 6 approved.

On section 7.

L. Mayencourt: Under "Deemed board member," it states: "If the director has reason to believe that a person who was not a member of the board of directors of a corporation performed some or all of the functions of a member of the board of directors of the corporation, the director may request the person and the corporation to provide to the director the records and information required by the director to confirm or rebut that belief."

In the first part of that — "if the director" — are we talking about the director of taxation? The second question that I have is.... The person that's not a member of the board who comes in and performs some of the duties.... How much is "some"?

[H. Long in the chair.]

[1620]

Hon. R. Thorpe: Sorry, I didn't hear the second part of the question, but let me answer the first part. The director is the director under the Hotel Room Tax Act.

L. Mayencourt: Then when we refer to someone who's performing some of the duties of a board member — I would imagine like a consultant or maybe even a staff member — how much is "some"?

Hon. R. Thorpe: In some instances the board members are appointed for profile, things like that, and are really not involved in the day-to-day operations of an organization. This would be where, for instance, the chief operating officer was discharging those responsibilities and was deemed to have not done it properly. That's what this is intended to capture.

L. Mayencourt: It's not about a consultant coming in and working and doing some of the work that a board member would do, and it's not about an employee doing that either.

Hon. R. Thorpe: No, it is not.

L. Mayencourt: Okay, thank you.

Sections 7 to 15 inclusive approved.

On section 16.

L. Mayencourt: I'm looking at "notional tax" in the definition of a notional tax. I'm wondering if you could provide me with a better understanding of that particular set of words there.

Hon. R. Thorpe: That would pertain to the royalty and deemed income-related provisions requiring taxpayers who have mining or oil and gas profits to calculate British Columbia income tax by adding back a federal resource allowance and deducting the British Columbia royalties and the British Columbia mineral taxes paid. I trust that clears that up for the member.

L. Mayencourt: Now I'm really perplexed, or something like that. Is there a simpler version of that?

Hon. R. Thorpe: The federal government has a federal resource allowance, which we do not allow in British Columbia. We have the actual royalties that are incurred here in British Columbia. We allow those to be taken into account.

Sections 16 to 21 inclusive approved.

On section 22.

[1625]

L. Mayencourt: Just on the title, "Continuing liability for taxes." Is that open-ended, or is that within that six-year limit that you spoke of earlier?

Hon. R. Thorpe: This is a rewrite with the addition of the waiver provision, and the waiver provision is at the sole discretion of the taxpayer. In other words, if we're in a situation and the taxpayer wants to waive that limitation so they can proceed or have additional time to look into some matters, it's at their sole discretion that that's waived.

Sections 22 to 24 inclusive approved.

On section 25.

Hon. R. Thorpe: I move the amendment to section 25 that is in the possession of the Clerk, a copy of which has been supplied to the opposition.

[SECTION 25 (c), by adding the following definition, "spouse" means

- (a) a person who is married to another person, or
- (b) a person who
 - (i) is living and cohabiting with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, and
 - (ii) has been living and cohabiting in that relationship for a continuous period of at least two years;

Amendment approved.

On section 25 as amended.

B. Kerr: I have a question relating to this for people that are living on leased land, where they're on Crown land and they're paying a lease fee. I have in my constituency a number of people that are living in an area where the land is leased. What has happened as a result of the lease being based on the assessed value of the property is that the property has skyrocketed in price, as we all know. Now that the lease payments they're supposed to be making are untenable for some of the people who are in their mid-seventies, they're concerned they're going to be evicted from these places although they've been living on them for 30 years. Would this capture those people so that they can get the deferment on the property tax?

Hon. R. Thorpe: This section, section 25, is definitions. We have put in additional definitions here to clarify various items. Of course, if those individuals are encompassed by the definitions of the act, including these new definitions that we're seeking to pass in this House today, then people would qualify. If they're outside the scope of those definitions, then, of course, they would not qualify.

B. Kerr: I guess they're living on an area of land with an improvement on it, so by my indication, that would make them qualify. I just want to get some assurance from the minister that that would allow them to qualify.

[1630]

Hon. R. Thorpe: Those that are eligible for this tax deferment are individuals that are 60 years and older, a surviving spouse of such an individual, or that have physical and mental disabilities. That's what the Land Tax Deferment Act is about. It's about those that qualify in there.

I might also say, because the member is asking a particular thing about individual constituents.... If in fact that member wants to pursue that outside of this debate in further detail, I and my ministry would be pleased to work with him on such a matter.

B. Kerr: Thank you for that. I'll take you up on that offer. Although I used my constituents as an example, I was using them as an example which probably applies — could apply — to any citizen of British Columbia.

L. Mayencourt: The surviving spouse. They don't have to be over 60 — right?

Hon. R. Thorpe: That is correct.

Section 25 as amended approved.

Sections 26 and 27 approved.

On section 28.

L. Mayencourt: Yeah, on section 28, and it's just at the last bit. It has to do with property being held in joint tenancy or tenancy in common: "...at least one of the owners must qualify under this Act."

What happens if someone goes through the property tax deferment process for ten or 15 years — all right, five years — and then decides to change from being the single owner and enters into a joint tenancy agreement with, say, a younger relative? What happens to the tax deferment that they have already received?

Hon. R. Thorpe: That member comes up with some very interesting questions. As long as one of the members is eligible, the eligibility remains in place.

B. Kerr: I believe this to be in section 28 when we're talking about who's eligible. This is a general question, but I'm hoping it's on this section. We have tax sales, where people don't pay their tax and their property is put up for a tax sale. The reason they don't pay their taxes is because they're incompetent, but they might not have a committee. They might not even be aware of what is happening. If the committee doesn't act accordingly or properly for them, their property is put up for a tax sale. Is there any way to correct that situation so that they can then apply for the deferment and not have the property put up for a tax sale? The debt on the property might be in the neighbourhood of \$20,000 or even \$5,000, and the equity might be \$250,000. Somebody picks it up for a song, and it doesn't get corrected.

Hon. R. Thorpe: This act does not have any impact on forfeiture.

Sections 28 to 33 inclusive approved.

On section 34.

Hon. R. Thorpe: I move the amendment to section 34 which is in the possession of the Clerk. A copy has been supplied to the opposition. Let me just read it for members who haven't received it.

[SECTION 34, by deleting the proposed paragraph (f).]

Amendment approved.

Section 34 as amended approved.

Sections 35 to 39 inclusive approved.

On section 40.

L. Mayencourt: The question that I have is on section 21(5)(a)(iii): "any person has made any misrepresentation or committed any fraud in making a return or in supplying information under this Act." That means knowingly — does it?

[1635]

Hon. R. Thorpe: Yes.

L. Mayencourt: The reason I'm asking is that it seems to me that in some parts of taxation, sometimes someone might have followed the rules under a certain regulation, or what have you, and then learned at some later time that it's been reinterpreted. That's the reason why I'm asking that question.

Hon. R. Thorpe: Fraud means fraud, and fraud does mean that people knowingly knew what they were doing. That's how it's deemed to be fraud.

Not connecting this answer to that question, but just giving another explanation to the member in general on tax assessments, the way our system works in British Columbia is that all taxpayers — no matter what the tax is — have the ability to appeal their assessment. That appeal is done and handled by a branch of the ministry that is totally independent from the assessing unit so that there is independence there. Those appeals, under our government, are reviewed at the ministerial level. In fact, I personally review all appeals with respect to taxation and appeals that are made by individual taxpayers in the province.

Sections 40 to 45 inclusive approved.

On section 46.

L. Mayencourt: It has to do with the title here, "Fair market value...." As the minister notes, we've had some discussions in the last little while around fair market value. I guess what I'm just trying to find out is: where does that...? You know, you go out and buy something, and it increases in value, for instance. Where is that fair market value determined?

Hon. R. Thorpe: Yes, I thank the member for that question. Also, I'd like to recognize that on a number of individual issues, I have been working with the member when he is representing the interests of his constituents.

Fair market value is a value that is established as if a transaction had taken place, a truly arm's-length situation. Of course, when we are looking at these, we

have to make sure that the fair market value.... The way the law is written with respect to property transfer tax is that the date of registration of the property is when the fair market value situation takes place. You know, we look at that. We review those things. We have had a rising marketplace with respect to real estate. Generally, there is no impact when a purchase takes place and is closed in a relatively short time frame. Where we do have issues that are coming up is in a situation where there is more than just a piece of land that has been transferred or taken apart from a consolidation. That is one type of issue.

Another issue is when someone buys a property today but doesn't register it until two or two and a half years out. That has been an issue. We do look generally at B.C. Assessment factors and assessments at that time as fair market value, but we also take into account other information. In fact, if something else has been sold higher or lower than B.C. Assessment value, we take that into account. If someone has had an individual appraisal taken for insurance purposes and/or financing purposes, we take that into account.

[1640]

Again, it has been an issue that has gained increased attention as the markets have accelerated in recent months, but it's one that we continue to monitor and work closely with the members of this House to ensure that the fairness with respect to the legislation is in place so that the law of the legislation is upheld.

L. Mayencourt: You banged the nail on the head there, because that's my real problem. I'll just share it with the House.

In my neighbourhood, which is downtown Vancouver, the average pre-sell of an apartment or a condo is 23 months. That means that they buy it before it is even a hole in the ground, and it can increase in value. We've seen a substantial increase in value of property over the last couple of years, and it's caused some great hardship in my community. Some of it's been on some of the more high-priced units. I'll admit that some of it is around Coal Harbour and Concord, but also in other neighbourhoods where people are really buying their second.... It's their second time at buying a house or an apartment, and all of a sudden they get dinged with a \$500 assessment or a \$5,000 assessment or in some cases much, much more.

It just occurs to me that they sat down 20 months ago and decided that they really liked the place, and they bought it for \$180,000. You know, they've been saving their money, and then they get to the final day and get into the house. They're getting the furniture moved in, and all of a sudden they realize they have to move some of the furniture out because they haven't got the money to pay the property transfer tax. It's a real concern.

I appreciate the minister taking a look at this. Are there any considerations on where we're going with this and a way to address it so that it is fair for people who are legitimately just trying to make an investment?

Hon. R. Thorpe: I can tell the member that the issue is not confined just to the area of the province that he resides in. It happens in others. We're very aware of this situation. That's why we work very closely with the real estate industry, with the legal community, to make sure as many people as possible are aware of the law.

This is legislation that has been in place since 1987, and we are very aware of the situation. We are very aware of tax fairness. We are very aware of making sure that we have a competitive tax regime. That's why our government has reduced taxes 31 times. It's an issue that we're very aware of, and I look forward to continuing to work with the members of this House on this issue.

L. Mayencourt: Just in conclusion on this section, you've said that they're able to appeal the assessment, and I believe the time frame for that is 90 days. I've got a little situation in that I might have a little bit more than 90 days. This is really a new thing. It reared its head in February or March of this year. Assuming that people have the 90 days, what would they do? How would they be able...? What action would you recommend they take in terms of appealing?

Hon. R. Thorpe: The legislation is very clear that the appeal has to take place within a 90-day time frame. I would recommend strongly that those who have concerns, or are in disagreement with their assessment within the 90-day time frame, send it in, address it to me, and we'll make sure those are reviewed.

We take our review, our appeal process, very seriously. We have staff that are dedicated to this, and we will address that, but they have to act within the 90-day time frame. That's very clearly stated on the assessment notice. Again, I would encourage taxpayers that have concerns in this area to please get their appeal in, and then we can deal with the details later.

[1645]

L. Mayencourt: That's all I've got on section 46. I want to thank you very much, minister, because I think that's really important. As you say, it's not just my riding. It just seems to really hurt more when I'm looking at my neighbour doing that. I'm sure it's happening in Kelowna and other areas as well. I will encourage my constituents and others to send in an appeal if they feel that they've been charged a little too much.

Sections 46 to 49 inclusive approved.

On section 50.

B. Kerr: I guess I'm following the lead of my colleague from Vancouver-Burrard. I'm reading the deemed director section, 102.2. I could have picked this up all the way through, but this one on the social service tax is a really significant area, because there are a lot of problems with the social service tax and the regulations and interpretations that go on and on.

Now we pierce the corporate veil to go on to directors, where they'll become joint and severally liable. But we've taken it one step further. We're going to deem directors. If a person is considered to have done some of the activities of a director, they could also be deemed to be joint and severally liable.

My concern is that nowadays people do recognize the liability of directors, so they won't go on the board. But they do want to help the company out, and they do get a fee. They'll go on what could be called an advisory board or fill in, in some other capacity, for a fee. They do sometimes perform some of the functions that a director might perform, albeit they're not directors and they don't perform all the functions. It concerns me here that the director can determine that a person is a board member if they have performed some of the functions. That's under section 102.2(2)(b). That just really concerns me. Under what circumstances can he see that this would happen?

Hon. R. Thorpe: I understand the member's question. I think it's important, though, in the reading of this that this is to capture directors that have demonstrated they have not performed due diligence. Indicators of due diligence are: the director established corporate policies regarding the collection and remittance of taxes; the director implemented controls to ensure the policies were followed by employees; officers were appointed to specifically deal with remittances; funds were directed to be used to pay remittances; if the corporation is experiencing financial difficulties, the worker took positive steps to separate remittance of funds and took steps to ensure that tax amounts were remitted to the government. Those are where directors and deemed directors would have done due diligence.

What we are doing here is trying to bring attention to when directors do not do due diligence. Let me give some examples. The director did not implement controls to ensure tax was remitted but argues that he or she did not personally benefit from the amounts not remitted by the corporation. The director chose to continue to carry on the business knowing that a failure to remit was likely but hoping the corporation's fortunes would revive and the risk the director took would have been taken by a reasonable person.

Another one would be that after the director became aware that officers or employees were not making the requirements, the director continued to rely on the officers and employees of the corporation to remit the tax without implementing any other processes. The director was forced to choose between the competing demands of creditors, suppliers and the government and directed funds to non-government debts. A final example would be that the director only implemented policies and controls for tax remittance after becoming aware of the corporation's failure to remit taxes.

[1650]

The member is correct. This is in all of these bills, and if I remember correctly, we are the last jurisdiction in Canada to implement this, with the exception of Newfoundland. This amendment to ensure where it

can be shown that directors have not executed due diligence — that's what it's intended to capture.

B. Kerr: That's my point, and I commend you for trying to do that for directors, because there is a legal liability when you accept the job of a director going on to a board. I understand that a director should be doing all that and making sure that happens.

My concern is with the section of the act that deems a person to be a director if they have performed some of the duties of a director. A person might say: "I don't want to go on the board of directors because I don't want to do the things that you've described, but I will go on to an advisory board, or I will attend some board meetings to help you with marketing or some production or finance problems in some areas. But don't saddle me with the liabilities and obligations of a director, because I don't want to take on that liability."

Under this interpretation here, the director — meaning the Ministry of Provincial Revenue director — can go in and say: "You have done some of the duties of a board director. You've attended board meetings. Therefore, I'm deeming you to be a director and have full joint and several liability." I must admit that really concerns me, and I'm concerned about the broad-reaching effect of that particular section.

Hon. R. Thorpe: This legislation is intended to exclude those very individuals who do not have control. It is not designed to capture those who do not have control.

B. Kerr: Thank you to the minister. I'll take your word on that, and that's good. It gives me some comfort.

Sections 50 to 76 inclusive approved.

Title approved.

Hon. R. Thorpe: I move the committee rise and report the bill complete with amendments.

Motion approved.

The committee rose at 4:53 p.m.

The House resumed; Mr. Speaker in the chair.

Reporting of Bills

Bill 34, Provincial Revenue Statutes Amendment Act, 2004, reported complete with amendments.

Third Reading of Bills

Mr. Speaker: When shall the bill be considered as read?

Hon. C. Hansen: By leave, now.

Leave granted.

Bill 34, Provincial Revenue Statutes Amendment Act, 2004, read a third time and passed.

Hon. C. Hansen: I call second reading of Bill 43.

Second Reading of Bills

VITAL STATISTICS AMENDMENT ACT, 2004

Hon. C. Hansen: I move second reading of Bill 43.

This bill has two primary areas of focus. The first is a set of amendments that will better protect the security and integrity of documents related to people's identities. I am referring here to documents such as your birth certificate, marriage certificate and death certificate.

We are amending the legislation in response to a June 2003 decision by the Supreme Court of Canada that found some of the current provisions, which allowed a woman to register a child's birth and surname without involving or acknowledging the father, to be discriminatory.

The bill also includes minor housekeeping amendments which would improve the administration of the act.

[1655]

We live in a world today that is very, very different from the world we lived in prior to September 11, 2001. Today we are aware more than ever before of the need to properly protect vital identity-related documents such as birth, marriage and death certificates. The consequences of these kinds of documents being improperly used can be dire indeed.

Following the attacks on the World Trade Center, there were two national bodies in Canada that examined document security and made recommendations around strengthening the protection of identity documents in Canada. Those two national bodies are the federal-provincial-territorial council on identity in Canada and also the security committee of the Vital Statistics Council for Canada.

Our amendments to the Vital Statistics Act are in response to recommendations that were made by these two bodies. These amendments minimize the risk of someone obtaining a copy of a birth or marriage certificate without permission of the person named on the certificate. The Vital Statistics Act will ensure security by ensuring that the spouse, the parent, a lawyer or anyone who acts on behalf of another person has the written permission of that person before it can be issued. Access to children's birth certificates by their parents will also be restricted unless the child is under 19 years of age or is incapable. Previously, parents could access their adult children's birth certificates without their consent, and our amendment addresses that particular issue.

The amendments will also create a regulation-making power to be used if needed, which will allow

restrictions to be established on how birth or marriage certificates can be used for other identification purposes. The reason for this change is that some older certificates do not have the same built-in security features that modern documents have, and as a result, they can be more easily manipulated for illicit purposes.

As part of our goal to better protect identity documents, we are also increasing the power of the chief executive officer of the Vital Statistics Agency to cancel and/or order the return of certificates that are invalid or incorrect or obtained through fraudulent use. We are also increasing fines from the current \$2,000 up to a maximum of \$50,000 if someone fails to surrender a certificate or fails to supply more information when asked to do so.

The second set of amendments to the Vital Statistics Act is aimed at ensuring that our laws comply with a 2003 Supreme Court of Canada decision that found certain provisions of our act to be discriminatory. The amendment will allow fathers to apply to have their child's surname changed at the same time as they apply for a paternity order in court. This means that if the courts recognize paternity, the courts may also order that the surname of the child be changed on the birth certificate.

We are also taking this opportunity to bring in other housekeeping amendments that will have a couple of changes. One will recognize the advancements in electronic technology by allowing for certified electronic extracts of birth, marriage and death registrations. Secondly, it will improve reporting around sudden and unexplained deaths by requiring coroners to provide copies of inquiry and post-mortem reports in addition to the medical certificates. Thirdly, it will expand and clarify who can obtain certified copies of death registrations.

While our goal is to restrict illicit and unauthorized access to identity-related documents, we also want to make sure that those who have a legitimate need to see death registrations are able to do so. Therefore, these amendments will ensure that certified copies of death registrations will be made available to next of kin, to medical professionals who need a certificate to treat a family member of a deceased, and to federal and provincial government employees who need a certificate to carry out their official duties.

[1700]

Finally, we are bringing in amendments which will clarify the release of birth, marriage and death certificates for use in genealogical research. The provisions we are adopting are similar to the authority outlined in the Freedom of Information and Protection of Privacy Act. They provide for the release of certified copies of marriage registrations only after both parties have been deceased for more than 20 years or after more than 75 years have passed since the marriage. We also provide for the release of certified copies of death registrations only after 20 years have passed since the death.

We all know that our population is living longer and that while 100 years or older used to be a very rare occurrence, in these days we have many people living over 100 years of age who are part of our British Columbia population. One of the things I saw in one of the original drafts of the legislation was a provision which said that the birth certificate could, in fact, be released 100 years after the birth to anybody who wanted to obtain a copy. When I asked the reasons behind that, it was explained to me that this was a customary provision for government documents — that they could be available to the public 100 years after the document was first issued. A birth certificate, in fact, constitutes a government document that would be subject to this provision.

It occurred to me that when that provision may have originally been embedded into legislation, it was probably at a time in our history when there were very few individuals living past 100. Today I asked for the latest numbers available in terms of the number of British Columbians living beyond that age. If you go back just a few years to 2001, there were 465 British Columbians over the age of 100. As of last year, 2003, that number is up to 520.

I heard of a long-term care facility in the province that used to have a big celebration, a big hundredth birthday party for every one of their residents who passed the age of 100. They would invite family, and they would arrange for cake and festivities. They finally realized they could no longer afford it in their budget, because there were so many of their residents reaching that 100-year milestone.

In order to address this need, I recognize these individuals who are living past 100 deserve the same kind of protections of their birth certificates that anybody else in this province does. What we have instituted is a change in order to protect the personal privacy of our centenarians. We are introducing an amendment to the Vital Statistics Act that will extend the automatic release date of copies of birth certificate registration forms from the current 100 years to 120 years after the birth occurred.

I was recently informed that the fastest-growing age group in this province is not the baby-boomers, as many people would think. In fact, the age group that is growing faster in percentage terms than any other age group are those British Columbians over the age of 90 — expected to grow by 40 percent in the next three and a half years alone. I have no doubt that even as we change this provision in the Vital Statistics Act from 100 years to 120 years, there will be a day in the future when some other group of legislators will be standing in this House to amend this legislation to protect those British Columbians living beyond 120 years of age.

I did do a little bit of research. I checked out what is considered to be the oldest living resident on earth, and I believe it's now 116 or 117 years of age. I think the provision we are proposing in this legislation to increase that date to 120 years after birth will, in fact, serve us for a number of years. Given the advance-

ments in medical science and the longevity of British Columbians, no doubt the day will come soon that will require yet a further change to this particular legislation.

This change protects individuals' privacy while also ensuring that researchers and next of kin are still able to obtain copies of birth certificates through their vital statistics office. I look forward to hearing other comments of members of the House and to the subsequent committee stage.

[1705]

B. Suffredine: I'd just like to make a few remarks in regards to this. Obviously, the Ministry of Health has many pressing things to do these days. There might be some that would wonder why amendments to the Vital Statistics Act would take priority, and some of our critics might decide it's not important enough. There are those who view vital statistics as a minor and boring item and, perhaps, some who might view it as trivial. In fact, there are many very serious family issues that arise around vital statistics and the records kept by the vital statistics department.

There are big issues that come up around access to the documents. It's important to people that their privacy is kept appropriately. There are always two sides to it in terms of who gets access to records like marriage, birth or death certificates and for what purposes they can access those. For example, must a child have the name of his deadbeat father, who might have been his father but who never supported him, or perhaps even the name of a father that became his father as a result of a sexual assault? Those are very important issues that need to be appropriately dealt with in legislation.

The right to a surname and the right to change your surname are important matters that have been raised in the context, for example, of sex offenders who've gone to prison and changed their name while in prison — and the risk to the public of the potential that someone might change their name to hide their identity and assume another one.

There are a couple of very brief examples that I'd like to allude to in the legislation. The minister has spoken about them a little bit — fraudulently obtained registrations. Giving the director the power to act if satisfied that a registration is fraudulent is not only a necessary but a very appropriate change. It's noteworthy that it was not there before. The procedure before was very cumbersome. It was an application to court and a very unusual application at that.

Section 10 in the bill — to give the power of an appeal of an administrative decision. Now, a lot of people might say: "Well, when is that going to be appropriate?" If you've ever made an application to — I don't know — the director of motor vehicles or the director of vital statistics, and you get a letter giving the decision, and after that there is no possible appeal.... It's just an administrative thing. No one had you in a room.

They let you make your submission by letter. They sent you their result, and there's no place else to go after that happens. That's very frustrating for the average individual. When people get a decision in the mail — they've never had a hearing; they've never had an opportunity to put in their evidence as they see it, talk about it, debate it — they often feel very unjustly treated and feel as if the system is just plain unfair to them. Appeals to the Supreme Court aren't likely to happen very often, but when they do happen, they'll actually give people the satisfaction that they got fair treatment.

The other thing is that in these days of 9/11 and terrorism attacks, security of passport information is critical to all of our abilities to travel and to cross borders without extensive delays. Many people don't realize it, but it's very important that steps be taken to make sure the information we're putting out is accurate and can only be obtained by appropriate people. Addressing all of these considerations is something where I congratulate the minister for taking the time, in spite of the fact that he's got huge pressures in health care and lots of other duties. To take the time to address very important matters and to bring them forward in these times is very appropriate, and I thank him for taking that time.

Mr. Speaker: We're at second reading stage of Bill 43, and the minister closes debate.

[1710]

Hon. C. Hansen: I appreciate the comments from the member.

I guess one of the most important things that drive the timing of this legislation is, in fact, the decision of the Supreme Court of Canada with regard to the particular provisions that are considered discriminatory. That was a decision that came down in June of last year and gave British Columbia one year to correct the provisions in that particular bill. As the member rightly points out, the issues around identity theft and the security of identity documents are also ones that are extremely pressing on all governments, especially subsequent to the September 11, 2001, tragedies in New York and Washington, D.C.

I thank the member very much for his comments, and with that, I will conclude debate.

Motion approved.

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

Bill 43, Vital Statistics Amendment Act, 2004, 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. C. Hansen: I call second reading of Bill 44.

CORRECTION ACT

Hon. R. Coleman: A new Correction Act is proposed to support and strengthen current public safety policy, accountability and security.

A year ago there was an issue in and around the policy of searches that were being carried on in correctional institutes in British Columbia, so last December I took an amendment with regard to strip searches and some of the policies that existed within the old Correction Act to caucus committee of the Legislature. When I did that and looked at the act, it became readily apparent that a piece of legislation that was 25 years old was not actually workable today for the people we have working in corrections in the province, so we actually moved from that toward developing an entire new piece of legislation.

It's important we do that, because the legislation under consideration today creates a new and modern Correction Act that enhances public safety and improves accountability. Today the corrections branch is responsible for the safe custody and control of over 2,000 inmates and the supervision of almost 20,000 offenders in the community. That means the Correction Act people have people that are in secured custody and people that are on probation in the community. They are out there every day protecting the citizens of British Columbia and doing supervision with regard to these folks.

This legislation before you contains new or significantly strengthened provisions to protect the public and make correctional centres safer for staff, inmates and visitors. Our probation officers provide information to the courts and supervise offenders in communities across British Columbia. This legislation enhances their powers and duties to enforce conditions imposed by the courts and to supervise offenders serving sentences in the community.

The citizens of British Columbia will be protected by this legislation from inmates in correctional institutes who misuse telephone or mail privileges to threaten and criminally harass victims, spouses, witnesses and others. A very important piece of this legislation is that the people that are in custody in British Columbia are not revictimizing or threatening or carrying on crime from within our correctional institutions.

We have the ability to record passively all non-privileged telephone calls between inmates and other persons when corrections officials have reasonable grounds to believe an inmate is abusing a telephone privilege by engaging in criminal activity or threatening individuals. Staff will be authorized to listen to recordings to verify the infraction and take action as appropriate to prevent further abuse.

The act we are considering today will guarantee that all persons in correctional centres are subject to fair and appropriate search procedures to make sure illicit substances and dangerous objects are kept out of our facilities. It is our job to protect the people in our custody and to protect those people that are working in our facilities. It is very important that we make sure the

substances and weapons we find at different times in searches do not get into our correctional institutions and put the lives of either our inmates or the people in our B.C. Government and Service Employees Union — employees who are in our correctional institutes — at risk.

Searches may also require inmates to remove their clothing to enable same-gender staff to visually confirm that weapons and illicit substances are not concealed on their person. As with airport security measures, correctional staff, contractors and visitors suspected of possessing contraband may be asked to consent to a visual body search. Those who refuse will be denied access.

[1715]

This new legislation will make it an offence to provide an inmate with an intoxicant. Some individuals who visit inmates in our correctional centres attempt to smuggle illegal drugs or weapons to their acquaintances. These visitors will be searched, and if reasonable grounds exist, they will be detained pending the arrival of police.

The reasonable use of force and deployment of restraint devices included in this legislation will provide correctional officers with specific powers and accountabilities for controlling dangerous and non-compliant inmates inside and outside our correctional centres. The legislation will improve the supervision of inmates by enabling the use of urinalysis to monitor compliance with conditions of release, work or voluntary treatment programs.

No additional funding is required to implement the improved security and safety provisions in this legislation. In fact, costs will be reduced to manage and dispose of inappropriate, perishable or dangerous items seized from over 25,000 offenders admitted to our institutions annually.

The people who supervise offenders, who deliver programs to reduce offending and who monitor compliance and make correctional centres safe exercise the powers and perform the duties contained in these provisions. Therefore, this legislation will provide protection of the rights and freedoms of individuals through the oversight, control and accountability of officials authorized to discharge their powers and duties in accordance with regulation. My ministry investigation, inspection and standards office is responsible for investigating and reporting on the administration of these powers. This office supports new legislation and is looking forward to its implementation.

My ministry has worked closely with the Ministry of Children and Family Development to ensure this legislation complements the Youth Justice Act and the delivery of youth justice services in British Columbia. The legislation supports our service plan and our new-era commitments to safer communities.

There are a number of key amendments in this legislation. First of all, the powers and duties of probation officers: a consolidated provision to authorize the powers and duties of probation officers according to the conditions of their appointment and allowing other

responsibilities to be assigned as required. This provision was updated to authorize probation officers to supervise conditional sentences.

A new provision exists in this legislation for long-service medals, whereby the ministry may recognize staff for their contribution to public safety by issuing a long-service medal, consistent with other law enforcement organizations. We have people who go out and work shift work and 24 hours a day are on call out there supervising people in the communities and in our correctional institutions. Nobody has ever taken the time to figure out how you could actually recognize those folks just like you could recognize a law enforcement person or somebody in the federal correctional system, who receive medals at certain levels of service.

Although we have done some of these in the last year or so for the first time in many years, we think it's time we start to recognize the people in this area of government who work for us in correctional centres and in probation at the same level as other people in law enforcement. This is very important to them. They will be excited about this, because for a long time they have lobbied successive governments and requested to be treated with respect for the risky job they do on behalf of all of us. We should be proud of the fact that we're now putting it in the legislation so that we can get it done on behalf of the people who work for us.

An additional provision here is the use of force and restraining devices. A new provision authorizes controlled use of reasonable force and approved restraint devices to maintain custody and control of inmates and to prevent property damage, injury, death or escape. While existing authority for use of force is contained in the Criminal Code, as we did this act, legal counsel recommended the correction of specific provisions in this act.

Searching of inmates: a new provision to authorize and control searches of inmates — including strip searches — on admission to correctional centres, on suspicion of possessing contraband or for other security reasons. This provision deals with the fundamental rights and freedoms of individuals. Therefore, searches and detentions will be conducted in accordance with rules set out in regulation. This is so we can deal with the issues in and around the Charter and deal with the issues to have the ability to adapt our system to changing rules and laws.

[1720]

The search and detention of visitors and staff members. This new provision is to authorize and control searches of visitors and staff members, including consensual strip searches on individualized suspicion. This provision will also authorize the detention of visitors and staff suspected of possessing illegal items until the police can attend. This provision deals with the fundamental rights and freedoms of individuals. Therefore, searches and detentions will be conducted in accordance with the regulation.

If a visitor comes into one of our correctional centres and decides — because they're under suspicion —

that they will not be searched, they will be denied access to the institution. We are not going to put our staff or our inmates at risk. We also strengthened provisions to authorize routine inspection or search of vehicles on correctional centre property. That's important, because we don't want the contraband and other aspects getting into our system.

Contraband and trespassing offences: a strengthened provision that makes it an offence at a correctional centre to trespass on the grounds or possess, give or receive from an inmate an intoxicant, weapon or explosive. Intoxicants were added to the existing provision to strengthen the control of contraband and improve the security and safety of correctional centres.

Powers of seizure and disposition of things seized: a strengthened provision and control of the disposition of possessions and contraband seized from the inmates. Authorized persons may seize, control and dispose of unauthorized, unsafe, unhealthy and dangerous items.

Communications: a new provision to authorize and control the recording, monitoring and restrictions of inmate communications to protect victims, witnesses and others from criminal activity by inmates. Authorized persons may intercept, record or monitor communications by inmates and other persons according to regulation.

A new provision to authorize and control inmate urinalysis: to support drug interdiction and compliance with conditions of release, work or voluntary treatment programs. This provision deals with the fundamental rights and freedoms of individuals. Therefore, urinalysis will be conducted with the approval of the person in charge of the correctional centre in accordance with regulation.

Investigation: a modernized provision to authorize and maintain the investigation, inspection and standards office, and to investigate and report on the administration of this act and complaints from inmates or persons on probation or conditional release. This section contains a new provision to allow the director of the investigation, inspection and standards office to refuse, stop or postpone a complaint that is frivolous, vexatious or trivial.

The power to make regulations: new and revised provisions to make regulations will control the power and duties to conduct searches, monitor communications and use of force, and demand urinalysis. This is a key component to protect the rights and freedoms of individuals.

There are a number of correctional centres around the province, and they deal with a different group and different types of inmates at each one of the institutions. I have been in every institution that this government has under its management. I can tell you that when I go there, I see some remarkable things done and some remarkable compassion given to people in need. We have people out there that are dead serious about the professionalism of their job, who do the job on behalf of British Columbians every day.

There are things that are happening in those institutions that one must highlight from time to time. For

instance, if you go to the correctional institution in Nanaimo, as you tour the facility, you will go into a classroom, and in that classroom on the wall are the grade 12 equivalencies of every inmate that's been through that institution and received it when they were there. We have a teacher on staff who has done that.

Over 90 percent of the people in our institutions don't have a grade 12 education. They have issues with regards to literacy. We need to focus on the ability of our institutions to provide those services for those folks when they're in our institutions so they don't re-offend and come back in under recidivism.

It is remarkable that in each one of our institutions we have programs where, if you actually think about it.... In one of our institutions we do the signs that you see on the side of a highway. When you see a highway sign with the green background, that sign has been done in a correctional institution in British Columbia. The background, the board and the cutout have been readied for the sign painter by people in our institutions doing that and learning the ability to paint, to cut, to do carpentry — that sort of thing.

[1725]

In other institutions we are actually recycling old plastic and old computers. In other institutions we are taking the time to teach people about everything from herb gardening right through to other educational aspects and other aspects of life.

Life skills come through in an institution, and when they do, the whole community benefits. The only way you can achieve the goals of life skills and achieve the ability for these institutions to provide something is to have dedicated people working in them with a commitment to their job, and we have that in spades in British Columbia.

In addition to that, as I look at our institutions, I look at some of the things that concern me as we move forward and look at how we're going to deal with criminal justice in the future. I have an area of one institution where if you go into it and look at it and measure the recidivism, the concern is that it's measured in weeks, not months. The reason it's measured in weeks, not months, is because of the level of people that are in there. They're suffering from different levels of mental illness and are incarcerated in our system because we need to find the downstream things for them outside of the criminal justice system in the future.

I'm working with the Minister of State for Mental Health and the Minister of Health to try and find some of those continuums that we can put in place for people who are incarcerated in our system so that we don't have them in our system but actually find for them the addiction services and the other services they require for them to be able to live back in the community and not be returning to an institution on a regular basis.

We are sitting with a system of corrections that has, in the last few years, again and again and again impressed me with its level of professionalism, its ability to adapt and its innovations for future programs within our jail system. It's very important that we have that.

What these people need in order to do their job is to be backed up by legislation that is modern and applicable in a system where they're working today. That's what this Correction Act is. It's a body of work that has been a cooperative piece of legislation, including our staff and personnel and the ministry and the public.

We are getting there. We will get there with a piece of legislation that will give our folks the powers and the strength and the ability to do their job safely and in an environment where they can protect themselves, protect the people that we charge them to protect and protect communities.

It's one of those areas that most people in this Legislature don't see and most people in the public don't see. That is the area where the people that are actually taking care of the prison system are doing their job quietly, without a lot of fanfare and without a lot of coverage. They just do their job, and they do it well. They do it well in this province in an environment where they have actually adjusted, adapted and modernized, where they have come up with new programs that will work well for their particular clientele and where we can actually do supervision in the community in a safe manner.

They are people to be congratulated, and they deserve to be backed up with strong legislation so they can do their job well in a modern correctional system. That's what this bill accomplishes.

J. Kwan: Well, I must say, after weeks of the government having no legislative agenda, of veering from the extreme of emergency sessions ramrodding labour contracts to the embarrassing everyday reality of one minister after another standing up and introducing in the House as full-fledged legislation what would normally be deemed to be miscellaneous bills, it was almost a surprise when last Monday the Solicitor General brought in a real bill — a wholesale revision of the Correction Act of 1996. I suspect perhaps the media might have been caught off guard on this as well, given that they must have been used to the government's introduction and bringing to legislation some of the flimsiest legislation we've seen in this session to date.

[1730]

The only coverage of Bill 44, of course, has been focused on one aspect, and that would be the issues around strip searches. That is an important part of this bill. Make no mistake about that. Now, we know the courts have actually made a ruling that routine strip searches of prisoners are in fact illegal. In response to that, what does the government do? It has brought in legislation that allows strip searches of prisoners without their consent and without any "individualized suspicion." The bill also allows strip searches of visitors.

We in the opposition will be interested to hear the Solicitor General explain in committee how these changes meet the requirements of the court prohibition on routine strip searches. Already, even though there have been few comments from members of the public about this piece of legislation, there are issues that lawyers in the community — people involved in the judi-

cial system who one might argue are legal experts — have brought up around constitutionality with respect to strip searches.

Let me put on record an interview with respect to strip searches. Rick Brooks is the lawyer who challenged the Vancouver Pretrial Services Centre's policy of strip searching everyone, whether they pose a threat or not. Brooks says that this new legislation does not limit strip searches and will be challenged in court. "If the people that run the Vancouver jail comply with this legislation as proposed, it is in my view contrary to the Charter," he says.

That's just one opinion, I'm sure. In fact, the Solicitor General was also on record to say that he is aware that the government may see challenges on this issue in terms of the constitutionality of strip searches being conducted without individualized suspicion. Nonetheless, the government is going to proceed with the legislation, knowing that potentially there are constitutional issues that may be raised.

Bill 44 also opens the door to, I think, the privatization of our prison system, a move the Solicitor General denied just weeks ago when we in the opposition got wind of the change. Yet we know that the government has booked \$40 million in annual savings or 20 percent of the entire corrections budget on privatizing portions of our prison system.

This legislation also changes the definition of "work program," removing any stipulation that work programs be designed to "assist inmates in acquiring work skills and to encourage them to engage in work." Under this bill, the minister can define a work program any way he wants to. I'm not sure that when people voted for this government, though, they were voting to bring chain gangs to British Columbia. Given what we've seen — the Solicitor General promoting the idea of prisoners for avian flu disposal — this is obviously not that far-fetched as a prediction for this government.

Bill 44 also introduces new provisions allowing corrections officials to demand urine analysis and to restrict, intercept, monitor and record inmate communications. Again, the bill broadens the powers of probation officers and allows for all authorized corrections employees to use what is described as a reasonable use of force, including the prescribed use of restraining devices. At the same time, the bill protects corrections officials from action for damages for anything done or omitted.

The bill does include language stipulating that this protection will not apply to any action that is done or omitted in bad faith. We in the opposition will be interested to see the reaction to these changes from the courts and the defenders of civil liberties.

No fair-minded person would argue that corrections officials and probation officers don't have a difficult job to do often under trying circumstances and that they need appropriate tools. We don't deny that in the opposition, but this government has a track record that undermines public confidence in their ability to get the right balance where providing appropriate protection and tools to law enforcement and correction officers are concerned.

[1735]

After all, this is a Solicitor General who has denied the family of Frank Paul any justice, a Solicitor General that, instead of being concerned with justice for Frank Paul and his family — an aboriginal man who died of exposure after being dragged from jail soaking wet and then left by police in a Vancouver back alley — has been concerned with possible charges of racism and the police's reputation. Despite calls from the police complaint commissioner, first nations community groups, the B.C. Civil Liberties Association, the NDP opposition and even the editorial board of the *Vancouver Sun*, the Solicitor General has continued to stonewall and refuse a public inquiry into the tragic case of Frank Paul.

When you take that into context, there are some issues with respect to the government's track record on the issue around public confidence in addressing issues of safety and issues of justice. The *Vancouver Sun*, in its editorial on March 23 of this year, said:

"Police complaint commissioner Dirk Ryneveld's plea in January for a public inquiry into the death of Frank Paul has fallen on deaf ears. The Solicitor General says there is nothing to be gained in a public airing of the circumstances surrounding the fate of the man who died of exposure to the elements after being dumped by Vancouver police in an alley on a rainy winter night five years ago. He is wrong, and we urge him to reconsider. We do so because we need to restore confidence in the Vancouver police department."

Even after the Vancouver police chief admitted culpability of police in the Frank Paul case, the Solicitor General has refused to call for a public inquiry. This is a longstanding pattern of this government. The *Vancouver Province* stated in an editorial last September, long before the Frank Paul decision came back to haunt the Solicitor General.... Let me quote and put it on the record:

"Public confidence in the police is one of the cornerstones of democracy. So is the integrity of the evidence police present in our courts. That's why it's particularly disturbing to have a three-year member of the Vancouver police department under investigation for lying under oath in a criminal trial. And it's why, contrary to the position of the Solicitor General, we believe it's time for a public inquiry...into what appears to be a pattern of wrongdoing and misconduct within the Vancouver police department."

But time and time again this government chooses only to get tough on certain groups. Whether it's youth, through the Parental Responsibility Act in 2001 or the Youth Justice Act last year and now the private member's bill from the member for Vancouver-Burrard on attacking panhandlers and squeegee kids — homeless people generally speaking.... They love to get tough on the poor and people with disabilities. The most vulnerable people in our society, and this government is going out of its way to make them jump through endless hoops in order to even qualify for income assistance.

Meanwhile, this government has continually cut funding for police services, including community policing. They have eliminated funding for native

courtworkers. They have ended the zero tolerance for domestic abuse. They have eliminated funding for all women's centres. They have cut funding to successful programs such as PEERS, the Prostitutes Empowerment, Education and Resource Society; the Picasso Cafe; the Studio. The list is endless. They've axed the Human Rights Commission. They've gutted legal aid. They have cut the budget for Crown prosecutors. They've closed courthouses across the province and cut funding to the Organized Crime Agency of B.C. and then collapsed it into the RCMP, removing its requirement to report to the Legislature. They've cut victim services and victim counsellors.

[1740]

All this tough talk on crime and enforcement and the prison system must be seen in the context of the government's record. This government does a lot of tough talking, but they haven't been tough on crime, and they haven't been tough on the causes of crime. In fact, time and time again they have chosen to cut successful programs that address the causes of crime. When they do say that they're getting tough on crime — let's face it — it's really just PR, a diversion. We have seen it over and over again. Even by the government's and Solicitor General's and Attorney General's own admission, this government does not intend to pass the legislation that the member for Vancouver-Burrard had tabled previously. Albeit, those pieces of legislation are flawed, and I've spoken to those issues already. But let's face it. I do believe this is just a diversion tactic that the government has employed.

Whenever this government is in trouble — whether it is the raids on the Minister of Finance's office or the Doug Walls Liberal insider scandal, and now with the botched B.C. Rail deal and breaking their election promise not to sell B.C. Rail — this government resorts to diversionary tactics. There may be useful modifications to the Correction Act in this bill, and we will explore all those changes at committee stage. But let us be clear. Crime has been on the increase under this government.

Here are the statistics from the most recent crime report put out by this very ministry. Let me quote:

"In the third quarter of 2003, there were 139,650 offences reported in British Columbia. This number represents an 8 percent increase from the 129,154 offences reported in the third quarter of 2002, and an 11 percent increase from the 125,829 offences reported during the same period in 2001. In the first three quarters of 2003, a total of 382,825 offences were reported. This represents a 7 percent increase from the 358,789 reported during the same period in 2002, and an 8 percent increase from the 354,005 reported in the first three quarters of 2001."

[H. Long in the chair.]

During the raids on the Legislature, the RCMP said organized crime had become a "cancer eating at the moral fabric of our province." Yet despite the seriousness of this criticism and the need for this government to act on behalf of all British Columbians, this Solicitor

General has still refused to take any real, positive action — despite having promised at the annual Premiers' congress last March that he would be holding a forum for enforcement agencies, the judiciary, prosecutors and the public to examine fully how they could be doing a better job of fighting crime.

When the NDP opposition tabled a motion in the Legislature to establish a legislative standing committee to investigate the growth of organized crime in British Columbia, the Solicitor General and this government again refused to listen to this constructive input. Clearly, the Solicitor General doesn't want to take the heat for his government's failure to adequately fund the fight against crime. So while this government claims to be tough on crime, the public knows that, time and time again, what the government has done is cut the very programs that protect our community from crime. We've said it before, and this Solicitor General and this government keep proving us right. This government is all about talk — all talk, all bluster and precious little action when it comes to fighting crime and the causes of crime.

The opposition will have further questions for the minister when we enter into committee stage, particularly surrounding issues around searches. In fact, I should mention it's not just strip searches, because all throughout the legislation it talks about searches of vehicles, for example, and the like. Where searches are initiated, the term "without individualized suspicion" is almost always alongside. Of course, that raises issues in terms of the search itself. If there are no individualized suspicions of wrongdoing or of illegal activities, why would one allow for these kinds of searches?

[1745]

In any event, the Solicitor General will have lots of opportunities to answer these questions from the opposition when we get to committee stage. We would love to hear what the rationale is with respect to searches and the like in circumstances where it is without individualized suspicion.

B. Suffredine: I note the vast legal experience of the former speaker. Perhaps in beginning my remarks, I should give a little background, because when I speak to these amendments, I come from a certain perspective.

I moved here from Saskatchewan, and I began to practise law at 22 years old in 1974. I worked as both defence counsel and Crown counsel. I don't know if the minister back in those days.... I know at one point he was a police officer, but I don't know whether he remembers that there was a time when Crown counsel were contracted on an ad hoc, case-by-case basis.

Where I lived, there was one prosecutor and there were about six court locations and three judges. To keep up to those, the prosecutor — of necessity — handed out all the prosecution cases to private lawyers in order to keep those three courts running on any given day.

Although I worked primarily as defence counsel throughout the years, I regularly got to act as Crown

counsel and prosecute the cases on the other side. It was an interesting perspective to get; you got both sides of it. As the years went by, I also became the federal government agent and the prosecutor for narcotics, income tax, immigration, fisheries and oceans, shipping and navigation — even aeronautics. I did some major prosecutions for the province on a contract basis, like a notorious sexual assault that happened back in the Kootenays. As defence counsel, I had exposure to what I could see as almost every imaginable case, from the smallest possession of narcotics to murders, and I appeared in every level of court across the country.

I found it interesting that the member for Vancouver–Mount Pleasant would be commenting on the constitutional issues. Constitutional issues were, as defence counsel, a favourite issue. I don't share her negativity about the potential for the section itself to be struck down. Individual searches are what the courts will be dealing with in terms of whether or not there was a constitutionally valid search.

Over the years I did murder, impaired driving, narcotics, assault, assault causing bodily harm, thefts, robberies, intimidation, sexual assaults, dangerous driving, dangerous driving causing death, trafficking in narcotics, spousal assaults, perjury and frauds. All of those things are things where someone might be incarcerated and might have to see a probation officer if they're not incarcerated. They might be seeing a probation officer on a regular basis if they've pled guilty or been convicted of that. I didn't count the number of files, but I'm pretty sure they were in the thousands. I practised actively for about 27 years. A necessary part of that work was dealing with probation officers and corrections officers as well as police officials on a daily basis.

Now, I support the changes to the Correction Act to modernize the rules for those officials for a number of reasons. Allowing the powers and duties of probation officers to be assigned to those officers in accordance with the specific requirements that the officers are trying to fulfil only makes sense. The advent of conditional sentences is something that is a very significant change to the way we deal with offenders, particularly offenders who are viewed as low-risk offenders.

[1750]

Sometimes the public perception is that a conditional sentence is a lighter sentence than might be imposed if someone were sent to jail. There's an argument to be made there. While they permit an offender to remain in their home.... People tend to minimize that. Many people haven't been to some of our prisons. They don't realize that the accommodation one finds in a prison is often certainly as comfortable and perhaps more comfortable than what some of these people had in their own homes before they were sent to jail. Some of the things they find in a prison now make it extremely comfortable. If they're low risk, they're really not significantly hurt by being sent to jail, and they're not significantly advantaged by being home.

What a lot of people don't look at is what the consequences are, for example, to the family of a person

who is convicted of impaired driving — maybe impaired driving causing death or something like that — the second time around and who gets a mandatory jail sentence. That person, if he happens to live where I live, can't get a day pass to go and work during the day and then go and serve his term at night, as he might be able to do if he was living in Vancouver or living somewhere in the lower mainland, where the institution that he's sent to is one that can permit him to go back to his regular job and work during the day. For people who are not urban dwellers, those kinds of sentences can actually mean that they put their family on welfare or they potentially break up their relationship in their family because of the division it causes. It can have huge consequences for them that a conditional sentence and supervision in their home by somebody like a probation officer can help to address.

I can say that, at first, conditional sentences seem to be fairly routine and easy things, where people were getting fairly light conditions. And then one of our local judges decided that conditional sentences were not intended to be easier; they were just intended to be an alternative. He started specifying the kinds of conditions that would make it so that this wasn't a non-service of the sentence. It was simply imposing conditions that would actually make home a jail but, at the same time, permit activities that needed to take place in that person's life. The impaired driving was a good application of that. There are many other types of cases where offenders are not viewed as a security risk, where imposing serious conditions on their activities can bring about the right effect.

One of the other things that a lot of people don't know about conditional sentences is that sometimes people actually get longer sentences because they take a conditional sentence. Most frequently, the place where I saw that used was in the case of the person who admitted a problem with alcohol and wanted to go for treatment. But because there are only so many facilities and so many treatment programs in the province, sometimes — if you've got the typical 90-day sentence for second-time impaired driving — it wasn't long enough to actually get to the program and get the treatment you wanted. More than one time I actually asked a judge to impose a six-month sentence instead of a three-month sentence, but on conditions. One of the conditions was that when given the opportunity, the offender had to attend a particular program for the treatment of alcoholism, which in fact my client had requested and instructed me to ask. They were saying: "We want a longer term of imprisonment just so we can get the kind of help we need with our alcohol problem that we wouldn't otherwise get." Having a little bit of flexibility in the system achieves that goal.

Noting the time, Mr. Speaker, I move we recess until 6:35 p.m.

Motion approved.

Deputy Speaker: The House stands recessed till 6:45 p.m.

The House recessed from 5:55 p.m. to 6:46 p.m.

[J. Weisbeck in the chair.]

B. Suffredine: When I left off, I was just coming to referring to the fact that probation officers need to have the appropriate conditions or the appropriate authority to deal with the kinds of problems that arise in their lives on a daily basis.

The Solicitor General commented on how probation officers and prison guards are doing a hard job, and it's a thankless job. I'd have to agree with him on that.

In the years that I was in Nelson practising law.... Very shortly after I started, a probation officer named Peter Busby joined the ranks of the probation officers. He said he came there for a visit and stayed. I think he's still there unless, without my knowledge, he's retired. He's there, and he's got about 30 years of service in now. On a daily basis, if you can imagine it, people turn up in front of him who really don't want to be in front of him, who have little sympathy for the conditions he wants to impose on them. He's doing his job in the same way as all the other probation officers in that office. They're all good people who have to deal with the same types of people — uncooperative people who are having problems with the system probably because, as the Solicitor General described, the level of education is low. People with low education tend to have more difficulties in our system.

A little bit of recognition for those people who give us long service in a really difficult job — where on a daily basis they have to be disciplinarians and deal with people who grudgingly come to see them — is certainly something that I think is entirely appropriate.

The question of searching inmates is, as I understand it, an issue that arises out of a court decision that said our existing provisions were outdated. I know that the practice previously was that every inmate was always routinely searched on arrival, regardless of any security risk. The process of incarceration, quite candidly, is routinely embarrassing to people who are incarcerated. I understand that practice was successfully challenged in court and that, as a result, the changes were brought forward to deal with the kinds of concerns that arise. That's quite appropriate.

I have read the provisions that the member for Vancouver-Mount Pleasant was critical of. It seems to me that many of her concerns are things that are going to be addressed in the way the searches are done, and they're provided in the regulations. Basically, the provisions are there in subsection (3). In order for there to be a valid search, there will have to be grounds to suspect contraband.

One of the problems that we have in our prisons is the fact that things are smuggled in. That could be contraband or weapons. The ability to detain people suspected of trafficking in goods that shouldn't be coming in is quite critical to security in those prisons — security of the guards and inmates as well as the people who visit there. I have no difficulty with amendments that seek to achieve that goal and prevent anyone from

being in the position of later on having to explain why someone within a supposedly secure institution was injured or killed.

[1850]

The other thing that is complained about is monitoring the communications of inmates and to inmates. I agree that's a contentious item, at least from the point of view of a lawyer. It was always the case that if I had a client in custody, there were suspicions that even though confidential communications were not supposed to be monitored, someone was indeed listening to what was going on. That was always a great concern.

When it's not communication between solicitor and client, it is important for a number of reasons that those kinds of communications be monitored. One is that many of the people sent to jail will continuously harass their victims or intimidate witnesses, try to persuade them not to testify. When one thinks about that, that's an awful thing to be allowing to happen from a prison situation — actively providing the communication tools through the phone and then allowing people who are quite intimidated by the system to be intimidated by the fact that the person they're about to testify against seems to be able to reach them. Apart from trying to make sure that communications that affect a right of an individual to be defended fairly are not infringed on, the rest of those communications need the ability to monitor them.

I also noted an interesting thing at the end of the act dealing with the ability of the director of the Crown counsel to get rid of vexatious proceedings. One of the things people generally don't know is that if you complain to the police about something where you think a charge should be laid and the police refuse to act, and you take that and complain to Crown counsel and they refuse to act, you can lay a charge yourself.

In the case of summary conviction proceedings, there is no way to get rid of that. The Crown can't intervene and say that's a nuisance. In the case of indictable matters, it can. In fact, the Crown has the jurisdiction to take over indictable proceedings, and once they assume control of them, they have the right to deal with them. In terms of straight vexatious proceedings that are not the subject of an indictment, the Crown had previously no right to interfere. A citizen could simply bring any number of complaints, and they had the right to prosecute them themselves or hire their own lawyer and bring that and be as difficult as possible for as long as possible.

I see that as being a very positive change. It's appropriate that where proceedings are considered vexatious and unnecessary, the Crown should have the right in all cases in the public interest to step in and intervene.

Having said that, I support the amendments the Solicitor General has brought forward, and I congratulate him on doing that.

Hon. R. Coleman: I rise to close debate with regards to the Correction Act, but I can't do it quietly. I

can't sit back and listen to the claptrap that came from the socialists on the other side of this House and think we should sit here and put up with that type of innuendo.

If you listen to these people, you wouldn't search anybody going into a corrections institute, and you would put your guards — who are members of the B.C. Government and Service Employees Union — at risk of death or injury. You'd think that they were trying to do something in actually protecting the people in the jails and protecting the people who are protecting the people by doing wrong by having a procedure to do that....

I cannot believe what I heard, Mr. Speaker. The member for Vancouver-Mount Pleasant did a little thing. She says: "Oh, you know, they're privatizing the prisons. This is legislation to privatize the prisons." Where on earth could you get that out of this legislation that is actually to be able to modernize the way we manage corrections in British Columbia?

The prisons in this province are owned by B.C. Buildings Corporation. They are leased and paid rent by my ministry. It's what we do; we're the tenant. They have contracted out some services. It appears to have been contractors that they contracted out before we even became government.

We are not, we haven't a plan and we haven't thought of selling or privatizing the prisons in the province because we actually have a professional correctional system in British Columbia to be proud of. When I hear that from the member across the other side of this House, when she goes on like that, it makes my blood boil.

They were the government that prior to leaving office was looking for one big-ticket item, one Crown corporation — maybe B.C. Hydro — to sell, to sell an asset of British Columbia. They spend their time talking to us about selling the assets of British Columbia. We are actually protecting the jobs of the people that work for government in British Columbia.

[1855]

Then she says this: "How dare you allow the people who are in your prisons to have the opportunity to learn about biosecurity and voluntarily" — voluntarily, Mr. Speaker — "put a crew together to go out and help British Columbians in a crisis with regards to the avian flu?" The next thing will be: "How dare you consider that you might train people in your prisons to teach them how to help with forest fire fighting, so they might have a skill, when they leave your institution, that's saleable and gets them a job?" Oh no, they're going to say: "That's wrong. Oh no, you can't do that. You can't voluntarily let people who are incarcerated have an opportunity to improve themselves. Oh no. We've got to take a shot at that. That's bad." That must be a bad thing — that we do things for the people who are in our system.

We know that by monitoring communications in our system today, we have caught people who have threatened spouses, people who have threatened witnesses and people who actually tried to put contracts

on people who could be witnesses against them in court. It's absolutely critical that we protect the victims of crime in British Columbia. I make no apologies for the fact that we might monitor communications in our correctional system.

If you listen to this member, the way she spoke, every police officer in B.C. is bad. You know, every single night in the province of British Columbia there are people out there on the road protecting our communities, who are asked to make split-second decisions that they have to make, and we judge those decisions for months on end after they're made. These people put their lives on the line every single night. To have a member of this House only ever be critical, only ever put down, only ever criticize — whether it be the RCMP, the Vancouver police department, a department on Vancouver Island or anywhere else on the lower mainland, people who care about communities and are the front line of justice in our society — and who all the time wants to make sure that the glass is half empty and can never, ever admit that in many cases it's half full and that we have great people involved in law enforcement in British Columbia....

The member goes on. She says: "This Solicitor General has done nothing for policing in the province. This Solicitor General is all talk. This Solicitor General has done nothing with regards to bringing the issues of crime to B.C. My goodness, it's all talk and no action."

Mr. Speaker, I can't let that sit sideways. I know that at the federal Justice minister's meetings, for three years now I have raised the level of awareness of organized crime, marijuana grow ops and issues around incarceration of repeat offenders and violent offenders in this country — at every justice minister's table in this country. I've done it because I believe that we in British Columbia need to stand up for the rights of our citizens.

They say: "Oh, nothing in policing." I've got to tell you something about policing. This was a government that didn't meet with law enforcement in a constructive way for ten years. This was a government that didn't invest in law enforcement — didn't invest in its infrastructure, didn't invest in its long-term training and did not invest in having a relationship so they could build a structure of policing, long term, for British Columbia.

This ministry has a five-year plan for policing in British Columbia and for integrating policing policy with regards to policing in this province. That has led to integrated units that are more effective today than at any time in the history of this province. We have an integrated homicide unit on the lower mainland that has one of the highest solve rates of any unit of its kind in all of North America — a unit that recently solved a murder in Coquitlam. When it did that, it solved another murder that took place in Surrey in 1973. That's action; that's not us doing nothing about policing and law enforcement.

[1900]

Unlike the other government that sat there and did nothing for communications in law enforcement, this is a government that went out and invested — at a time

of restraint in government — the money necessary to bring real-time information management to every police car in the province of British Columbia to create the only jurisdiction that I can find where all law enforcement will be on one system, to create an integrated relationship of information management in real time to protect our citizens. But evidently we haven't done anything.

This is a government that's taken the Organized Crime Agency — with the management personnel, the senior management of policing in British Columbia — and turned it into the organized crime unit integrated on a national basis with all other units across country and, in doing that, found an additional \$4 million to fight organized crime.

This is the government, unlike the previous government, that on the most significant murder investigation in this country stepped up to the plate early in its mandate and brought the parties together with regards to the missing women from the downtown east side. That initiative brought the breakthrough on that investigation. We didn't sit on our hands when it came to that type of investigation. We got on it. We didn't ignore it. You know why? Because unlike the previous guys, we actually had a relationship where we could discuss those things in the open and decide how we could attack them as people working together for the benefit of the people of British Columbia. That's why we could do that.

I gotta tell you, Mr. Speaker, there is more good news in and around what we've done for law enforcement and crime prevention in this province in just three years than the previous government did in ten years. Do you know what we have today? These are things that wouldn't have happened with these guys, I can tell you.

We have a bait car program expansion into 16 communities across the lower mainland because we know that'll push down on auto theft in B.C. We have the southern Vancouver Island police integration initiative going forward right now. We amalgamated two police departments on the lower Island — Esquimalt and Victoria — two years ago, and it has been one of the successful amalgamations of two police departments that we can find anywhere.

We have SkyTrain police now, a unit for SkyTrain police that we worked through. How? Oh, you know how? Because we worked with the law enforcement community in a cooperative manner to find long-term solutions for the SkyTrain route, something that couldn't have happened with the previous government because they didn't actually like to bring police in and sit down and talk to them about solutions. We found the solutions; we put them in place. It's supported by the B.C. chiefs, and that includes all the senior management of the RCMP along the line. And you know what? It is also supported by the people who work the SkyTrain and the communities that are affected. That is leadership in law enforcement.

We looked at the funding that was being spent on things like CounterAttack and traffic enforcement in

corridors at time and a half and double time for police officers coming in on a day off, paid for by ICBC. We set them down with law enforcement and worked out the fact that we need a protocol and a long-term funding relationship where, instead of paying time and a half, we would make it a provincial police integrated unit for traffic at 70-cent dollars and put police officers — additional police officers — full-time on the streets of British Columbia at no cost to any municipality or regional government. Additional policing in traffic to push back around the issues that are affecting our citizens on the roads of this province — we did that. We're doing it because it's the right thing to do, because we're smart and because we have people in law enforcement that will work with us to find these long-term solutions and get it done.

We have tougher penalties for drinking and driving in B.C. than we did when we became government. Today if you get a 24-hour suspension twice in two years, you can get your driver's licence suspended for two months. Three times can be three months. That wasn't here before.

We also strengthened the rules around street racing because we saw a problem in our communities with regards to young people, particularly, being killed in car accidents as a result of a behaviour. We could have been like the previous government and never wanted to meet with the deputy commissioner or the person who's head of traffic or the B.C. chiefs of police, and said: "Oh well, we'll just let that happen. Maybe we'll think of something and do a press release over here." Or we could do what we did — sit down and say: "What tools do you need in order to fight back at this?" We doubled the penalty points and put in place that you could seize a motor vehicle in the case of street racing.

[1905]

We looked at the graduated licensing program and said: "How can we reduce accidents and injuries among young people and new drivers?" We put them in last October. Expected: 20 fewer fatalities, 3,500 fewer injury accidents and 15,000 fewer accidents overall in a three-year period. That's action, and that's not the kind of action you would get from the member for Vancouver-Mount Pleasant.

We have been working for changes to the Criminal Code. We put crime stats on line. We made changes to the Criminal Injury Compensation Act so we could actually help victims quicker. We put in a 24-hour VictimLink line for victims in the province so they can get services they need with regards to the trauma they've faced in their lives, because we're a government that is progressive and forward-thinking. We're working on a piece of legislation for the civil forfeiture of the proceeds of crime this fall so we can go after the money that organized crime is taking. We want to go after them like tax law.

Nothing can be further from the truth when we're debating an act on corrections than to listen to the baffle-gab about the fact that we're not doing anything in law enforcement and that we don't know what we're doing with regards to crime in British Columbia.

We have moved further with our integrated units, our intelligence and our relationships internationally in law enforcement than that previous government did in ten years. It is a shame to sit in this House and listen to a member of this House who has nothing to say except for the negative about law enforcement and the questioning of a piece of legislation that might protect the life of a guard in a correctional centre.

This is going to be an interesting debate as we go forward in committee stage. I welcome it. I can tell you that we have a piece of legislation that takes into consideration the people's Charter rights. It also takes into consideration the protection of the people that work for us in the province and put their lives on the line every single day. I cannot believe that I sat and listened to the member for Vancouver-Mount Pleasant, whose only comment was about how bad everybody is and how we shouldn't do anything to help our fellow man and why we shouldn't protect the people that work in our prisons.

This government stands by its employees that work in the correctional system. It stands by the people that make those life decisions every single night, and it will continue to do so without apologies. I can tell you that whatever tool is needed to protect our communities, protect our people, protect our staff and, frankly, protect the inmates in our prisons, we're going to have them in place so that we will be there to serve the people of this province long term in the manner that they deserve to be served.

Motion approved.

Hon. R. Coleman: I move the bill go to the Committee of the Whole House at the next sitting of the House after today.

Bill 44, Correction 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. M. Coell: I call committee stage of Bill 36.

Committee of the Whole House

COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES STATUTES AMENDMENT ACT, 2004

The House in Committee of the Whole (Section B) on Bill 36; H. Long in the chair.

The committee met at 7:09 p.m.

Sections 1 to 23 inclusive approved.

Title approved.

Hon. M. Coell: I rise and report Bill 36 complete without amendment.

Motion approved.

The committee rose at 7:10 p.m.

The House resumed; J. Weisbeck in the chair.

Report and Third Reading of Bills

Bill 36, Community, Aboriginal and Women's Services Statutes Amendment Act, 2004, reported complete without amendment, read a third time and passed.

Hon. M. Coell moved adjournment of the House.

Motion approved.

Deputy Speaker: The House stands adjourned until 10 a.m. tomorrow.

The House adjourned at 7:11 p.m.