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LIEUTENANT-GOVERNOR
Her Honour the Honourable Iona V. Campagnolo, CM, OBC

5TH SESSION, 37TH PARLIAMENT

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CONTENTS

Wednesday, October 6, 2004
Afternoon Sitting

Routine Proceedings

	Page
Introductions by Members	11421
Introduction and First Reading of Bills.....	11421
B.C. Rail Benefits (First Nations) Trust Act (Bill 58)	
Hon. K. Falcon	
Northern Development Initiative Trust Act (Bill 59)	
Hon. K. Falcon	
Statements (Standing Order 25B)	11422
Preventative health care	
J. Bray	
Sale of local power projects by Columbia Basin Trust	
B. Suffredine	
Safer communities	
L. Mayencourt	
Oral Questions.....	11423
Private liquor stores	
J. Kwan	
Hon. R. Coleman	
J. MacPhail	
Status of Huckleberry Mines	
D. MacKay	
Hon. R. Thorpe	
B.C. Rail privatization process	
E. Brenzinger	
Hon. K. Falcon	
Access to post-secondary education	
R. Nijjar	
Hon. S. Bond	
Handling of personal information by non-profit organizations	
V. Anderson	
Hon. J. Murray	
Tabling Documents.....	11426
Auditor general report No. 3, 2004-05, <i>Preventing and Managing Diabetes in British Columbia</i>	
Second Reading of Bills.....	11426
Finance Statutes Amendment Act, 2004 (Bill 69)	
Hon. G. Collins	
Property Transfer Tax Amendment Act, 2004 (Bill 70)	
Hon. G. Collins	
J. Bray	
Hon. G. Collins	
Attorney General Statutes Amendment Act, 2004 (Bill 62)	
Hon. G. Plant	
B. Bennett	
Hon. G. Plant	
Justice Modernization Statutes Amendment Act, 2004 (Bill 64)	
Hon. G. Plant	
B. Bennett	
J. Bray	
Hon. G. Plant	

Committee of the Whole House.....	11434
Community Living Authority Act (Bill 45) (<i>continued</i>)	
J. Kwan	
Hon. S. Hagen	
Hon. L. Reid	
R. Lee	
D. Hayer	
R. Hawes	
V. Anderson	
J. Bray	
Reporting of Bills	11447
Community Living Authority Act (Bill 45)	
Third Reading of Bills.....	11447
Community Living Authority Act (Bill 45)	

WEDNESDAY, OCTOBER 6, 2004

The House met at 2:04 p.m.

Prayers.

Introductions by Members

Hon. G. Campbell: Today in the House I am pleased to introduce five local leaders who have joined us in Victoria: Ted Armstrong, who is the chair of the Cariboo regional district; Nate Bello, the mayor of Quesnel; Tom Briggs, the mayor of Mackenzie; Wayne Dahlen, the mayor of Dawson Creek; and Herb Pond, the mayor of Prince Rupert.

All five mayors have worked hard on behalf of their communities, and I hope the House will make them welcome.

[1405]

R. Sultan: I would like to introduce to the House one of our skilled staff, Megan Stiles. In the past three years, Megan has taken care of communications for both the lower mainland and the northern MLAs. She built the Premier's *ReadOnBC* website, and every week she produced Capital Report. She was particularly helpful in producing the mining task force report. Defying the surge of people back to British Columbia from Alberta, Megan is moving back home to Alberta to take up a challenging and, I might say — from what I believe — very well paid assignment with TransCanada Pipelines.

Megan, we will miss your keen eye in spotting our communications missteps. I'm sure all of us will join in thanking you for your many services and wishing you good fortune.

Hon. R. Harris: Today in the members' gallery I would like to acknowledge a very special visitor from Peru. Would the House please join me in welcoming Augusto Freyre. He's the consul general of Peru in Vancouver. The consul general was appointed to his position in April, and this is his first official visit to Victoria. Could we please all make him very welcome.

Hon. S. Hagen: In the galleries today I'm pleased to introduce to the House four friends from the Comox valley: Don and Marie Gordon, super citizens in the valley — Marie is a past citizen of the year; and Richard and Maureen Swift, also from the valley. Maureen is a first-class school teacher in school district 71. Would the House please join me in making them welcome.

Hon. I. Chong: Today I have the honour of introducing a couple of constituents from Oak Bay-Gordon Head. Mr. Bert Elliot is here, a government employee who works with the Public Service Agency. He has brought along his 12-year-old son, Luke Elliot. I know he will enjoy watching question period. I ask the House to make them both very welcome.

Hon. G. Bruce: I'm very excited today to introduce a friend. I don't have four, but I do have one. As you're

all well aware, we have a very strong dairy industry in the Cowichan Valley. In the House today is a good friend of mine, Wally Smith, who actually represents the province nationally for the dairy farmers of British Columbia. Would you please make him welcome.

S. Orr: In the precinct today are my girlfriends — my friends who think I'm crazy doing this but love, support and feed me. They are the best. We have with us Barb Vuiko — she and her husband are owners of Wendy's and Little Caesar's in town; Anne Gustafson; and a very good friend called Shirley Hunter, who is truly my very best, best friend. Angelica Weyan is here also. Would the House please make them all very welcome.

Introduction and First Reading of Bills

B.C. RAIL BENEFITS (FIRST NATIONS) TRUST ACT

Hon. K. Falcon presented a message from His Honour the Administrator: a bill intituled B.C. Rail Benefits (First Nations) Trust Act.

Hon. K. Falcon: I move the bill be introduced and read a first time now.

Motion approved.

Hon. K. Falcon: Mr. Speaker, less than three months ago, Premier Gordon Campbell announced that this government had finalized a historic billion-dollar investment into our province through the B.C. Rail-CN investment partnership. While the public continues to own the railway's railbeds, rights-of-way and tracks, CN has paid the province \$1 billion for the rights to act as the long-term operator.

[1410]

Now, with the introduction of legislation like the B.C. Rail Benefits (First Nations) Trust Act, the legacy of that partnership is starting to be realized. The \$15 million B.C. Rail benefits trust for first nations is just one result of the B.C. Rail-CN partnership. It will bring tremendous benefit in the form of economic development, educational advancement and cultural renewal to as many as 25 first nations with historic business relationships with B.C. Rail.

Participation in this trust program is completely voluntary. Each first nation identified in the legislation will decide for itself whether they wish to take part in the benefits of the program. The legislation I'm introducing today will enable an independent board of first nations representatives to oversee this \$15 million trust and ensure it is spent on first nations priorities — priorities such as providing seed capital for aboriginal enterprises and joint partnerships, protecting and promoting first nations languages and supporting aboriginal youth apprenticeship training.

It is going to be a very exciting year as we witness the economic growth and job creation that starts to

spring up in northern British Columbia and rail communities across B.C. as the direct result of this important rail partnership. I'm very much looking forward to hearing success stories about how the trust board chooses to invest these funds.

Mr. Speaker, 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 58 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.

NORTHERN DEVELOPMENT INITIATIVE TRUST ACT

Hon. K. Falcon presented a message from Her Honour the Lieutenant-Governor: a bill intituled Northern Development Initiative Trust Act.

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

Motion approved.

Hon. K. Falcon: When the Premier first announced the billion-dollar B.C. Rail investment partnership in November 2003, he brought new hope to northern British Columbians. He brought new hope not only for a strong, revitalized railway but also for a surge in economic growth and job creation. Today I'm happy to show northern British Columbians that since that day, government has been working hard to bring them the benefits they've been promised.

I introduce today in the House legislation that will enable the \$135 million northern development initiative trust. This initiative will give northern communities the funding, control and ability to identify and pursue new opportunities for stimulating sustainable economic growth and job creation in their regions. An independent 13-member board of directors will be appointed to oversee the distribution of the funds. The board will consist of two representatives from each of the four regions — those being the Peace, Prince George, the northwest, and the Cariboo-Chilcotin-Lillooet regions — as well as five provincially appointed representatives.

They will have complete discretion to invest in projects as they see fit, making this an initiative that will be truly run by northerners to reflect northern priorities for the benefit of northerners. They might look to strategic investments in forestry, pine beetle recovery, transportation, tourism, mining, energy, Olympic opportunities or small business projects. The list could go on and on. Again, I want to emphasize that it is totally up to the board to decide how they will invest and prioritize their spending. The \$135 million represents a lot of opportunity for northerners to bring out the best in their communities.

[1415]

In addition, the bill contains other appropriations related to renewal as a result of the B.C. Rail invest-

ment partnership. These include \$200 million for the B.C. Transportation Financing Authority's multi-year capital plan as well as added support for sport, recreation and volunteer initiatives, Asia-Pacific market development, fuel cell research and other related initiatives. None of this would have been possible without the billion-dollar investment partnership. I, for one, am proud that this government is recognizing northern B.C. as one of our province's most critical economic generators.

Mr. Speaker, on that, 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 59 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)

PREVENTATIVE HEALTH CARE

J. Bray: As Canadians and British Columbians continue to discuss and debate the need to reform our health care system, one area of consensus seems to have emerged: the need to increase preventative measures. Many feel we focus too much on acute care and too little on preventative care and services. The problem is (1) how to evolve from the increasing demands on the acute care system to preventative care and (2) the fact that we will not immediately see benefits of preventative services except for specific programs like fall prevention for seniors.

I believe we as a society need to recognize that preventative care is a generational shift, not something that provides a quick fix. Thus, we need to start with a new generation. Therefore, I think it is time we introduce a comprehensive health promotion and prevention curriculum for every child in B.C., starting from birth to graduation from high school.

Children represent one of the only captive audiences that we can deliver a comprehensive generational program to, to improve health through wellness promotion, physical activity, developmental stimuli, nutritional awareness, comprehensive drug education, etc. This curriculum — and I use that word purposely — would be published using the best science in all areas of wellness. The curriculum would be used by parents, child care providers, teachers, hockey coaches, cub scout leaders and anyone who interacts with children.

All persons who deal with children would use this blueprint to ensure that right from the start of life, children receive the comprehensive care that will ensure maximum health during the first 18 years of life and that as adults, they will be fully capable of making the kinds of healthy lifestyle choices that attain the goals we speak of when we talk about prevention.

I believe that the science and evidence about early childhood development, right through to the changes

we've made in the school physical education system, already exist. My proposal recommends the government publish, like the *B.C. HealthGuide*, this information — techniques and strategies that all involved in a child's life, especially parents, can use to provide a generational shift in health promotion.

SALE OF LOCAL POWER PROJECTS BY COLUMBIA BASIN TRUST

B. Suffredine: The Columbia Basin Trust board of directors recently approached the province and B.C. Hydro with a request to sell their interest in Kootenay power projects to B.C. Hydro. Now B.C. Hydro has approved the purchase of these assets in principle, which will give the Columbia Basin Trust approximately \$260 million. The trust anticipates this new deal will allow them to at least double their annual contributions to Kootenay communities and organizations from \$5 million to about \$10 million. They'll be able to diversify their investment portfolio and increase their return on investment. The sale guarantees that three hydroelectric facilities and one development power project involved in the deal will always remain in public hands.

The previous government limited the trust focus primarily to power projects. This restricted their return on investments and failed to fulfil the purpose of the Columbia Basin Trust Act — namely, to create long-term jobs in the region to offset the effects of the dams. The trust was never intended to be a power company, but the power business has absorbed much of the board's time and resources.

Carole James is now telling Kootenay residents that this deal signals the end of the trust — a prime example of how out of touch she is with Kootenay residents and key stakeholders. It was the trust directors, who are Kootenay residents, who developed the far-sighted proposal we're considering that will result in far greater financial benefits to the region, more long-term stability for the trust and more freedom and flexibility. Carole James claims she's listening to the people, but this makes me wonder who she's been speaking to. She obviously hasn't spoken to the board of directors.

[1420]

This deal will create the largest investment trust of its kind in the province. The board will have more cash to invest and more to give to Kootenay communities. Board members, all residents in our communities, can use their skills, imagination and creativity to come up with the ideas to expand the Kootenay and Columbia Valley economy and create jobs and stability for our citizens. It's great news for the Kootenays.

SAFER COMMUNITIES

L. Mayencourt: British Columbians have come to us today and over the last few months asking us to create safer schools, safer streets and safer communities. That's an important request that has been put forward to us from many different places — from com-

munity citizens, from community groups, from non-profit agencies, from business organizations. They've come us to and said: "We want to have safer communities." When you look at *New Era* and you take a look at what we promised people, we said we would do that. I'm proud to be part of a government that is moving in that direction.

It is not always easy to forge partnerships with all of the different community leaders in British Columbia, but I think we have a fairly united group of individuals representing hundreds of thousands and perhaps millions of people in British Columbia calling for new solutions to deal with public safety.

I was very glad at the UBCM when the Premier announced that he was going to funnel \$40 million into public safety initiatives across our province. I was proud of that moment. I want to say that in addition to law enforcement, which is necessary in British Columbia, I was also proud that he noted and committed to working on the issues of homelessness, mental health, addictions and all of the things that make our community safer and stronger.

I'm proud to be part of a government that listens to private citizens, that listens to private members and that listens to organizations and people about the kind of legislation they'd like to see brought forward. They have contributed to good public policy. I'm proud to be here and be a part of that. Thank you very much.

Mr. Speaker: That concludes members' statements.

Oral Questions

PRIVATE LIQUOR STORES

J. Kwan: As a result of this government's botched plans to privatize liquor stores, they gave liquor licenses free rein to set up shops wherever they please. They're creating huge problems for many communities.

The MLA for Vancouver-Fraserview promised his constituents that he would ask the Solicitor General to take a second look at what the government has done. Can the Solicitor General tell this House what he's doing to fulfil the member's promise to his constituents?

Hon. R. Coleman: If the member would like to take the time to review the information available, she'll find that when we did a process of the inherent issue with the liquor licensing from the 19 classes to two and how we dealt with liquor stores and how they could be placed in communities, we said — and we still do today — that the liquor store will not be allowed to go where local government doesn't have the zoning in place for it to go. The fact of the matter is that no private liquor store in British Columbia will be imposed on a community where the zoning doesn't exist.

Interjections.

Mr. Speaker: Order, please. The member for Vancouver-Mount Pleasant has a supplementary question.

J. Kwan: The problem, of course, with the government's approach is that they forget to talk to the people and to consult with the people. In Chilliwack a private liquor store opened less than a block from a secondary school, despite the vocal protest from parents. In Victoria, in South Vancouver, in North Vancouver and in communities across British Columbia, residents are concerned that liquor stores will start popping up like dandelions with little public input. To the Solicitor General: what steps is he taking to fix this problem? Or doesn't he care that parents and communities are pleading with him to change the policy?

Hon. R. Coleman: I guess the member opposite is advocating that we should interfere with the processes of local government, because within the zoning.... If in a community a municipality zones a property, they zone it for an allowable use. Maybe we need to give you a lesson on how development takes place in the province...

Interjection.

Mr. Speaker: Order, please.

Hon. R. Coleman: ...but you can zone for an allowable use. When you zone for an allowable use, everybody in the community has the opportunity to give input at that time. That allowable use can include a retail outlet like a liquor store...

Interjection.

Mr. Speaker: Order. The Solicitor General has the floor.

[1425]

Hon. R. Coleman: ...if the community says it is allowed in that zoning.

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

J. Kwan: Maybe the Solicitor General should be giving that lecture to the Minister of Transportation, because the minister actually put forward a piece of legislation that would actually blow over municipalities in terms of their authority on zoning. But you know what? In this instance, on this very important issue, this is about local input and about this government's downloading to local governments. From the....

Interjections.

Mr. Speaker: Order, please. Order. The member for Vancouver–Mount Pleasant has the floor.

J. Kwan: For the Solicitor General's benefit, let me quote the member from Fraserview: "If we have fault at

the provincial level that on an unintended basis is creating havoc in these communities, then we will need to take a look at it." Mr. Speaker, it is creating havoc and anger. That is why the member from Fraserview was forced to support his constituents — to stop a liquor store from taking advantage of his own government's change to the law.

Again to the Solicitor General: parents and communities are screaming for action. Will he at least commit to revisiting this law and to working with municipalities, consulting with them to bring in regulations that work in creating safer communities?

Hon. R. Coleman: We did consult with the UBCM as we went through our liquor changes three years ago. We have been through a variety of processes with this. One of the things those communities said to us is: "Let us deal with the zoning issues with regards to commercial operations in our communities." We allow them to do that. If they've already gone and approved the allowable use on a piece of property and somebody's bought that piece of property believing that that's the allowable use, are you saying a municipality now should change the allowable use midway through?

Mr. Speaker, the reality is that it is a zoned piece of property for an allowable use. It's been through a public process. It's approved that use by council and with public input, and that's the way it is.

J. MacPhail: Well, the member from Fraserview says that this is a growing problem, and we need to look at it again. Today, there are almost a dozen new applications in one city alone for private liquor stores.

The Solicitor General won't do a thing, so let me ask...

Interjections.

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

J. MacPhail: ...the Minister for Addiction Services, the new minister, the same person who is head of the Neighbourhood Pub Owners Association — who lobbied against laws to restrict secondhand smoke, who lobbied against tougher impaired drunk driving laws — the same person who lobbied for expanded gambling in neighbourhood pubs. Can she tell parents and communities what she is doing to ensure that a liquor store doesn't pop up on every corner because her government gave the green light to liquor store expansion without consulting communities? It's almost a dozen new applications today alone.

Hon. R. Coleman: You know....

Interjections.

Mr. Speaker: Order, please. The Solicitor General has the floor.

Hon. R. Coleman: What absolute nonsense. If people have a right to go and apply for a liquor store in British Columbia.... If the member would read the rules, she would find out they can't be within half a kilometre of each other. They can't be on every corner across from each other to begin with, because we put those rules in place.

We also put in place a moratorium on those stores for four years so that they have to actually do their development within the next 12 months or lose their opportunity to develop. So there can't be any new applications coming in. These have been in process for some time and will continue to be in process.

Frankly, I find it absolutely incredible coming from a member opposite who sits in a city that would rather legalize a legal marijuana operation than deal with liquor on a neighbourhood-by-neighbourhood basis.

J. MacPhail: It is interesting...

Interjections.

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

J. MacPhail: ...how this government plays favourites amongst its own backbench. He just called the member from Fraserview's comments nonsense. That's what he just.... The Solicitor General just said it was nonsense. Interesting.

[1430]

Let me quote from the letter sent by the chair of the Chilliwack parent advisory council, fighting the opening of a liquor store less than a block from the local school. She says, and I quote: "The mayor has informed our parent advisory council in a letter that our local government has no power to stop the establishment of liquor stores in our community." Interesting. Why? Because this government changed the law, downloading responsibility to local governments without any real consultation. That's left parents scrambling as new liquor licences get handed out like candy.

Again to the minister responsible for addictions: will she stand up to her government, stand up for parents and join her colleague from Fraserview to demand the government take a second look at this law that's creating havoc?

Hon. R. Coleman: Again, I will say to the member that local government has the right to zone property for allowable uses. If the land is zoned properly, then it's dealt with by local government. If the member would pay attention to her own city council in the city of Vancouver, she'll know that they're actually going through a process that has a moratorium on this issue right now. I actually spoke to the member from Fraserview, who was able to go back and explain to his community the process of zoning versus the licensing procedure, so that he could deal with that in his community.

Interjections.

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

STATUS OF HUCKLEBERRY MINES

D. MacKay: My question is for the Minister of Provincial Revenue. Our government has just gone through a loan restructuring for Huckleberry Mines Ltd., which is located south of Houston, British Columbia. As a result of this restructuring, the NDP house leader has voiced her opposition to protecting 175 jobs in the riding of Bulkley Valley-Stikine.

I'd like to ask the Minister of Provincial Revenue: can he explain to my constituents and all British Columbians how Huckleberry Mines wound up in this situation?

Interjections.

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

Hon. R. Thorpe: Once again we are cleaning up an NDP loan from 1996. Our decision is based solely on the business case. The options were clear: put it into bankruptcy or attempt to maximize the return for British Columbians through a loan restructuring. Our government decided to restructure the loan so that we can maximize the return to British Columbia taxpayers while cleaning up an NDP loan from 1996.

Interjections.

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

B.C. RAIL PRIVATIZATION PROCESS

E. Brenzinger: My question is directly to the Premier and not to the Minister of Transportation, as this clearly is not a transportation question.

As early as June 2002, then-CEO of CN Rail, Paul Tellier, discussed with the *Vancouver Sun* editorial board CN acquiring B.C. Rail, despite the fact that only a year earlier the Premier had promised not to sell B.C. Rail. On November 21, 2003, CP Rail wrote a letter to the Premier stating that the government's handling of the B.C. Rail sale was extremely prejudiced.

My question, directly to the Premier, is: will he confirm that he did in fact meet with then-CEO Paul Tellier in Kamloops prior to an RFP being issued regarding the sale of B.C. Rail, and that amongst the matters discussed was the purchase price of CN?

Hon. K. Falcon: Clearly, this is an issue that the member continues to raise, so I might direct the member to Charles River Associates Inc., the independent report that was done on the B.C. Rail-CN investment partnership. He actually goes into some detail over that CP letter. You will find that it was canvassed very, very thoroughly, and there was no fault found whatsoever.

[1435]

I would encourage the member to actually take the time to read the report, and when the member reads

that report, she will have all the answers there for herself.

ACCESS TO POST-SECONDARY EDUCATION

R. Nijjar: My question is to the Minister of Advanced Education. The NDP — or should I say the union executives that run the NDP? — continually touted that the raising of the tuition freeze would deny access to post-secondary education, although there is no correlation, no report or evidence showing that raising of the freeze would deny access to education.

Now a recent study by the Education Policy Institute ranked Canada third in the world in access to post-secondary education for students from lower socioeconomic backgrounds. Furthermore, in Canada, B.C. is ranked third amongst Canadian provinces. Clearly, a lot is being done that is strong. Now there are more students going to post-secondary education. After 2001 more students applied to go to post-secondary education.

My question to the Minister of Advanced Education is: how can we become No. 1? What is she doing to ensure that we continue to improve access and make B.C. No. 1 in the world, not just No. 3?

Hon. S. Bond: We are absolutely delighted...

Interjections.

Mr. Speaker: Order, please.

Hon. S. Bond: ...to be able to tell you that in the next six years we are going to add 25,000 seats to the post-secondary education system. We're going to do that all around the province, because we believe that access closer to home is essential. It helps families. It reduces the cost to families by an average of \$6,000 a year.

Interjections.

Mr. Speaker: Order, please.

Hon. S. Bond: We have a plan in place that will ensure that if you get a B, you will earn a seat in a post-secondary education institution. That is great news for British Columbians and great news for families.

HANDLING OF PERSONAL INFORMATION BY NON-PROFIT ORGANIZATIONS

V. Anderson: My question is to the Minister of Management Services. With a more community-based approach to service delivery, some organizations are concerned about confidential issues around information collected from clients. The Personal Information Protection Act came into force earlier this year to protect personal information collected by non-profit groups such as charitable and religious organizations

I'm asking the minister: what legal obligations do volunteer groups — including charitable organizations, religious and community groups — have under the Personal Information Protection Act?

Hon. J. Murray: As the member for Vancouver-Langara rightly comments, the Personal Information Protection Act came into force in January this year. In fact, we're the first province to introduce legislation of this kind. That act comes out of our commitment to protect the privacy of individuals' personal information. What PIPA does is to set out the ground rules for how the private sector and non-profit organizations can collect, use or share information about individuals. Essentially, on the one hand, this act, the Personal Information Protection Act, gives individuals the right to control access to and use of their own personal information. On the other hand, PIPA requires organizations to obtain consent when they collect, use or disclose your personal information. We're leaders in the protection of privacy, and this act is just another example of that.

[End of question period.]

Tabling Documents

Mr. Speaker: Hon. members, I have the honour to present report No. 3 of the auditor general, 2004-05: *Preventing and Managing Diabetes in British Columbia*.

Orders of the Day

Hon. G. Collins: I call second reading of Bill 69. Perhaps we can give the other members a chance to proceed to other business.

[1440]

Second Reading of Bills

FINANCE STATUTES AMENDMENT ACT, 2004

Hon. G. Collins: I move the bill be now read a second time. This bill contains amendments to a number of statutes which deal with the business and financial sectors of the province of British Columbia. The statutes amended are the Business Corporations Act; the Financial Institutions Statutes Amendment Act, 2004; the Pension Benefits Standards Act; and the Society Act. For the most part these amendments are technical and housekeeping in nature but are essential to these sectors. The Business Corporations Act amendments in this bill are almost entirely technical in nature. They correct errors, clarify language and address issues identified by the public and by the corporate registry since the implementation of the new act in March of 2004.

There are two substantive amendments. One amendment will reduce a waiting period to enable more timely restoration of dissolved companies by the

registrar. This will add to the attractiveness of the new administrative as opposed to the court-ordered restoration process under the act. The other amendment reduces costs and unnecessary paper flow by requiring that the corporate registry mail out paper confirmation of certain electronic corporate filings only upon request of the applicant instead of automatically. This will address a concern and frustration raised by many that there was too much paper involved in these transactions.

Mr. Speaker, this bill also contains technical amendments to correct a number of drafting errors and oversights in Bill 39, the Financial Institutions Statutes Amendment Act, 2004. Bill 39 was enacted to improve the efficiency and effectiveness of financial services sector regulation by eliminating outdated and unnecessary restrictions and requirements, streamlining regulatory responsibilities and expanding the enforcement tools available to the regulators.

The amendments in this bill will clarify Insurance Council of B.C. powers, including the ability to set fees under an established maximum and to impose conditions on licences on a case-by-case basis. The amendments will also correct a number of cross-references and omissions and remove definitions no longer required.

This bill also contains a technical amendment to the Society Act requiring that societies make their annual financial statements available to the public and providing that a society may charge a fee for copies of the statements. The amendment also establishes a process by which disputes between the society and the requesting party may be resolved. It is essential that the public continues to have access to this important information about a society to ensure proper accountability in the not-for-profit sector.

Finally, this bill contains a technical amendment to the Pension Benefits Standards Act. The amendment is necessary in order to accommodate recent changes to the handbook of the Canadian Institute of Chartered Accountants. This change means that the accounting standards which apply to annual financial reports filed by pension plans with the superintendent of pensions must now be established by regulation rather than by policy. This amendment will provide for such a regulation, ensuring that the appropriate accounting standards continue to apply to these annual reports. I move second reading.

Motion approved.

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

Bill 69, Finance Statutes 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. G. Collins: I call second reading of Bill 70.

PROPERTY TRANSFER TAX AMENDMENT ACT, 2004

Hon. G. Collins: I move that Bill 70, the Property Transfer Tax Amendment Act, 2004, now be read a second time.

[1445]

Bill 70 implements changes proposed by government on June 22, 2004, to help bring certainty to first-time homebuyers and other purchasers of pre-sold strata lots. Under the Property Transfer Tax Act, tax is payable on the fair market value of a property on the date application is made to register the transfer in the land title office. For purchasers of existing properties, this application of tax works well, because there is generally only a short period of time, perhaps days, between the date of purchase and the date of registration, and the amount paid for the property is usually its fair market value.

An issue arises, however, in particular with very large condominium projects that can take up to two years or more, in some cases, to build. In these cases, developers often sell individual strata units long before construction of the project is complete and, in some cases, before it's even begun, long before purchasers are able to take title to their units. In such cases, particularly in B.C.'s red-hot housing market, the price paid for a property may differ substantially from what its fair market value is when it's eventually registered.

The long delay between the date of purchase and registration of pre-sold strata units creates two problems for purchasers. First, it creates considerable uncertainty regarding the fair market value of the unit when it's eventually registered and, therefore, the amount of property transfer tax that would be payable. Such uncertainty is unfair to the people paying this tax. Second, the long delay can be very unfair to first-time homebuyers, who, after saving their hard-earned money to enter the housing market for the first time, may lose eligibility for the first-time homebuyers exemption simply because the value of their home increased between the date of purchase and the date of registration.

Bill 70 addresses both of these problems by basing tax on most pre-sold strata units on the total consideration paid for the unit. For those transfers that are not arm's-length or open market, authority is provided to determine the total consideration that would have been payable if the transaction had been at arm's length and in the open market. Bill 70 improves fairness by providing all purchasers of pre-sold strata units with certainty about their property transfer tax liability when they make their purchase and allowing first-time homebuyers to purchase a first home with the confidence that they will not lose their first-time homebuyers exemption solely because of rising prices. The amendments are retroactive to January 1, 2001, to ensure that all affected purchasers are addressed.

I move second reading of Bill 70.

Hon. B. Locke: Mr. Speaker, I seek leave to make an introduction.

Leave granted.

Introductions by Members

Hon. B. Locke: With us today in the gallery are 50 grade 7 students from Cindrich Elementary School in my riding. With them, as well, are their teachers Mr. Darien Russell, Mr. Andrew Shook and Ms. Vicki Den Ouden, and Mr. Dave Price, their principal. Will the House please make them very welcome.

Debate Continued

J. Bray: I rise briefly to speak in support of Bill 70, the Property Transfer Tax Amendment Act, 2004. I know this is also a critical issue for the member for Vancouver-Burrard, but for my riding in Victoria we have had a tremendous housing boom over the last couple of years as our economy has turned around and really gone on all engines. For my constituents, many of them were caught in this cycle where they would pre-buy, often two years before completion of construction, and would find themselves in the situation that the Minister of Finance has discussed.

I know that it had an impact not only on those families. Many of them were retirees moving to Victoria from other parts of the province or other parts of the country. Even more critical, because of the economic turnaround in Victoria and the increasing job opportunities for young professionals for the health sciences, a lot of those homebuyers in the downtown core here buying these pre-sold condo units were young families making their first purchase. This is a critical time for young families as they make that first leap into the world of mortgages, and the property purchase tax exemption was a critical part of their financial planning.

I'm really pleased that the Minister of Finance was able to listen to the concerns of first-time homebuyers, developers and real estate agents to actually find a fair resolution to this circumstance. It really is indicative of the economy of this province that we are finding, in my case, buildings selling out within the first 24 hours. This is not a rare occurrence anymore. This is actually the common occurrence.

[1450]

In my riding it is positively impacting hundreds of homeowners, hundreds of seniors, hundreds of first-time homebuyers, young professionals. And it's going to make a tremendous difference for our continued economic growth in this region. It's going to provide more certainty for our housing market to continue its strong growth and, really, to make it clear to the development community that this is a place where you can develop. This is a place where we're fair to consumers and where we have fair tax policy.

I just want to congratulate the Minister of Finance on doing something that is really going to help several hundred of my constituents in a very positive way not only in the past but in the future.

Mr. Speaker: Second reading of Bill 70. The Minister of Finance closes debate.

Hon. G. Collins: I want to thank my colleague from Victoria-Beacon Hill for his comments. I mentioned yesterday the member for Vancouver-Burrard, who was one of a number who raised this issue with me. At the time, we heard from MLAs in the Okanagan and elsewhere around British Columbia where this had become an issue, and we were very happy.

I want to thank the officials in the Ministry of Finance for doing the work required to make this work for British Columbians. It was clearly, as it existed, a tax that in my opinion was unfair and created all sorts of uncertainty for people, and we were able to make these changes. I think it will address the concerns of British Columbians, particularly first-time homebuyers but others as well.

The great thing, I guess, is that this issue came to the fore because people are flooding back to British Columbia. People who left are coming back. People who have been here are trying to get into the housing market for the first time, and we're seeing a super-hot housing market here in British Columbia with housing starts and housing sales leading the country for the last couple of years. Certainly, those are really positive indicators.

It's probably appropriate that we are debating this right now. I have a good friend of mine in the visitors' gallery today, Toby Ward, who is from British Columbia, who under the previous administration decided to.... There weren't many options here in British Columbia, certainly not the future we all had been accustomed to, and he and his family picked up and moved to Toronto. We won't hold that against him.

He has been very successful there. He started an Internet business that has been extremely successful, and now, I know, he has come back to British Columbia. I believe he has purchased some property and is looking to see if he can bring his investment and at least start to expand it here in British Columbia.

Hopefully, he'll move back here, as well, and be one of the multitude of young, bright, talented British Columbians who left British Columbia under the dismal decade that was the NDP's reign in office and who are now coming back to British Columbia to build their futures. I want to ask the House, as sort of an introduction, to welcome Toby here today.

As well, I move second reading of Bill 70.

Motion approved.

Hon. G. Collins: I move the bill be placed on the orders of the day for consideration by a Committee of the Whole at the next sitting of the House after today.

Bill 70, Property Transfer Tax 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. G. Collins: I call second reading of Bill 62.

ATTORNEY GENERAL STATUTES
AMENDMENT ACT, 2004

Hon. G. Plant: I move that the bill be now read a second time.

Bill 62, Attorney General Statutes Amendment Act, 2004, contains a number of miscellaneous amendments to statutes that are within the responsibility of the Attorney General. I will briefly describe the amendments, expanding as I go on the more significant ones.

First, this bill makes an amendment to the Libel and Slander Act to provide that a person sued in defamation for publishing the opinion of another person will not lose the benefit of the defence of fair comment. The elements of the defence of fair comment are that the opinion be a comment on a matter of public interest for which there is a basis in fact, stated or referred to, and that it not be made for a dishonest or malicious purpose.

Current case law — in fact, it has been around for a while — has the effect that a defendant sued for publishing the opinion of another person cannot have the benefit of the defence of fair comment unless the defendant actually agrees with that opinion. One example of the potential effect of this case law is to discourage newspapers from printing letters to the editor where the letter expresses an opinion with which the newspaper is not in agreement.

The amendment maintains the purpose of the defence of fair comment, which is to balance the protection of personal reputation with the protection of the expression and dissemination of a variety of opinions on matters of public interest — specifically, in this case, by ensuring that newspapers and others are not discouraged from publishing opinions with which they themselves may happen to disagree.

[1455]

There is a second amendment to the Libel and Slander Act. That amendment is intended to provide that there will be no liability for damages in defamation with respect to a publication in the collection of a public or educational library. The way the amendments will operate is that should a court — pursuant to proceedings brought against an author or someone else — issue an injunction against the distribution of a particular publication on the basis of a substantiated claim of defamation, a library would then be required to remove the publication from its lending collection. The amendment would prevent the prior constraint involved in compelling libraries to remove publications from their collections in circumstances where there has been no judicial determination of defamation.

The underlying public policy purpose here is to help ensure that public libraries and educational libraries contain material that provides, supports and supplies a broad range of views and opinions. What we're trying to do is protect public and educational libraries, and their associated local governments and educational institutions, from financially onerous litigation — perhaps financially crippling litigation — while of course maintaining protection for the rights of plaintiffs who

may be the victim of libel by ensuring that they may prevent the distribution of publications determined or acknowledged to be defamatory.

This part of the bill doesn't say anything about an action for libel against the actual author of the libel. The victim of the defamation will, of course, have all of their rights against the author or other related publisher of the libel. What we're trying to do here in this amendment is ensure that libraries in public institutions, public libraries and educational libraries can have a wide range of books and materials on their shelves, and ensure that we continue to maintain the free flow of ideas in British Columbia.

Bill 62 also amends the Estate Administration Act by increasing the value of small estates that are eligible for the simpler summary administration process from the amount which it now is, which is \$10,000, up to \$25,000. That \$10,000 amount has not actually been changed since 1983. It is past time, I think, to increase the amount to take account of inflation — the effect of inflation over time — and to better reflect current economic realities.

The amendments will also make it clear that the official administrator may apply for summary administration of small estates with a value of \$25,000 or less without having to show that the deceased has no relatives who are entitled to administer the estate.

There is also a consequential amendment to the Motor Vehicle Act that will increase from \$10,000 to \$25,000 the value of small estates where an expedited procedure may be used to transfer vehicle ownership to a beneficiary on the death of the vehicle's owner. There are estates where the only asset of any significance is a motor vehicle. Until this point, if the motor vehicle was worth more than \$10,000, there was the prospect that someone who wished to sell — who was an heir under the estate, perhaps, and wanted to dispose of the vehicle — might even have had to follow all of the complex procedures associated with obtaining a grant of letters probate. Really, it no longer makes much sense to do that for an estate where the only asset is a car of modest value. What we're trying to do here is ensure that summary estate administration procedures are available in a wider range of cases than has been the case until these amendments.

Bill 62 makes a minor amendment to the Offence Act to support something called the Contraventions Act agreement between British Columbia and Canada. That agreement allows for the enforcement of minor federal offences under a provincial ticket scheme that provides both French and English language prosecution and service.

[1500]

With the amendment, both French and English versions of any added regulations will be equally authoritative. I understand that this may be a helpful step forward in ensuring, for example, that certain kinds of regulations that I believe are federal in nature, with respect to the safe operation of speedboats on lakes in the interior of the province, will now be able to be enforced. I know that's been a concern of the member for

Shuswap for a number of years, and I'm glad that I think we're able to take a step forward in addressing that issue with these amendments.

Finally, this bill makes some housekeeping amendments to the Administrative Tribunals Act, which was enacted this spring. That act modernized British Columbia's administrative justice system by creating the first-ever comprehensive set of standards and practices for British Columbia's administrative tribunals, making those tribunals more accessible to the thousands of British Columbians who use their services every day or every year.

The amendments correct some minor drafting errors and oversights and provide additional clarity on certain provisions of the Administrative Tribunals Act to ensure that the act can be implemented as intended. For example, minor amendments are made within the general reform provisions of the act and, consequentially, to the enabling legislation for five administrative tribunals. Provision is made for the temporary appointment of an acting chair, similar to the existing provisions for temporary appointment of members. Also, amendments are made to clarify the timing of a tribunal's constitutional jurisdiction.

These amendments enhance and support the goals of the Administrative Tribunals Act to balance and strengthen public accountability with decision-making independence for the province's administrative justice system.

B. Bennett: I wanted to briefly rise in support of this legislation, just on one particular aspect of it. You know, I think that this sort of reform lacks the sex appeal, so to speak, of a lot of the other things that go on in this chamber. But in terms of making justice accessible and affordable to people, there is one aspect of this legislation that means a lot to me personally, and that is the change being made to the Estate Administration Act.

I was a solicitor at one time, before I became a politician, and I did a lot of estate work. I can't tell you how many times families were faced with a situation where they had to have an estate probated at considerable expense and inconvenience because of the \$10,000 limit. So I congratulate the Attorney General and his staff on making this change, amongst the other changes included with Bill 62. I think this actually will make estate administration accessible and affordable for a lot of folks in British Columbia. It's a good change, and thank you for making it.

Mr. Speaker: Second reading of Bill 62. The Attorney General closes debate.

Hon. G. Plant: Well, I just wanted to say that I appreciate those comments. In fact, this was an issue that was brought to my attention by a member of the profession who had noticed this anomaly developing over time. I'm glad we've been able to introduce a bill that will achieve the object that the member speaks about, and I look forward to any further discussion about the

details of these amendments as that discussion may arise or occur in committee stage.

Motion approved.

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

Bill 62, Attorney General Statutes 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. G. Plant: I call second reading of Bill 64.

JUSTICE MODERNIZATION STATUTES AMENDMENT ACT, 2004

Hon. G. Plant: I move that the bill be now read a second time.

[1505]

Bill 64 makes amendments to several statutes that will improve the effectiveness of the civil justice system and enhance access to justice for all British Columbians. The first of these amendments is to the Class Proceedings Act. Class proceedings legislation is designed to enhance access to the courts and serve the interests of judicial economy by bringing together a number of similar cases, similar claims, into one proceeding — most effectively, I think, in circumstances where the value of an individual claim may not be large, but where there may be hundreds or thousands of citizens who were affected by the same issue. When all of those claims are aggregated together, there is a lawsuit that can be advanced affordably and economically. Class proceedings legislation is designed to regulate how that kind of litigation is initiated and commenced.

One of the first steps in the initiation of a class proceeding is to take a cause of action and apply to have it certified as a class proceeding in the Supreme Court of British Columbia. The amendment we're introducing today is an amendment that will deal with a potential problem that exists in the structure of the Class Proceedings Act by extending the period of time that limitation periods are suspended when class action proceedings are initiated.

Currently, limitation periods for persons who have individual claims are suspended at the time a class action proceeding is certified. This amendment would extend the suspension period to the time that a class action lawsuit is filed. That is, the running of time — which is the lawyer's phrase for the operation of limitation periods — will be suspended while an application for certification is being considered by the court.

Certification applications are often complex, and frequently there is a lengthy period between the time the application for certification is filed and the time the issue of whether or not to certify the class is decided by the court. The amendment is intended to ensure, and will ensure, that individuals who reasonably believe

they are included as members of the potential class are not prejudiced if the class action ultimately is not certified and their limitation periods have expired in the intervening period.

It will also eliminate the need to file a multiplicity of individual lawsuits to preserve limitation periods when class proceedings have been commenced. It means, in effect, that when an application for certification is made, all those who are potentially members of the class won't have to worry about the running of limitation periods or the running of time until the application for certification is disposed of or until the other triggering events that are referred to specifically in the provision take place.

In this respect, our class proceedings legislation was, I think, anomalous, and I am grateful to the members of the judiciary and the legal community who brought this issue forward. It is, in fact, an issue that came forward during the public discussion about civil liability reform, which is usually referred to as the civil liability review. I'm glad to introduce this particular amendment, which I think will help ensure that class proceedings legislation operates as it really should and as it does operate in this respect, in fact, in Ontario and Saskatchewan.

I should say that this amendment will come into effect on royal assent, and it is prospective in application.

The proposed amendments to the Small Claims Act and Court Rules Act are enabling provisions that pave the way for the possibility of very significant future improvements to the civil justice system. Specifically, the amendments to the Small Claims Act will make it possible to increase the monetary jurisdiction of the provincial small claims court, by regulation, up to a maximum of \$50,000. The amendments to the Court Rules Act will enable the creation of different procedures for different categories of cases and will allow for the creation of simplified procedure rules for cases under \$100,000 in the Supreme Court.

[1510]

I want to pause to emphasize that what these two amendments do is create a framework within which the monetary limit can be raised. The amendments do not actually raise the monetary jurisdiction of the small claims court, nor do they actually create simplified procedure rules for cases under \$100,000. I mention that because I've seen some news reports that suggest that these amendments go further than they do. I think they're important amendments, because they will ensure that some civil justice reform work that's underway can be given effect at the time when we know for a certainty what it is we can do.

Let me speak for a minute about the problem that we're trying to fix here. In British Columbia, civil cases are becoming so complex that many people cannot afford to use the court system. For some time there has been considerable work being done within my ministry, in collaboration with both levels of court and the bar, to look for ways to improve access to courts for civil claims.

I have not seen the most recent version of this statistic, but one indication of the problem that is increasingly facing British Columbia litigants who are looking for affordable access to justice in civil litigation is the fact that just under one third of all the filings now in small claims court are for exactly \$10,000. The monetary jurisdiction of the small claims court is limited to \$10,000. What that means is that in just about one third of the cases coming before the court, the litigants probably have a claim for significantly more than \$10,000 — maybe only slightly more. There is anecdotal evidence that suggests that in some cases, the litigants actually have a dispute over as much as \$40,000 or \$50,000. But they can't, for whatever reason — and I'll come to that in a minute — figure out how to make the litigation of that issue in the Supreme Court an economically viable proposition. So they decide that they want to take advantage of the expedited procedure that's there in the small claims court, and they waive down their claim to \$10,000.

That is at least some indication that for civil claims of modest but in some cases quite significant to the individuals involved.... For modest size, the court system is not the accessible place that it ought to be. In this context, I think I want to point out that the Provincial Court small claims process has for many years offered individuals and businesses a venue for the speedy, just and inexpensive resolution of their disputes. That \$10,000 monetary limit has not changed since 1991, not even to keep pace with inflation.

What I hear is a growing demand from the legal community and the larger community of the province to make the cheaper, the simpler and the more efficient procedures of the small claims court available to a wider range of cases. So this legislation will allow cabinet to raise the monetary jurisdiction of that court. What we are doing now is working in a number of different ways to try to consider the question of just what level of increase will achieve our goals in terms of increasing access to justice.

We may find, for example, that this happens in stages. It may not be an increase from \$10,000 to \$50,000 in short order. It may be an increase from \$10,000 to \$25,000. We still have quite a bit of work to do to sort out how we can ensure that we can increase access to justice by increasing the monetary jurisdiction without compromising access to justice by increasing the delay in the time to trial by a significant increase in the workload of the Provincial Court.

Again, the theme here is that we are trying to give.... I'm asking the Legislature to give cabinet the tools it needs to implement an increase in the monetary jurisdiction when we get to the point when the work has been done, which will allow us to determine what the level of increase ought to be and on what basis.

[1515]

The same argument in some respects applies to the Supreme Court, where I find constantly that lawyers and their clients are telling me that the complex and costly processes of the Supreme Court make it virtually impossible for many, many citizens — too many citi-

zens — to contemplate making a civil claim in the Supreme Court. I believe improvements have to be made to those procedures, and I am confident that the work that's underway will lead to reforms that will actually make a difference in how that court reaches a broader sector of the public.

In fact, I've been working with the Supreme Court Rules Revision Committee to try and develop a new mandatory procedure for civil claims, perhaps up to \$50,000 or perhaps even up to \$100,000. The goal is to have a process that is simpler and more affordable, both for litigants who have legal representation and for litigants who don't.

As I've said, the amendments to the Small Claims Act and the Court Rules Act will support the work being done to design these reforms so that when that work is complete — and that work includes consultation with the judiciary, with the bar, with the public at large — we'll be able to implement the reforms immediately.

There are two other changes in this bill that are important. First, we are amending the Crown Proceeding Act to allow litigation to be commenced against the Crown in the Provincial Court, in small claims court. This prohibition against allowing suits against the provincial government in the Provincial Court is an anachronism. It is way past time, in my view, when the government should be able to stand up in a court in British Columbia and say: "We're special. You can't sue us here. You have to go somewhere else to sue us."

By providing the Crown with this longstanding procedural protection, which was never available to any other litigant, we're essentially forcing litigants who may have relatively small claims against the provincial government to use those more costly and complex procedures in the Supreme Court. I think that is antithetical to a justice system that has the idea of equality at its root and that works towards achieving access to justice. So what we're proposing here is to remove that long-outstanding anachronism, and that will permit litigants to sue the provincial government in the Provincial Court of British Columbia.

Lastly, this bill contains amendments to the Evidence Act to provide greater certainty that electronic court documents will be admitted into court and that a secure electronic signature will be accepted as a signature by the person identified through the signature. This amendment is necessary, from government's perspective, to allow us to continue to develop an electronic court case management and tracking system, which will include the piloting of electronic filing of civil court documents in 2005, with the full implementation of electronic court filing scheduled to take place in the fall of 2006.

The further development of these systems, along with the electronic filing of documents, is all part of helping achieve efficiencies in the justice system through the use of technology. Those efficiencies, in turn, will help increase access to justice by reducing some of the unnecessary barriers created by traditional rules for the proof of documents that were created long before the electronic age.

These amendments are similar to provisions in the Canada Evidence Act. I'm told that other jurisdictions, such as Alberta and Ontario, have also made amendments to their provincial evidence acts to be consistent with the Canada Evidence Act. I should say that this amendment will not affect other existing legislative provisions relating to the creation or use of electronic documents or electronic signatures.

In summary, we deliberately gave this bill the title of Justice Modernization Statutes Amendment Act, 2004, because what we are doing here will help modernize our justice system and help expand access to that system so that British Columbians can have confidence that there is a justice system that is affordable, that's there for them when they need it, and that will continue to do the work of protecting our rights and responsibilities as British Columbians.

[1520]

B. Bennett: I rise to speak very briefly in support of the Justice Modernization Statutes Amendment Act, 2004. I'm going to focus on two aspects of this legislation.

First, the Crown Proceeding Act changes. I was practising at the bar in Kelowna for a couple of years and in the Kootenays for almost ten years, and I can't tell you how many times people came into my office and told me stories about the government doing something to them and not being able to take their complaint through a legal action to the Provincial Court. For those of my colleagues who aren't familiar with the difference between Provincial and Supreme Court, the Provincial Court process is a small claims process. It is a very intuitive process requiring some forms but not requiring a lawyer, particularly. It's a process where just about anybody can get involved in it, and fees are reasonable. It's a more relaxed, less formal process.

For most citizens, first of all, to go to court is a rather traumatic experience, I think. Secondly, to take on the government is probably another traumatic experience for most people. So I think this particular change really opens up a fair opportunity for ordinary people in this province when they feel aggrieved by the provincial government, and it is a relatively modest monetary amount to take their claim into Provincial Court.

The changes that are being made to the Small Claims Act... I recognize that the dollar amount of the claims possible right now is set at \$10,000. I can certainly confirm from my experience what the Attorney General stated a moment ago about at least one-third of the claimants giving up a portion of their claim when they go to small claims court. I had it happen in my office many, many times. I would advise people. I rarely went to small claims court, because the client couldn't justify the cost. But I would help people fill out their forms and so forth. Many times they had a claim of \$20,000, \$25,000 and even \$40,000, and they simply gave it up because they could not face the formality and the cost and just the complexity of dealing with the Supreme Court.

As this new policy develops, as the regulation is put into place and this all plays out, I think it will be a major improvement, again, in terms of access to justice. We usually think about access to justice in terms of the criminal justice system, but there's access to justice for the civil side as well. It's every bit as important for people who don't come into contact with the criminal justice system to feel that they also have access to the justice system on the civil side. So, again, my congratulations to the Attorney General for these important changes.

J. Bray: I want to stand and briefly, strongly, support Bill 64, the Justice Modernization Statutes Amendment Act, 2004.

You know, the Attorney General spoke at great length about some of the details in this. I support all of them, especially because it follows the theme that this government has been following since the election of 2001, led by the Attorney General — that is, actually making the justice system more workable for all those involved so that it works better for the judiciary, for the legal profession, for trial lawyers and for solicitors. But most importantly, it works better for citizens.

The courts are actually there for citizens. The courts are there to deal with disputes, certainly on the criminal side. But on the civil side, it has become an important structure in our system here in British Columbia and Canada. The Attorney General has highlighted quite correctly that, over time, the world has changed. It has changed in terms of monetary values by which somebody might be seeking legal remedy, and it has changed in the complex world that we live in. Both of those issues have become impediments. Certainly, I've heard from many in my constituency about the barriers that they create — not intentionally — for people to access the courts to actually find remedies to their situations.

[1525]

I am really standing in support of making the court system more responsive to the needs of ordinary citizens to be able to access their grievances and redress as they see they are deserving of in their grievances. I especially do want to commend the Attorney General for what I think is a really important move, which is starting the process by which we can raise the limits for small claims. The Attorney has highlighted a complaint I've heard, which is that people, in essence, short-change themselves to access the small claims court rather than actually going after what they believe is an award to which they're entitled. That has a very discouraging impact on citizens and on the sense they have that the justice system is actually there to provide them with some remedies.

I strongly encourage the staff that are working with the Attorney General to look at the mechanisms by which we can increase that threshold to provide more access for ordinary citizens — either with or without counsel, with or without any expertise — to the remedies that they feel they have entitlement to so that we

can actually make the justice system more available to ordinary citizens.

That's something I hear a lot of in my community. I know that although some of these are slightly technical, my community is going to be very supportive not only of these particular amendments that actually improve access to justice but also that it will continue the thrust this government and the Attorney General has brought on to make civil matters more relevant, more accessible, fairer, easier and more efficient for ordinary citizens in every corner of this province.

I strongly support Bill 64 and congratulate the Attorney General on this continuing journey of improving civil access for ordinary citizens.

Mr. Speaker: On second reading stage of Bill 64, the Attorney General closes debate.

Hon. G. Plant: First, I want to say thank you to my colleagues for their remarks and their support for these initiatives.

I also, in closing debate, wanted to just to take a minute or two to say that the journey to reach this point has involved a fair number of folks working hard, working constructively and bringing progressive ideas to the table to consider this question of how we can make our justice system as relevant and as accessible as it can be to British Columbians. There's been great leadership — leadership from the Chief Justice of the Supreme Court, leadership from the Chief Judge of the Provincial Court, leadership from their colleagues on those two courts and from members of the bar.

One forum in which the issue of civil justice will continue to be studied and which is a very important forum for that purpose is the civil justice working group established, I think, just last week by the Justice Review Task Force. I was pleased to have the opportunity to stand with Chief Justice Brenner and to introduce the public to this important initiative. It's good to see that lawyers and judges as well as citizens are working together to try to make sure that we make progress down this path.

We have more work to do. This is but a stop along the way, but I think it's an important stop. It's certainly an important occasion to reflect on the need for a justice system that is there for all British Columbians when they need it.

I look forward to any discussion about the details of this in committee stage, and I also look forward to the continued support of my colleagues as we try to push this cart down the path towards the destination that I think we all agree on and share.

Mr. Speaker: Hon. members, the question is second reading of Bill 64.

Motion approved.

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

Bill 64, Justice Modernization Statutes 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. G. Plant: I call continuing committee stage debate of Bill 45.

Mr. Speaker: Hon. members, we'll take a ten-minute recess here while all the participants gather. We'll reconvene at 1540.

The House recessed from 3:30 p.m. to 3:46 p.m.

Committee of the Whole House

COMMUNITY LIVING AUTHORITY ACT (continued)

The House in Committee of the Whole (Section B) on Bill 45; H. Long in the chair.

The committee met at 3:46 p.m.

On section 4.

J. Kwan: Section 4 establishes shares in the authority at a value of \$10 per share. I'm just wondering if the minister could remind the House if this is normal practice with independent authorities.

Hon. S. Hagen: Yes, that's true. It is standard wording for British Columbia statutes, but it also addresses the point you raised yesterday about making donations. It assists that.

Section 4 approved.

On section 5.

Hon. S. Hagen: Mr. Chair, I move the amendment to section 5 that is in the possession of the Clerk instead of the amendment that is standing in my name in the orders of the day.

[SECTION 5,

(a) in the proposed section (1) by deleting "9 directors" and substituting "11 directors",

(b) in the proposed subsection (2) by adding ", other than a director referred to in subsection (3.1)," after "All directors",

(c) in the proposed subsection (3) by adding "and section 6 (2) (c)" after "Subject to subsection (2)", and

(d) by adding the following subsection:

(3.1) Subject to section 6 (2) (c), 2 of the directors must be individuals with a developmental disability.]

On the amendment.

J. Kwan: First of all, let me say thank you to the minister for this amendment. I know that the amendment came out of, in part, the second reading debate that we engaged in. I raised this as one of the issues

that we have concerns with. Certainly, people who have been working on this piece of legislation and have been lobbying for the change had expressed that they have been wanting to see self-advocates as part of the board's composition. In fact, the original plan was to see that families have a 50-plus-one majority on the board.

I know we're not reaching that, although there is some change here with respect to the composition of the board, and that is good news. I do want to acknowledge the minister for this change, in recognition of the community's effort in advocating for this. We support the community and raised this issue in second reading debate.

I do want to just ask a quick question of the minister, though, for full clarity. There are two sets of changes. Although the one that's tabled here today changes the language, incorporating the term "developmental disability" into the amendment, the original plan was to change the term by incorporating "community living support." I know that there is slight difference with respect to that. I do think that this change of incorporating the term "developmental disability" actually allows for fuller scope in terms of opportunities for people to be on the board and that it allows for people who may not be accessing the community living support services, for example, to be able to serve on the board. I know that's part of the reason, perhaps, that this change is before us.

I do just want it to be clear on the record, so I wonder if the minister could actually state the reasons behind the change so that it is actually on record.

[1550]

Hon. S. Hagen: I am very pleased to do that, and I appreciate the member raising it. We actually recognized the invaluable role of self-advocates and other individuals by entrenching their voices in this legislation. We did this one way by requiring the board of directors to establish an advisory committee comprised of people receiving community living support services to help guide the board. That committee will have regular input into the ongoing operations and strategies of the new authority once it is established.

While this legislation creates a stronger role for these individuals than can be found anywhere else in the country, we also found, through consultation during the summer and early fall, that individuals with developmental disabilities made it quite plain that while this was a step in the right direction, it was clearly not enough.

Therefore, we are taking steps today, through this amendment, to ensure that those voices are heard and that their counsel is considered, as it should be. The board of directors is currently mandated at nine members. We are increasing that number by two to 11 members on the board. These two additional seats will be held by people with developmental disabilities. People with developmental disabilities now have two approaches to the board. An advisory committee of those receiving services will also have the ability to

voice their concerns as well as representation on the board.

These are not just seats on the board. They are a means of ensuring that the voices of all British Columbians living with developmental disabilities will be heard and that the board responds to the many voices on the advisory committee and the groups they represent within the community. Government is making sure that the people living with these disabilities are part of policy, practice and regulation.

Through the additions to the board and the embedding in the legislation, British Columbia is taking a significant step forward and leading the way in Canada for community living. We are ensuring that the very people who may need these services are heard on many of the issues for which they are the best proponents. It is our intention to continue working with the community and its advocates to make sure the authority best reflects their concerns. The board will listen to the community and give weight to that counsel. We as government will continue to work with both the board and the community and to monitor the progress of the authority, the board and its new members and the advisory committee — a task that I personally, as the new minister, look forward to.

The authority is a bold undertaking, and by partnering with the community, we can lead the way for community living. This is the beginning of a new era for all of us — people living with disabilities, the people who provide services, the authority and my ministry. It is only fitting that we create the additional seats on the board in recognition of the importance of the contributions people living with developmental disabilities bring to their community.

Hon. L. Reid: I, too, would like to add my words of support to this particular amendment. I want to say that it reflects very much the consultation that's been underway across this province over the last number of months. It's vitally important, I believe, to put on the record the voices of those in the city of Richmond who have advocated fiercely for these entities to come forward. I want very much for us to honour that work. This is legislation that will continue to live and breathe in every single community in British Columbia — vitally important.

I had the absolute privilege last Saturday to stand on a platform with my two colleagues from Richmond Centre and Richmond-Steveston when they talked about honouring Community Living Month in British Columbia. If we want to honour that work, this legislation needs to speak to those communities, and in fact, it does speak to those communities.

For all of those families and providers who tirelessly consulted with us over the summer and who continued to have this dialogue with us over the summer, I simply want to say thanks. It's vitally important that we do that. Two souls, particularly — Marie Glaze from Richmond and Janice Nelson from Richmond — continue to provide us enormous insight as we go forward on these questions.

It's really, really important that we continue to build capacity and community, that we continue to build respectful engagement into the process. That's why I rise today. I want us very much to acknowledge that those with developmental disabilities in British Columbia today do speak for themselves and that this government is prepared to listen. Thank you very much.

[1555]

R. Lee: I am pleased to rise in the House to support the amendment to section 5 of Bill 45. For the past few months I have had the opportunity to have meetings with the members, staff and also self-advocates — people with developmental disabilities and their families — at the Burnaby Association for Community Inclusion and on other occasions, listening to their concerns and challenges, including the issues of individualized funding, training, microboard, more involvement of the local communities and also the families. I am pleased that the government has introduced this bill to establish the community living British Columbia authority.

After we wrote the proposed act, one question remained, which is how to ensure that the stakeholders, the self-advocates, have a direct voice and also the opportunity to participate in the decision-making process in the board governing the authority. Today the amendment will increase the number of directors from nine to 11, including two individuals with developmental disabilities. This will certainly address the concerns expressed by the community, and I commend the Minister of Children and Family Development for listening to their concerns and for putting in this amendment.

J. Kwan: Hon. Chair, I'm sorry. Maybe I wasn't clear with my question to the minister earlier. I was going to let it go. Then I thought, no, I'd better try and clarify it, given that we now actually have a bit of a debate about this amendment that we're all in support of.

The amendment, as the minister says, is amending the composition of the board from nine to 11 to allow for two more representations at the board, to include the definition of "developmental disability" on this board. Formerly, the original amendment, which I know is not on the public record but was brought to my attention yesterday by both the minister — and I thank the minister for that — and the deputy minister, was to put forward the expansion of the board by two to the makeup of 11 but using the definition of "community living support." Today we're actually seeing the actual amendment moved by the minister using the term "developmental disability."

I was seeking for the minister to clarify that change from yesterday. There are a number of reasons, but part of the reason, as I understand, is to allow, for example, people who might not be using community living support services to be able to be on the board. They may well be individuals identified as someone

with a developmental disability, for example. That's one reason.

Then I know that advocates in the community have also expressed to me — and this is part of the self-advocacy component — that recognizing and utilizing the term itself in the composition of the board was actually important as well. That might be another reason why we see that change today. I just want to hear that from the minister's words and to put that on record — why there's a slight change from yesterday's proposed amendment.

Hon. S. Hagen: Mr. Chair, through to the hon. member, she's absolutely correct in her assessment. We found that in re-looking at this amendment, we felt it was too restrictive. We really wanted to open it up and ensure that all people with disabilities could participate.

D. Hayer: I also want to commend the minister for making this amendment. I had heard from many of my constituents over the summer months about including the members from the special needs disability community. Without taking much more time, I just wanted to thank you very much for listening to the MLAs and our constituents.

R. Hawes: I, too, rise to speak in favour of the amendment and to thank the minister for listening. Over the summer I know there was a considerable amount of feedback from the community that was received in the ministry from the self-advocate community particularly. I'm very pleased that you've listened.

I just want to take this opportunity once again to thank my constituent Bryce Schaufelberger, who served on the original interim board and who I know has had many conversations with me personally about the role of the self-advocate on the board. I have talked to other members of the interim board, who have verified to me the vital role that Bryce and the self-advocates play on a board like that. On behalf of all the self-advocates and on behalf of my constituent Bryce Schaufelberger, thank you very much for listening. I'm highly supporting this amendment.

[1600]

V. Anderson: I also would like to give my commendation for the inclusion of this amendment on the board, because I think it is very important that it brings a new culture, a new awareness and a new inclusiveness into this particular act. I think the self-advocates have worked for years and demonstrated their ability to bring their own messages and to share them with others. I'm glad that this recognition is being given.

J. Bray: I, too, rise to speak in favour of the amendment for the reasons that others in this House have voiced. But it is a further recognition of the direction that our society is moving, in terms of providing the opportunity for everyone in our society to be as independent as possible and recognizing that every

member of our community has the opportunity to make a contribution. That includes those with developmental disabilities and those who act as self-advocates.

I know that in the meetings I've had over the last year with those in the community living sector, that is a very critical component to the furthering of the whole community living movement. Having representation on the community living board is critical for all people living with developmental disabilities and their families to get the recognition that we aren't just saying we want them to participate, but we're actually giving them the meaningful tools by which they can participate.

Ultimately, by having these two additional members from the self-advocate community who now will be sitting on this board as a result of this amendment, the ultimate beneficiaries of that experience and of that input are going to be persons with developmental disabilities, their families and their caregivers, so I strongly support the amendment.

I believe that in my community, those involved with community living are going to be very pleased and very supportive of this, because it continues to work toward that integration of every member of our society being able to participate. I know that the minister had lots of people knocking on his door, and I am very appreciative of the fact that he met and discussed this. We found a way to further strengthen this bill, and I strongly support the amendment.

Amendment approved.

On section 5 as amended.

J. Kwan: Thank you, Mr. Chair, then back to section 5. I have some questions on section 5 and an amendment to possibly make relating to this section as well.

I wonder if the minister could explain to me, in section 5(3)(b), where it uses the language: "significant connection." Why was that language chosen over, for example, "family member"?

Hon. S. Hagen: Another good question. It was a question that came up in all of the consultations, and it is certainly is a question that came up from some of the advocacy groups.

There isn't really a short answer, but I guess what we chose to do was rather than restricting membership of the majority of the board to family members, which is what your question is, the act allows for a broader range of concerned and involved individuals to be considered and, hence, a wider range of perspectives to be present to inform decision-making.

Individuals who are not family members but have a valuable insight to offer include close friends of an individual with a developmental disabilities or the individual's family; employers of an individual with developmental disabilities; retired caregivers; individuals who have served as a committee or representative of an individual with developmental disabilities; professionals who have specialized in serving people

with developmental disabilities, and those might be lawyers, doctors, nurses or therapists; and lastly, former executive directors or employees of agencies that have served people with developmental disabilities.

[1605]

J. Kwan: I think it is almost like a definition the minister has just put on record, actually, relating to a significant connection or what that means when he referred to the numbers of different people that would fit into this category. In that sense, why is that term "significant connection" not defined in section 1 of the act, then, so that we're clear as to what it means?

Hon. S. Hagen: I'm told by the people who write legislation that it's almost impossible to give a definition to that and that it's better to have it more open than more closed.

J. Kwan: Through the minister's consultation did the minister at any point in time hear from the community that they thought it was important to actually, instead of using the term "significant connection to," rather have the actual term "a family member of" in this section because people were of the view that it is very different if you're actually a family member of someone with a developmental disability? It's not just partial understanding.

I don't want to minimize, by any stretch of the imagination, the people who work in this sphere who might be a friend of an individual who has a developmental disability and so on — to minimize their understanding. However, we did hear feedback from people that it is different to have a family member versus someone who has a significant connection to an individual with a developmental disability. They felt it was important that the language be changed to reflect that and, in fact, for the language to incorporate "a family member" versus "significant connection to." Did the minister hear any of this kind of feedback during the consultation that the ministry undertook regarding this bill?

Hon. S. Hagen: It's a good question. Yes, that point was made, certainly, during the consultation. I guess one point is that not everybody has family. Also, the majority of the board as it is presently constituted are family members, but we felt, through the discussion leading up to the legislation, that it was better not to restrict this portion of the membership of the board. It was better to make it more inclusive so that groups like the ones that I mentioned might have an opportunity at some time to serve on the board.

J. Kwan: There is a way to get around that. We could have people who are not family members of an individual with a developmental disability be on the board. It is not to exclude, potentially, executive directors or people who are retired and who used to provide services to people with developmental disabilities. It doesn't necessarily have to exclude them, but there is a possibility to change the language to include it so that

the majority of the board are individuals who are family members of an individual with a developmental disability. So we can actually, in some ways, have our cake and eat it too.

I recognize that, certainly, not every individual with a developmental disability would necessarily have a family member, but that is also to say, though, that I think a lot of them do. So you can actually have all parts of the world here. Then of course, by doing that — by making this change to allow a majority of the board to be individuals who are family members of a person with a developmental disability — you actually really strengthen, I think, the voice of the people who are directly involved in a day in, day out, 24-hours-around-the-clock kind of experience, with that kind of knowledge and experience on the board. I think that could be very valuable. This is where I'm coming from with respect to this suggestion.

[1610]

To that end, Mr. Chair, I would like to move an amendment, if I may, please, which the Clerk has a copy of. I believe the minister has a copy of my amendment as well. I would like to move the amendment to section 5 of Bill 45, intitled Community Living Authority Act.

[SECTION 5 (3), by deleting the text highlighted in ~~strikeout~~ and inserting the text highlighted by underline:

Subject to subsection (2), a majority of directors must be (a) individuals referred to in the definition of "developmental disability", or

(b) individuals who ~~have a significant connection to~~ are family members of the individuals referred to in paragraph (a), ~~including family members.~~]

That would be the language that I'm proposing for an amendment here.

On the amendment.

Hon. S. Hagen: I'm going to speak against the amendment, not because it's wrong — I don't think there is any right or wrong here. We're talking about a very important group of people in our society. In order to put together a board that will deal with this budget, we wanted to give opportunity for more people to have a chance to serve on that board. These people bring a range of skills to the table, and we appreciate that. I understand what the advocacy groups are saying with regard to family members. I hear what they're saying, but at the same time, as government we want to make sure we have a broad-ranging group of people who are focused on these particular issues. I think that clause 5 gives us that.

Amendment negated on division.

Section 5 as amended approved.

On section 6.

Hon. S. Hagen: I move the amendment to section 6 which is in the possession of the Clerk instead of the

amendment that is standing in my name in the orders of the day.

[SECTION 6(2),

- (a) in the proposed paragraph (a) by deleting "and",
- (b) in the proposed paragraph (b) by deleting "section 5 (2) and (3)," and substituting "section 5 (2), (3) and (3.1)," and by adding ", and" at the end of the paragraph, and
- (c) by adding the following paragraph:
 - (c) the board continues to operate until a replacement director is appointed under paragraph (a) or (b).]

Amendment approved.

Section 6 as amended approved.

Sections 7 to 9 inclusive approved.

On section 10.

J. Kwan: On section 10. Families who are following this debate noticed the MLA from Beacon Hill's comment in the Legislature yesterday. He said: "It's for all those with developmental disabilities aged six forward." This is what he put on record, with a specific age reference. But I don't see anything in the legislation that enshrines age in this act. Are ages part of this act? Is this enshrined in the act?

Hon. S. Hagen: There's no mention of age in the act.

J. Kwan: Based on the fact that only about ten percent, as I understand, of children identified with special needs will ever need community living services as teens or adults.... The feeling of the community is that children should be kept out of the community living authority.

I just want to ask the question for clarification. Are children being included in the new authority?

[1615]

Hon. S. Hagen: Although the age of children isn't mentioned in the act, children with developmental disabilities will receive the services they require. What we're looking at in the ministry now is how we best deliver services to all of the children who require those services. That's not covered under this act. Children with developmental disabilities are covered under this act.

J. Kwan: Okay. Well, some of the concerns that I have heard are these. People in the community living sector have told the opposition that they would like to see the authority serve only kids age seven and up or possibly even 18 and up. The feeling is that if the authority gets kids services as well, then this could be a disaster for integrated children's supports. There are some concerns in terms of where the limitation would be and whether there would be an application of age in terms of the services that are being provided.

The minister said that children will be included in the services under this authority, yet there are no age requirements. Am I assuming correctly, then, that all children, irrespective of age, would be part of the authority in terms of access to services?

Hon. S. Hagen: Generally speaking, children over the age of six with developmental disabilities who require lifelong supports will receive their family support services from community living B.C. All early intervention services — that's services for children under the age of six and other services for children with special needs, including children with autism — will remain with the ministry as part of an integrated network of services for children. However, if families ask for services for children under six from community living B.C., they will receive them.

J. Kwan: What about people with autism? Who will be in charge of the programs or the funds?

Hon. S. Hagen: Those programs stay with the ministry.

J. Kwan: The lawsuits that the government is faced with in the area of community living — for example, the autism court case and some of the other class actions arising from the former Woodlands residence, etc. — where do those fit? Are they part of the new authority, or do they stay with the ministry?

Hon. S. Hagen: I guess if there is a liability there, the liability is with the ministry and with the government.

J. Kwan: I know that ongoing work is being done with respect to the devolution process here with the new authority, because we know the new authority would actually not be up and running until about next year at this time. However, there are ongoing issues, if you will, around the issue related to age. I know the minister gave an answer with respect to that, and that's where it stands now. The minister, just moments ago, did come over, and we had a little chat just prior to the debate — that he would be going out to meet with some of the groups with their concerns. I would encourage the minister to actually engage in this discussion around the age issues, particularly as they impact children, and some of the other concerns as well. I will simply encourage the minister to do that and specifically also raise the issue around age.

Sections 10 and 11 approved.

On section 12.

J. Kwan: Section 12 deals with the service plan and other plans. Section 12(1) goes on to say, "The authority must submit to the minister for approval, by a date specified by the minister," and then it lists a bunch of

stuff. What date does the minister have in mind here? What date are we referring to in this section of the act?

Hon. S. Hagen: What we've tried to do with this act is make it less prescriptive and more enabling. That's the reason for the wording.

[1620]

J. Kwan: No, that wasn't really my question. My question was to try and find out and get some clarity in terms of the time lines that people might be working towards. I'm just wondering.... In section 12 of the act, it actually says that the authority must submit to the minister for approval by a date specified by the minister. For the purposes of time line, for the community to know what date they're working towards, what are we looking at here?

Hon. S. Hagen: It's the same time line. They would be on the same time line as government, and that's a time line set by Treasury Board.

J. Kwan: Then we're looking at the time line, I guess, in preparation for the throne speech and the budget speech. It would be the same time line as that, then.

Hon. S. Hagen: Basically, that's right. But there will be some flexibility, because they won't be up and running by the time of next year's throne speech and budget speech. That will be a transition year.

J. Kwan: Okay. We have some clarity around the date.

On section 12(2), the language is such that.... In reference to the service plan, let me put the language on record. It says:

"In developing a proposed plan referred to in subsection (1) in relation to the provision of community living support, the authority must endeavour to (a) offer a range of funding and planning options that promote choice, flexibility and self-determination, for example, individualized funding, independent planning support and the involvement of the community resources, (b) promote choice and innovation in the manner in which services are delivered, (c) encourage shared responsibility among families, service providers and community resources, (d) utilize and further develop the capacity of individuals, families and community resources, (e) assist adults with developmental disabilities to achieve maximum independence and live full lives in their communities, (f) promote equitable access to community living support, and (g) coordinate the provision of community living support with services provided by the government and community resources."

I'm wondering, Mr. Chair, why in this section of the bill the words "must endeavour to" are put in here, as opposed to simply saying that the authority must provide the range of options and the list of things that I have put out. It weakens it very much in terms of the services and the range of services that need to be provided by the authority if the language of "endeavour to" is part of the language incorporated.

Hon. S. Hagen: It's another great question.

I appreciate that the member read those clauses into the record, because they are all very important elements of what we're trying to achieve. Let's remember that we're actually walking down a new path. I'm not sure it has ever been walked down before. As I said earlier, it's really the difference between being prescriptive and being enabling. We are being enabling here because we know that it's a tough order.

It's going to be a tough order for the new board to take charge of this and to make the decisions necessary and to move down this path. We want to work with them to achieve it. I know the board has the same objective at the end as we do, and I think I could include the opposition in that. The basic reason for the difference in wording would be that we wanted to make it enabling instead of prescriptive.

J. Kwan: Yes, there was a reason why I read out the subsection. It's so people know what we're talking about here, and it is important. As we know, when we see the language "must endeavour to," it is to say that one must try to, must do their very best to, and so on. I fully understand that.

[1625]

Now, the subsection does not say that you have to meet every need. Sometimes, I do understand, you may not be able to do so. However, in subsection (2)(a), for example, the language is such that it says: "(a) offer a range of funding and planning options that promote choice, flexibility and self-determination, for example, individualized funding, independent planning support and the involvement of community resources."

I would venture to say that it is important to actually have in legislation the language that says: "the authority must offer a range of funding and planning options that promote choice, flexibility and self-determination, for example, individualized funding, independent planning support and the involvement of community resources."

I don't think it's too much to ask, actually, for this to be amended and for the government to actually change the language to reflect that intention that the authority must offer a range of services, etc. I'm not quite sure why one would not want to be very clear about the role which the authority needs to play with respect to offering a range of services and so on. Maybe the minister could elaborate on that.

Hon. S. Hagen: There is a reason for being enabling instead of prescriptive. On day one this thing is in operation. On day one the board may or may not have what it takes to do the prescriptive part. The programs and services need to be adaptable over time. The board needs some time to figure out how to do this, as it's complicated stuff. I don't think there's an example anywhere that they can follow. They're going to have to learn how to do this as they go. I'm very comfortable with the enabling language in the bill.

J. Kwan: Well, I would disagree with the minister insofar as this. I don't think it's just an issue around

enabling language. We know and understand why the authority is there and what it's tasked to do. There is a period of transition in which the authority will undertake its work. It will be at least another year before we arrive at the date when the act is actually in force.

I know that the government has been planning for this transition for quite some time and continues to do so, albeit it was mired in chaos, albeit there were lots of issues that arose around this transition and the reorganization — mostly because of the government's stubbornness, I think, and dogmatism around budget cuts. Everybody said that one could not do the reorganizing with these kinds of deep cuts to the budget. Having said that, the government wanted to plow ahead anyways, and now we have the plan that's been delayed.

Having said that, it does not, I think, complicate the matter for the authority to say to the authority that it is the expectation of the families and individuals who need the services that there be a full range of services available to them and that it must offer that range of services to families and individuals who have developmental disabilities. I don't think that's too much to ask. To that end, I would support stronger language than what is here today. I don't think it's a prescriptive language issue. I think it's more than that.

To that end, Mr. Chair, I would like to move an amendment to section 12, which the Clerk has a copy of. The amendment strengthens the language regarding the service plans and the authority's duty to provide a range of funding and planning options, etc., by deleting the words "endeavour to" under section 12(2).

[1630]

I would move to amend Bill 45, intituled Community Living Authority Act:

[SECTION 12 (2), by deleting the text highlighted by ~~strikeout~~:

In developing a proposed plan referred to in subsection (1) in relation to the provision of community living support, the authority must ~~endeavour to~~;

Then it goes on to say, as the original text:

"(a) offer a range of funding and planning options that promote choice, flexibility and self-determination, for example, individualized funding, independent planning support and the involvement of community resources,
(b) promote choice and innovation in the manner in which services are delivered,
(c) encourage shared responsibility among families, service providers and community resources, (d) utilize and further develop the capacity of individuals, families and community resources,
(e) assist adults with developmental disabilities to achieve maximum independence and live full lives in their communities,
(f) promote equitable access to community living support, and
(g) coordinate the provision of community living support with services provided by the government and community resources."

On the amendment.

Hon. S. Hagen: Again, I want to say to the member opposite that I understand what she is saying, and I

understand what some of the advocacy groups said as well. But I think you know these plans, developed by the authority, have to come to the minister for approval before they go to Treasury Board. We're going to be working with the board, certainly for the first while, to make sure we all work together to accomplish what needs to be accomplished. This is a complicated task; it is a large task. I'm confident that the board is up to it, but I'm also confident that the wording of the act will assure that these programs are delivered as they need to be delivered.

Amendment negatived on division.

J. Kwan: On section 12, I would like to ask the minister some questions related to the service plan. Let me ask this question. Yesterday I raised with the minister in the definitions section — and I'm not trying to go back in time here — the term "individualized funding" and why it wasn't defined and so on. The minister advised that it would be dealt with through regulations and so on, perhaps, if it is necessary.

Since the debate from yesterday the opposition has heard back from community groups who have been watching the debate and so on. They're wondering, in terms of individualized funding, what exactly that would mean, generally speaking. The minister says he doesn't know yet whether or not it would be incorporated, for example, in the service plans that are dealt with under section 12 here.

I wonder if the minister could provide some clarity to the community who are wondering about the issue of individualized funding and what, generally, it would mean and whether or not it would be something that would be referred to and be dealt with in the service plan. If so, how would it be dealt with?

Hon. S. Hagen: The board would describe this as the implement — the funding package that they have.

J. Kwan: Is it expected that the board would actually provide a definition of individualized funding in the service plan? Is that what the minister's anticipation would be?

Hon. S. Hagen: It will be the board's job to do this. They will do it through regulation and policy.

[1635]

J. Kwan: Before the term "individualized funding" would be incorporated through regulations and policy, would there be an opportunity for the community to be consulted — truly consulted — about this? They're very concerned about it. It is a big part of the change here, and as it stands now, they have no inkling of what that could mean and what it would look like. I wonder if the minister could give some reassurances, given that he is not able to tell us what individualized funding would mean as it relates to this act. I wonder if he can give the community groups some reassurances

that they will be consulted before the regulations are enacted or policies put in place.

Hon. S. Hagen: Certainly, one of the jobs of the board — and through their advisory committee but the board as well — is to consult with advocacy groups and discuss how they can best deliver these programs. I mean, that's the whole objective here: how does the board deliver these services in the most effective and efficient way possible to the people who need the services?

J. Kwan: Yes, I'm being very specific here on this request about consultation on the definition of individualized funding. Earlier I raised the concerns we have heard from the community around the consultation around this piece of legislation. Earlier I raised — and I have got more e-mails, in fact, about — the flawed consultation process that members of the community had experienced. So I want to make sure that they actually have an opportunity to be consulted directly and notified of the consultation prior to changes being put in place around the definition of individualized funding.

Hon. S. Hagen: One of the points of moving the delivery of services to a board is that we think the board will be more responsive to the community than government has been. But with regard to the duty to consult, I just want to read section 13 into the record.

"Subject to the regulations, the authority must, wherever reasonable and appropriate, consult and collaborate with the minister, other ministries and any other person specified by the minister respecting the development of a service plan and other matters of mutual interest in relation to the provision of community living support."

J. Kwan: I know that the minister is very good at reading sections of the act to me, and I was going to ask some questions around section 13. It does say: "Duty to consult." I'm not ready just yet, Mr. Chair, to move to section 13 for discussion, because I have some more questions under section 12, but section 13, under "Duty to Consult," does say: "...and any other person specified by the minister..." So yes, the authority has a role to play — absolutely. But under this section of the act, it even says specifically that it is up to the minister to specify specifically who to consult under this section of the act.

Let me just read the whole section of the act on the record again. It says: "Subject to the regulations, the authority must, wherever reasonable and appropriate, consult and collaborate with the minister, other ministries and any other person specified by the minister respecting the development of a service plan and other matters of mutual interest in relation to the provision of community living support."

I'll leave it there for now, and we'll get back to section 13 momentarily. But it does say very specifically that it is up to the minister to specify who needs to be

consulted. It is in this context that I'm asking this minister on record now if he will make sure that the authority consults with the stakeholders in the community living sector, specifically with respect to the definition of individualized funding, prior to it coming into force through regulation or policy. I'm asking for that commitment from the minister, and I would like, I hope, to hear that commitment from the minister now, Mr. Chair.

Hon. S. Hagen: I can assure the member opposite that that discussion has already commenced between the board and advocacy groups.

[1640]

J. Kwan: The minister is saying that the board, which would be the interim board, who's engaging in discussions now with advocacy groups around the definition of individualized funding... I'm not talking about overall consultation; I'm talking about specifically around that term. Once the actual board would be formulated under this bill and be in place, the new board — the authority — will make sure consultation will take place and will continue to take place prior to individualized funding. The terminology of it is being defined in regulation or by policy.

Hon. S. Hagen: Yes, I can assure the member of that.

J. Kwan: That's the commitment I was looking for from the minister. As I said, from the opposition... We've heard from people already. Given the reluctance of the minister yesterday to incorporate in the definitions section the term "individualized funding" into the act, they want some sort of reassurance from the minister that there will be consultation.

As I identified earlier both in second reading and yesterday, the consultation process to date on this bill has been flawed, and people have not felt they've been consulted. This is irrespective of the fact that they may not have had their opinions reflected in the bill. They're simply saying that they have not been consulted and that the consultation process itself was very flawed. I just want to make sure that is in place for the groups who have been working very hard on this.

I'd like to ask the minister this question. Under section 12, it does state, for example, that the new authority will develop a proposed plan, etc., that will offer a range of funding options, choice, flexibility, etc. Now, when we say more choice, greater flexibility and ultimately improved services... Of course, in that language it could mean virtually anything. It is not as specific as one would like it to be. It is unclear for some of the groups how the authority's performance would be measured, for example. I wonder if the minister could elaborate on that. Would it be through the service plan? Would it be laid out clearly in the service plan that these are the objectives and goals of the authority, etc.? Maybe the minister could shed some light on this.

Hon. S. Hagen: Yes. As they develop the service plan, they'll also have to include in that service plan measurements that will show they are meeting the targets they've set in their service plan.

J. Kwan: We've heard over and over again from community groups. Wait-lists were one of the key concerns, for example. Would wait-lists then be a target in the service plan, in terms of reducing the wait-list by maybe a certain percentage or parameter or whatever? Is that the kind of thing we can expect in the service plan? Is that what we're talking about so that we can actually have a concrete measurement of performance that one could refer to, to see how we're doing under this new authority?

Hon. S. Hagen: I would think that wait-lists or wait times would be a very important concern of the board. That may well be one of the issues they set targets for, but that will be up to the board.

J. Kwan: I want to be clear. The service plan we're talking about for the authority.... Although it will be part of the Ministry of Children and Family Development service plan, it is not the ministry of children's development service plan. It is a completely different service plan. I want to be clear about that. Am I right?

Hon. S. Hagen: Yes, you're right.

J. Kwan: Some would argue, of course, that the Ministry of Children and Family Development service plan's objectives have not been met. In fact, some would go as far as to argue that none of them have been met, but I'll save that debate for another day.

In the service plan for the new authority, which would have to be approved by the minister.... It is signed off by the minister. Am I right in understanding that, or is it signed off by the authority?

Hon. S. Hagen: It is prepared by the authority and signed off by the minister.

Section 12 approved.

[1645]

On section 13.

D. Hayer: I've got a small question on that. With this section, does the authority have a duty to consult with the other ministries apart from the Ministry of Children and Family Development — for instance, the Ministry of Finance — as they apply to, say, budgetary questions?

Hon. S. Hagen: Yes.

J. Kwan: Are you kidding? The Minister of Finance is going to be breathing down their backs, never mind if the ministry doesn't want to consult them. The Ministry of Finance is going to be hounding them — I'm sure of it — because it ties into budgetary matters.

Having said that, the duty to consult in the development of the service plan, which ties to section 12 and some of the questions I've been raising around service plans and so on.... I would expect that the consultation process that would be required for the authority would be such that in this development of the service plan, in this development of the performance measures, etc.... The consultation would actually take place with community groups, advocacy groups, self-advocates, and so on, with respect to what they would want to accomplish in terms of the targets set out for the new authority. Am I right in making that assumption?

Therefore, under section 13, "...the authority must, wherever reasonable and appropriate, consult and collaborate with the minister, other ministries and any other person specified by the minister respecting the development of a service plan and other matters of mutual interest in relation to the provision of community living support." I would assume that would be required — that the authority must consult with the community groups.

Also, if that assumption is correct, may I ask the minister for the list of groups that the minister will be requiring the authority to consult with for the purposes of the development of the service plan and other matters under this section of the act?

Hon. S. Hagen: We expect the board to do their job. We expect the board to consult with whomever they need to consult with in preparation of their service plans and their budgets. If there's a problem, I'm sure we will hear about that. I'm not going to give them a list of groups or people to consult with. That's the board's job. That's one of the things they have to do.

J. Kwan: It may be. You know, maybe the board will do a better job. Actually, I would assume that the board will do a better job than the government. I will go as far as to say that. I'm almost certain that the board will do a better job than the government, because the record so far for the government.... I don't mean to harp on this, but it is a critical issue because it is a new authority, and it is critical insofar as the....

Interjection.

The Chair: Order.

J. Kwan: Not with this government, sorry.

Interjection.

J. Kwan: Sorry. The member from....
Mr. Chair, on a point of order.

Interjection.

The Chair: Member, please come to order.

J. Kwan: If the member for Vancouver-Kingsway wishes to heckle me, he may actually want to learn and

respect the rules of the House and do it from his desk and not be out of order as he is now.

Mr. Chair, on the point of order, please.

The Chair: Member, the opposition member is right. You must do your heckling from your desk if you are to do that.

J. Kwan: Thank you very much, Mr. Chair.

I want to get back to the point around the issue of consultation, because since the debate — and prior to the debate, even in estimates last year and so on — issues of consultation have been raised by members of the community — many issues.

[1650]

Even as of today, I got a new e-mail around consultation and the problems associated with it and how people felt that they didn't have the opportunity and didn't have the information to fully participate. Then when they did, the time line was such that there was no opportunity for them to put real input into the matter. They felt that it was basically a pointless process for them to engage in.

If that's what the government wants to call consultation, just so they can say that they consulted.... I hate to say it, but that's not the way to go. I hope that is not the way in which the new authority will go, which is why I venture to say I expect that the new authority will do a much better job than that of the government so far on the issue of consultation.

I don't want to put the e-mail on record, or anything like that. I have made my point about that. What I really want to do, though, is give the community some reassurances that there is going to be a legitimate process with respect to consultation and that they really would be listened to; that a plan is to be devised in addressing the issues around the community living sector; and that targets, some real performance measures, would actually be in place — so that all is not lost in terms of the efforts to date and the hopes and dreams that people have put into this process and into this piece of legislation. We are talking about people's lives in very fundamental ways.

We have an opportunity here, and I'm trying to seize this opportunity so that we can maximize it and try to do it right, as best we can. I'm asking for the minister's commitment here to make sure that this process of consultation will actually be in place and not like the process that has been in place to date. The reason why I ask for the list is this: because people said to the opposition that they weren't even notified through the website consultation process that there was this website consultation process.

If that's how we're going to do it, it ain't gonna do the job, which is why I thought that maybe if there was a list, at least at a minimum the authority would say: "Okay, here are some of the people we want to make sure we consult." Yes, the authority may come up with a whole bunch of other people as well, and that's all very well and fine. But at a minimum we would actually have some base to go with, which we can start off

with, to say: "This is what we're doing, and that's the process we're going to follow."

That's what I'm trying to get at, Mr. Chair. I would like a response from the minister, please.

Hon. S. Hagen: To the hon. member opposite: I appreciate the passion that you bring to this debate. I can assure you, and I'll give you my commitment, that the board will be doing consultation — the meaningful consultation that they need. If you check my record in my last ministry, you will see that we consulted a lot with advocacy groups, and I think we made a lot of headway with advocacy groups. We got a lot of good ideas from advocacy groups, and that's the way I operate.

I give you my commitment. I give my commitment to the people of British Columbia and to this House that I will be encouraging the board — and I'm meeting with the chair tomorrow — to do this in a very, very appropriate and meaningful way.

J. Kwan: I'll take the minister's word for it. He is an honourable minister in this House, and I will respect that. And you know what? I'm going to hold the minister to account to that too.

I'm ready to move to section 17.

Sections 13 to 16 inclusive approved.

On section 17.

J. Kwan: On section 17, which deals with grants instead of taxes. Let me just put the section on record. Section 17 says: "Subject to the approval of the Lieutenant Governor in Council, the authority may in any year pay to a municipality in which it has property a grant not greater than the amount that would be payable as taxes on the property in that year if the property were not exempt from taxation by the municipality."

I would like the minister to please explain this. The authority — when they pay property taxes, when they say a grant.... Is this the issue around a grant in lieu of taxes — the same issue that Crown corporations are faced with and that the new authority would be faced with? Is that why this language is here?

[1655]

Hon. S. Hagen: That's exactly right.

J. Kwan: What about for new properties that the authority might acquire through its capital projects? How will the authority go about the process of getting their taxes exempted, for example? Will they have an opportunity to do that through the municipalities? Having been on city council in the city of Vancouver, for example, we actually do exempt non-profits from having to pay taxes. Under the new authority, if the capital initiative is from the authority, would they have the ability to apply to the municipality to have their tax exempted?

Hon. S. Hagen: This is, again, an enabling clause in the legislation. It's not anticipated that it will be used. If

you go back to the definition of the agent of government at the beginning, it says: "The authority is for all purposes an agent of the government." Then: "The authority, as an agent of the government, is not liable for taxation except as the government is liable for taxation." It is clause 17 that gives permission for that.

Section 17 approved.

On section 18.

J. Kwan: This is another area where I expect the minister will perhaps say that the language is such because it is more prescriptive rather than for it to be a directive. Section 18 deals with the minister's powers and duties. We have heard from families that they are concerned about section 18, the minister's powers.

It says in the beginning:

"18 (1) The minister may (a) prescribe Provincial standards for the provision of community living support and administrative services in British Columbia, (b) monitor the authority and assess the ability of the authority, and of the board, to exercise its powers and perform its functions and duties under this Act, (c) establish processes to assess performance respecting the powers, functions and duties of the authority, and of the board, under this Act, and (d) provide information and assistance to the authority."

Instead of the language that one was hoping for — for example, "should" or "must" — it actually uses the language "may." Why is this language so weak in this section of the bill? It is about, for example, prescribing standards for the provision of community living support and administrative services, so one would expect that the language would be stronger than what is in this bill.

Hon. S. Hagen: We expect that the board will establish very, very good standards. This is, again, an enabling piece of legislation, and if the board wishes to exceed provincial standards, they can certainly do that.

Interjection.

Hon. S. Hagen: Okay. It's an enabling piece of legislation. If the board chooses to set standards higher than provincial standards, they can do that. I mean, we don't want to limit them to provincial standards. But having said that, it's enabling, not prescriptive.

J. Kwan: I'm trying to get it, to see.... I understand if the point here is that the language is such that the government does not want to prevent the authority to go above provincial standards, and that's why the language "may" is here versus, let's say, "should" or "must." That's one thing. It could also be interpreted the other way, where the minimum standard, for example, may not be met. That is to say, the government may not necessarily prescribe provincial standards, and therefore even provincial standards would not be met.

[1700]

You can see where I'm coming from. It could actually have the reverse effect. It is the reverse effect I'm

trying to prevent, and the concerns that have been raised in that context. Maybe the minister could clarify that, because it could go the other way too. If so, then I would say that we have an issue under this section of the act.

Hon. S. Hagen: We don't want to restrict the board with regard to standards. The board will set these standards. I'm confident that the standards will be good. You know, I can't think of a board in the province that will have more eyes examining its activities and its actions than this board. I'm confident that, through this legislation, we're giving them the ability to develop and deliver sound programs.

J. Kwan: I don't debate the fact that the authority would have the opportunity to do all of that. What I'm saying, though, is that it would be, I would think, important to have it in legislation to say that there is a minimum standard the board must meet. Those would be provincial standards. If one wanted to exceed those provincial standards, that would be fabulous, but we want reassurance for the families that those minimum standards would be met.

From the minister's answer, then, he's not disputing that the language is such that it allows for the possibility that minimum standards would not be met. But it does also allow for the possibility that standards would exceed provincial standards. So it could go both ways. Am I correct in understanding the language which is being utilized here under section 18 of this act?

Hon. S. Hagen: Let me clarify this. The ministry at present is working with the board on the development of a comprehensive accountability framework which will outline specific responsibilities, duties and expectations of both parties. There will be a performance agreement that will be signed between the board and the ministry, which identifies specific outcomes. Then the board must comply with specific requirements under the Financial Administration Act, and provincial standards will be applied both at a service level and in administrative matters such as ownership of records, file retention and procurement, etc. So this really will be dealt with through a performance agreement between the board and the ministry.

J. Kwan: Well, if that's the case, then I actually don't see any harm in making sure that the language of the legislation says that — that the authority must meet the various standards, and so on and so forth. It doesn't hurt to actually put that in writing here in legislation so that we can give reassurance to family members that these minimum standards would actually be met.

To that end, Mr. Chair, I have an amendment relating to this section of the bill, section 18, which I will give a copy of to the Clerk now and a copy to the minister as well. Let me move the amendment to Bill 45, intitled Community Living Authority Act, to amend section 18(1) by deleting the text highlighted in strike-out and inserting the text highlighted by the underline.

Effectively what it would mean is that it would take out the word "may" by inserting the word "must."

[18 (1) The minister ~~may~~ must

(a) prescribe Provincial standards for the provision of community living support and administrative services in British Columbia,

(b) monitor the authority and assess the ability of the authority, and of the board, to exercise its powers and perform its functions and duties under this Act,

(c) establish processes to assess performance respecting the powers, functions and duties of the authority, and of the board, under this Act, and

(d) provide information and assistance to the authority.]

[1705]

On the amendment.

Hon. S. Hagen: Again, I appreciate what the member opposite is saying, but I'm going to have to disagree with her. We really don't want to constrain the board. We think the board can do a better job than government, which is why we're doing this. We want the board to have every opportunity to actually meet the expectations that we have and they have and the people of British Columbia have. So I'm confident that the language in the act allows for that.

Amendment negated on division.

Sections 18 and 19 approved.

On section 20.

J. Kwan: On section 20, it deals with the appointment of a special adviser. Then the section of the act goes on to say: "The minister may (a) appoint a special advisor for the authority to assist the board with anything related to the provision of community living support or administrative services, including financial matters, and (b) specify the duties and remuneration of the special advisor."

Then it goes on to say: "With the approval of the minister, the special advisor may engage specialists and consultants. The special advisor and any specialists and consultants must be paid out of the funds of the authority." Then it goes on. But let me just stop there for now.

For clarification from the minister. The special adviser to be appointed by the minister in utilizing this section — under what circumstances would this special adviser be put in place, for example?

Hon. S. Hagen: We don't anticipate that this will ever actually happen, but it will be under one of the accountability functions. If something were to go wrong financially, then the minister would have the right to step in and appoint a special adviser.

J. Kwan: When the minister says "were something to go wrong financially," does he mean to say that...? Let me use one example. If the authority had gone over their budget, would that be an appropriate circumstance in which a special adviser would be put in place?

Hon. S. Hagen: It could be. It says "including financial matters" in that clause.

J. Kwan: What input does the board have with respect to this special adviser being appointed, which they must fund out of the budget given to them?

Hon. S. Hagen: There is no requirement under the legislation to have any input from the board. However, depending on the seriousness of the matter, there may be a discussion with the board chair and the minister or minister's staff with regard to coming to an agreement on who that individual might be. But this is pure speculation.

J. Kwan: Could the board request a special adviser?

Hon. S. Hagen: Under that circumstance, the minister wouldn't have to use the power under this section of the act. The board has the right to appoint a special adviser if they feel they need assistance.

J. Kwan: Given that under this section of the act, the special adviser would only be put in place if the minister deems it appropriate and necessary, the board may or may not be consulted. It is not required in the legislation, nor is it enabled in the legislation. There's no language referring to that, but the board must pay for it — for the special adviser in place.

I'll use one example — school boards, for example. There is a clause in the School Act, which this government put in place, that says they could actually put a special adviser in for the school boards, whether they want one or not and under whatever circumstances that the government deems it appropriate. There are a lot of issues with respect to that. Of course, the special adviser must be paid for by the school board.

[1710]

I flagged this section of the bill because of the issues that were raised under the School Act in relation to that. My concern, of course, is that the special adviser, one would expect, should be able to provide input. But there's no language here, even enabling language, for them to provide some sort of input. It would just be based on the goodwill — or not — of the minister at the time. I am actually concerned about that.

I'm wondering whether or not the minister has heard any concerns from the community that he and his ministry have consulted with, with respect to this clause of the act around special advisers.

Hon. S. Hagen: As a former school board chair and a former Minister of Education, I'm well aware of what the controls are under that act. I am told by my staff that we have received no questions, queries or concerns about this section.

J. Kwan: Then let me just flag my concerns here. As I said, the concerns that I have seen in other sections of the act related to this kind of thing in terms of the appointment of advisers.... People felt that the authority

should be consulted with respect to special advisers, especially in light of the fact that they have to pay for it under their budget. Therefore, they should have some sort of input with respect to that. Some would even argue as far as to say — not just input — that they should actually agree to whoever the special adviser might be that the minister deems necessary for the board. So I want to flag that.

Then perhaps, as the minister identified that this is a new piece of legislation, and the minister himself admitted that he'll be doing ongoing consultation regarding this piece of legislation after it is passed in the Legislature here.... That might be something that the minister might take up with people to see whether or not they have concerns about that. As I said, a lot of people weren't notified that the bill is before the House and that we're engaging in debate until it actually arrived. A lot of people felt that the consultation process was very, very flawed, and it may well be that they actually hadn't had an opportunity to provide the input. I will simply flag this for the minister's attention.

Section 20 approved.

J. Kwan: Those are all the questions that I have for the minister with respect to this bill, but I do just want to close with some comments around the bill before we have passage of the entire bill proceeded on.

Let me say this, first of all, on the amendment related to section 5 in incorporating people with developmental disabilities into the board. It was a significant and important gesture, I think, to the community, who have been advocating for this for some time. I can't help but note, though, that during that debate on the section 5 amendment a number of the MLAs stood up in this House to say that it was something they had been advocating for. I had my staff go back to do a quick search, as they got up to claim credit around this issue on second reading debate, to see what they said about self-advocates. Lo and behold, nobody from the government bench said anything significant around the change that is necessary for this section of the act relating to self-advocates on the board.

I do want to put that on record. I know that people like to claim credit for the great work they have done. But you know what? The credit goes to the community. They are the people who did all the work, not the Liberal MLAs who try to claim credit in this House. So I do want to put that on record.

[1715]

I want to put on record as well.... I know I've said it a number of times, but it is the issue around consultation. I can't emphasize enough the importance of that, and that the flawed process that has taken place to date for a variety of reasons.... It could be because of chaos in the ministry, missing dollars, contract issues, the Doug Walls scandal, resignations of ministers, and so on and so forth.

Having said that, the focus here has got to be on the service delivery to the people who are in need and the families who need them. That is what we've got to focus

on, and this is what this bill.... Work needs to be done from here on in to ensure that the dollars that are required go to those families and those individuals, the people who have been working on the issue day in and day out.

I take the minister's word that he will consult and ensure that the authority will consult in a legitimate way. When I say "consult," I don't mean just with one group. I mean with a variety of groups. It is vitally important that that actually take place.

I also want to close with this comment, as well, in relation to the issue around the age question that I raised. People are very concerned. Even as this debate was going on, I received an e-mail from people about that. Let me just put this on the record, because I do want to flag it for the minister. He said he was going to go and do further consultation around this. This is from the B.C. association for child development and intervention. They're not in favour of the fragmentation of children's services and believe that all of the children's services, including those for children with ASD — autism spectrum disorder — not just zero to six, but zero to 19 years of age should be centralized under one ministry such as the Ministry of Children and Family Development or a specific children's ministry.

The message they want to send to the minister is simple, and that is to centralize children's services and keep them separate from adult services, especially when it comes to governance authorities. They have a whole range of rationale behind that. They are not the only group. I just use this as one example where concerns have been raised around that, which is why I asked the question around age. I do hope the minister will focus on this issue with his further consultation with respect to that.

I do expect, though, that as new authorities go, there will be growing pains and so on. But I do hope that at the end of the day, this decision here today that we're all embarking on will be one that is better for the community.

I also want to acknowledge that even prior to this devolution process or centralization process, the front-line workers who have been delivering the services in the community are already at the community levels. In many instances, I expect the authority will continue to contract these individuals and organizations to deliver the service that they have already been providing. They've been doing a great job at that. I do want to recognize those organizations and the people who are already out there.

It is a myth to believe that services weren't community based before, because the service contracts are from the community. To that end, it already is community based. I do want to acknowledge that.

Yes, I do believe that the community can do a better job than government in many, many of the sectors, contrary to some of the mythical thoughts that may well occur in some of the minds of the folks around these Legislature halls. I always believe that. I myself came from the community. Before I crossed the dark threshold of being a politician, I was a community person working at a non-profit agency.

With that, Mr. Chair, I would like to close by simply saying thank you to the people who have worked hard on this. Thank you for their continued efforts. Without them, I think our communities would not be a better place. It's because they believe in building communities and strengthening our communities. It's because they believe in people, whether they be people with developmental disabilities or otherwise. It's because they believe in that, that they keep the dreams alive. We have to, as legislators, continue to strive for better changes and work harder at making the tools available to them so they can do their jobs appropriately.

Sections 21 to 111 inclusive approved.

Title approved.

Hon. S. Hagen: I move that the committee rise and report the bill complete with amendments.

Motion approved.

The committee rose at 5:20 p.m.

The House resumed; Mr. Speaker in the chair.

Reporting of Bills

Bill 45, Community Living Authority Act, reported complete with amendments.

Third Reading of Bills

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

Hon. S. Hagen: By leave, now.

Leave granted.

Bill 45, Community Living Authority Act, read a third time and passed.

Hon. G. Plant moved adjournment of the House.

Motion approved.

Mr. Speaker: The House is adjourned until 10 o'clock tomorrow morning.

The House adjourned at 5:22 p.m.