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LIEUTENANT-GOVERNOR
His Honour the Honourable Steven L. Point, OBC

FOURTH SESSION, 38TH PARLIAMENT

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Proceedings in the Douglas Fir Room

THURSDAY, MAY 8, 2008

The House met at 1:34 p.m.

[Mr. Speaker in the chair.]

Introductions by Members

Hon. L. Reid: I have two announcements today. I actually feel an Emery Barnes moment coming on. I have lots to say, but I'll do my best to restrict my remarks.

We have Rebecca Scott in the gallery today, and she is with the Provincial Child Care Council in British Columbia. She is joined by her friend Susan Detford. Both of them have come today to join with us in what I think is a glorious announcement. We had a target of 2,000 additional child care spaces by 2010. We have in fact exceeded that target and today announced 2,200 new child care spaces across British Columbia.

My second announcement — introduction — is that my mom, Cathy Reid, is with us in the gallery today. She's joined by my dear friend Karen Léger. She and I first worked together more than 30 years ago. I'd ask the House to make all four of these guests incredibly welcome.

S. Fraser: I'd like to introduce a constituent from Port Alberni, a steelworker and a friend, and that's Rita Lagevest. Would you all join me in making her feel very welcome.

Hon. K. Krueger: In the gallery today we have Jim and Edna Dewar from beautiful Chase, British Columbia, who I met wandering along the causeway yesterday. They had been told the galleries were full. I'd like the House to give them a very warm welcome today.

[1335]

Hon. J. van Dongen: It's my privilege to introduce 24 Western Washington University students that are here visiting us in the Legislature, learning about our approach to government in Canada and British Columbia. I ask the House to please make them all very welcome.

Statements
(Standing Order 25B)

BOUNTIFUL AND POLYGAMY ISSUE

B. Bennett: I'm speaking today about an issue that my colleague from Nelson-Creston spoke about recently: Bountiful and the practice of polygamy. My colleague is right. This isn't a partisan issue, and I also agree with the hon. member that women and children of Bountiful must be supported. To that end, the Minister of Community Services has helped by placing a social worker in Creston for that very purpose. In addition, the Minister of Education has increased inspections at the two Bountiful schools.

But the real problem with Bountiful is the practice of polygamy. It damages the lives of women and children, and it must be stopped. Eminent lawyer Richard Peck, QC, said in his report to the Attorney General: "After extensive study of the relevant material, I have come to the conclusion that polygamy itself is at the root of the problem. Polygamy is the underlying phenomenon from which all of the other alleged harms flow."

The British Columbia children and women on our television screens from Texas recently illustrate that we must take action to support women and children trapped in this polygamist cult. Over 60 percent of the girls aged 14 to 17 in the Texas compound are either pregnant or already have children.

Polygamy engenders child abuse. Girls in polygamist cults are forced to marry older men and bear their children. Young women are trafficked across the U.S.-Canada border. Boys are ruthlessly ejected from the community at their most impressionable age for the sin of appealing to the younger wives of older men. They become the lost boys of Bountiful.

It's time that section 293 of the Criminal Code be put to the constitutional test. Our legal system does not inspire public confidence when any law is openly flouted. If the polygamy law is unconstitutional, the federal government can legislate a solution to the problem. If the polygamy law is deemed constitutional, charges can be laid, and we can begin to end this illegal and immoral practice that has been harming women and children for far too long.

BURNABY TASK FORCE ON HOMELESSNESS

R. Chouhan: It started with a phone call. Burnaby-Edmonds resident Wanda Mulholland was becoming increasingly concerned about the growing number of homeless people she was seeing on Burnaby streets. She picked up the phone and called Staff Sgt. John Buis, district commander of the southeast community policing office. In turn, Staff Sgt. Buis started calling social service agencies and representatives of the local faith community as well as government agencies. The result: the Burnaby Task Force on Homelessness was established in January 2005.

The Burnaby Task Force on Homelessness leads local initiatives to end homelessness in Burnaby. The task force operates an extreme weather response shelter. This past winter the shelter opened for 41 nights, and 785 bed-nights were utilized. The number of people using the shelter tripled over the previous winter.

The task force also supports the work of the Outreach Resource Centre at the Southside Church, which was established at the end of November 2006. It provides weekly access to health care, outreach workers, food, donated clothing and toiletry items. It assists 50 to 60 people each week and has served over 2,300 meals which are provided by members of the Burnaby faith community.

The Outreach Resource Centre receives no core funding and relies on community donations. I was proud to donate $1,000 from my MLA pay increase to help support the centre. My office serves as one of the three clothing donation drop-off locations.

[1340]

I am very proud that the nucleus of the Burnaby Task Force on Homelessness was formed in Burnaby-Edmonds. The task force performs extremely important work and is making a positive difference in Burnaby. I am proud to have this opportunity to congratulate the task force on their work.

NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK

R. Cantelon: This Monday marked the beginning of the 11th annual North American Occupational Safety and Health Week, or as it's known, NAOSH Week.

This year's theme is "Start today! Live it every day!" It's a continent-wide observance of safety involving the United States, Mexico and Canada. It's led every year in Canada by the Canadian Society of Safety Engineering, with the support from their partners, which include the Canadian Centre of Occupational Health and Safety, and Human Resources and Social Development Canada.

NAOSH week is observed by every province, and citizens of all three countries are encouraged to think and act safely all year round in respect of life, work, home and leisure activity. NAOSH week highlights occupational health and safety every year.

It certainly is a tragedy that's all too common in our society that, at a single moment, a lack of concentration, carelessness, or maybe taking a shortcut can change lives forever, alter careers and crush the hopes and dreams of families. I think the most important thing to understand is that most of these accidents are avoidable. If we just take a moment to pause and think of what we're doing, most of these accidents can be prevented.

I urge every workplace, community and citizen to take ownership of their own health and safety. The danger of unhealthy risks and carelessness can impact our lives and the lives of our families. NAOSH week helps highlight to the public, government and industry the importance of increasing understanding, raising awareness and reducing injuries and illness in the workplace, at home and in the community.

I urge all the MLAs in this House as they go home, to travel safely, take care and urge your citizens to watch out. Be more careful of what you do. Think it through, and do it more slowly and more carefully. Be careful out there.

BICYCLE SAFETY

S. Hammell: I don't own a bike, I don't ride a bike, and I won't make riding a bike part of my lifestyle — though I'd like to — until I feel a lot safer on the roads than I do now. I think I'm pretty typical of most British Columbians.

Between May 26 and June 1 is Bike to Work Week. During this week I think we should speak out about how to make our communities safer for bicycles. Our communities and the transportation systems within have been built to accommodate cars, big trucks and SUVs. These vehicles move fast, make a lot of noise and pollute the air you breathe. Drawing white lines on a pavement for bicycle-only lanes just doesn't cut it for us typical British Columbians.

If our communities were designed to promote the use of bikes, we would see healthier people, a cleaner environment and even, perhaps, fewer cars on the roads. In many countries of Europe there has been a sea change in the number of bicycles being used as daily transportation as a direct result of aggressive government policies.

There are auto-free zones, pedestrian and bicycle traffic lights, intersection modifications to accommodate bicycles, bicycle streets, bike lanes and bike paths. There are reserved bus lanes that can be used for bicyclists but not for cars. There are streets — one way for cars but two ways for bicycles. They have comprehensive strategies for area-wide traffic calming, where, in its most advance form, cars are required to travel at walking speed and pedestrians, children and bicyclists have as much right to the road as a car — revolutionary.

Imagine what the world would look like if we had bicycles using roads as much as cars.

CHILD CARE MONTH

H. Bloy: May is Child Care Month in British Columbia, a time we recognize the vital importance of quality child care in our own lives and our communities. Our Child Care Month is also a time to recognize and celebrate the important role that child care providers and early childhood educators play in ensuring that B.C. children have the best start possible in life.

[1345]

Since 1982, many individuals, organizations and municipalities throughout British Columbia have organized events to celebrate Child Care Month. These events help create awareness in all communities across B.C. of the vital role that quality child care plays in supporting healthy families, healthy children and a strong, thriving province.

Many factors contribute to the creation of quality child care. Child care providers, parents, all levels of government — local, provincial and federal — business, community groups and citizens all have a role to play.

I want to also say a few words about the many outstanding partnerships that have been forged to help expand child care in our communities — the utilization of empty classroom space in school districts, the refurbishing of public buildings in much-needed social housing developments. With each of these partnerships and projects, we are working hard to create a strong, responsive child care system, one that supports choice and flexibility.

As a province, we have a lot to celebrate during Child Care Month. It's always time to celebrate the important work of the province's many thousands of dedicated child care professionals, early childhood educators and the parents, children and families across B.C. Thank you for everything you do, and have a happy Child Care Month.

HEALTH CARE AUXILIARIES

K. Conroy: This Saturday, May 10, is Health Care Auxiliary Day. I'm sure there isn't a member in this chamber who doesn't have an auxiliary working in their constituency. However, today I'm going to focus on the work of the auxiliaries in the West Kootenay–Boundary region, in my own and the member for Nelson-Creston's constituencies.

In our area there are 11 auxiliaries. Last year they generated some interesting stats. They have over 600 members, all volunteering their time — an estimate of over 90,000 hours. They donated over $440,000 to health care in our area and over $12,000 to bursaries for students in the region. They raise money through thrift shops, garage sales, flea markets, bake sales, raffles, teas and gift shops. For you new grandpas in the chamber, your local hospital auxiliary gift shop is the best place to get the cutest handmade knitted or crocheted baby gifts available — very reasonable too.

The interesting thing in our area is the commitment of these groups, in spite of the fact that of the 11 groups, only three of them still have a fully functioning hospital, and some of them no longer even have hospitals open in their community.

Rossland, for instance, has had their hospital closed and the building sold for a number of years now, and yet they'll be celebrating their 70th year of providing volunteer auxiliary services to the community. Nakusp, with a downsized facility, is also celebrating a hundred years of volunteer service. The Castlegar group recently raised enough money to build a new facility for their thrift store on land donated by the city. They also continue to operate a gift shop at a hospital, even though it is now a community health centre and no longer provides 24-7 acute care.

I want to commend these dedicated groups for their unwavering support to the health care needs of our area as well as to all the auxiliaries who provide much-needed funds, services and equipment to health care in this province.

D. Hayer: I ask for leave to make an introduction.

Mr. Speaker: Proceed.

Introductions by Members

D. Hayer: It gives me great pleasure to introduce 56 grade 5 students from Pacific Academy, one of the best schools in Canada, in my riding of Surrey-Tynehead. Joining them are three teachers: Mrs. Sharon Douglas, Mrs. Sue U-Ming, and Mr. Grant Wirtz, and 27 great volunteers, who have taken the time out of their busy schedule to accompany these students.

Would the House please make them very welcome.

Hon. W. Oppal: I seek leave to make an introduction.

Mr. Speaker: Proceed.

Hon. W. Oppal: We have staff here from the legislative counsel branch: Carol Dohan, Vicki Temple, Joan Wong and Heidi McLean. I want to thank them for the splendid work they do in the ministry, and I want the House to make them feel welcome.

Mr. Speaker: Minister of Tourism, Sport and the Arts.

I understand he can introduce his granddaughter by name today.

[1350]

Hon. S. Hagen: Yes, her name is Rayne.

Oral Questions

TREE FARM LICENCE LAND REMOVALS ON VANCOUVER ISLAND

S. Fraser: In 2004 the B.C. Liberals changed the law to allow the Minister of Forests to remove private lands from tree farm licences. Subsequently, the Minister of Forests authorized the removal of 77,000 hectares from TFL 44, which surrounds Port Alberni. In 2005 the court found that the B.C. Liberal government had dishonoured the Crown in failing to consult with the Hupacasath First Nation.

Since then, raw logs have been leaving my constituency by the shipload, and much of the land base has been impacted severely by extreme logging practices. Today we know that the companies that reap the biggest rewards are two secret government-owned numbered companies.

Can the Minister of Forests explain why the B.C. Liberals changed laws so that two of their secret numbered companies could benefit at the expense of the Hupacasath First Nation?

Hon. R. Coleman: I'll take the question on notice.

Mr. Speaker: Member for Alberni-Qualicum, is it a new question?

S. Fraser: I had to think about that for a moment, hon. Speaker.

Interjections.

Mr. Speaker: Members. Members.
Proceed with the new question.

S. Fraser: The question this time…. The government's B.C. Investment Management Corp. now owns 25 percent, one-quarter, of Island Timberlands. That's $166 million worth of shares by two different secret numbered companies.

Brookfield Asset Management owns another 50 percent of Island Timberlands, the same Brookfield Management that scored a windfall when this government waived millions in compensation at the expense of B.C. taxpayers when they released the private lands

around Port Alberni, the same Brookfield that benefited from the Jordan River and the north Island giveaways, the same Brookfield that just moved much of its operation to Bermuda to avoid Canadian laws and a civil suit. That's the same Brookfield…

Mr. Speaker: Can the member pose the question, please.

S. Fraser: …that donated $50,000 to the B.C. Liberals in 2007.

This question to the Minister of Forests: can he explain why secret government companies and Liberal friends get to rake in millions while communities lose jobs, first nations rights are trampled on and the environment is destroyed?

Hon. C. Taylor: Within the new question there was a little piece that referenced the BCIMC, which is the Investment Management Corp. It is this corporation, of course, that does the investments not only for government but for four major pension funds and others as well.

I do want to make it clear on the record that, of course, government does not have any influence with the investment decisions of BCIMC. They are outside of the government entity. Furthermore, the majority of the directors of BCIMC are from the pension funds, and further to that, even the board of directors has no influence on the investment decisions that are made by the Investment Corporation.

Mr. Speaker: The member has a further supplemental.

S. Fraser: The Minister of Finance has a perspective, and I have a different perspective.

This government is the single shareholder of B.C. Investment Corp., the single shareholder. The government changed the laws to allow the removal of private lands and to allow the raw log exports that we're seeing now from my community and other communities on the Island.

This government failed to consult with first nations and then dishonoured the Crown. This government handed sweetheart deals to their friends and supporters and donors. Now this government and their friends are profiting from it at the expense of the Hupacasath First Nation, the Tseshaht First Nation, the people of Port Alberni and all of the taxpayers in British Columbia.

[1355]

My question to whoever wants to answer it, the Minister of Forests, the Minister of Finance: why did this government put their pocketbook and their friends ahead of the workers, communities and first nations in the Alberni Valley?

Hon. C. Taylor: The B.C. Investment Management Corp. makes its investment decisions completely independent from government. In fact, their board of directors includes an appointee from the Teachers Pension Board of Trustees, an appointee from the College Pension Board of Trustees, an appointee from the Public Service Pension Board of Trustees, an appointee from the Municipal Pension Board of Trustees. But even these people on the board do not get involved in investment decisions.

There's a very strong….

Interjections.

Mr. Speaker: Members.
Continue, Minister.

Hon. C. Taylor: There's a very strong and clear reason why there has to be separation, and it was identified in 1993 by Justice Seaton in his report, where he said that political decisions must be completely separate from investment decisions, which is correct.

Therefore, when BCIMC was set up by the NDP government, they followed that model. And we follow that model, where there is complete separation. It is the law that government cannot be involved in these investment decisions, and we are not.

J. Horgan: The B.C. Liberals were slapped by the Supreme Court when Justice Smith said that they did a dishonour to the Crown with the deletion of private lands from TFL 44. The then Minister of Forests is now the Minister of Aboriginal Relations.

Today Chief Judith Sayers is on the steps of the courthouse in Vancouver asking a simple question: where is the new relationship? Does it even exist? My question is a simple one for the Minister of Aboriginal Relations. Why is it that first nations are always first with rhetoric but always last with respect when it comes to this government?

Hon. M. de Jong: Well, as the member might expect, I won't comment specifically on matters that might be before the court on this day. But I am more than happy to oblige the member in referring to the myriad steps, agreements, cooperations, partnerships that have occurred over the past number of years between the province of British Columbia and first nations right across this province.

It is a record we are very proud of. We take our obligations to consult, to accommodate where appropriate very seriously.

Interjections.

Mr. Speaker: Members.
Continue, Minister.

Hon. M. de Jong: If the member wishes, I am more than happy and will oblige him in detailing that long list of partnerships, reconciliation agreements, genuine steps towards developing a new relationship. I suspect I'll get that opportunity in a moment.

Mr. Speaker: The member has a supplemental.

J. Horgan: You would think that a minister once bitten would be twice shy. After the deletions from TFL 44 in 2004 we then had new deletions in TFL 25, in my constituency of Malahat–Juan de Fuca. At that time three Coast Salish first nations…. Two of them were consulted. One said: "Do not delete these lands without adequate accommodation to our needs and interests." A third, the Beecher Bay band, was never talked to.

Could the Minister of Aboriginal Relations explain to me why it is that he, knowing that he had previously dishonoured the Crown, allowed the Minister of Forests to do it again?

Hon. M. de Jong: As I said a moment ago, we take very seriously the obligations that the Crown has to consult and have taken great steps. We're very proud of those steps to develop a new relationship.

I am, however, trying to reconcile what I'm hearing from the opposition today with a report I read out of the Campbell River newspaper. The NDP had a meeting in Campbell River just a couple of days ago. Of course, they had a political agenda they were trying to advance. It was….

[1400]

Interjections.

Mr. Speaker: Members.
Minister, just take your seat.

Interjections.

Mr. Speaker: Members.
Continue, Minister.

Hon. M. de Jong: It was on the generation of electricity, not a political position that Chief Ken Brown of the Klahoose First Nation shared with the NDP. But what was interesting is that at this public meeting, the Chief wasn't even allowed to speak.

Here's what the Chief said: "All the NDP did was perpetuate more myths. It was appalling, and there was no reference to first nations. Ultimately, they" — the NDP — "are trying to compromise aboriginal economic opportunities."

Interjections.

Mr. Speaker: Members. Members, we're not continuing.

R. Fleming: Well, all that shows is that the minister who dishonoured the Crown a couple of years ago is — guess what — back before the courts now.

My question is to the Minister of Finance. She's responsible for the B.C. Investment Management Corp., as she's already acknowledged. She appoints board members. She appoints the chair. Government is the sole shareholder.

Given the manner of how this share purchase was made, how TFL land was given away without first nations consultation and with respect to the deplorable environmental practices going on in these stands of forest, I want to ask the minister: does she think the investment in Island Timberlands meets the IMC's own ethical investment standards?

Hon. C. Taylor: I will repeat that government does not get involved in the investment decisions of the BCIMC. I'm happy to go over again the structure and the reason for the structure, should the member opposite wish it.

Mr. Speaker: Member has a supplemental.

R. Fleming: Cabinet members are aware of the portfolio, and cabinet will be aware that this government has dishonoured the Crown in respect to these lands that we are specifically talking about. The question for the minister is: does she have any concerns about a solely government-owned entity becoming a major investor and now trying to profit from the land that dishonoured the Crown in the first place when those lands were removed?

Hon. C. Taylor: Cabinet is not aware of the portfolio of BCIMC. Government is not involved with the Investment Management Corp. The majority of the members of directors come from the pension funds. The teachers fund, the Public Service Pension Board, the Municipal Pension Board and the College Pension Board form the majority of directors, but even they are not involved in the investment decisions of the corporation.

In fact, BCIMC's corporate governance principles and proxy guidelines are supplemented by conventions such as the Organization for Economic Cooperation and Development guidelines for multinational enterprises, the standards of the International Labour Organization.

The board works very hard to ensure that BCIMC is managed well and that the pension funds are well taken care of. I will repeat again: government is not involved in the investment decisions and should not be involved in those investment decisions.

[1405]

DISCLOSURE OF DOCUMENTS IN B.C. RAIL COURT CASE

L. Krog: The Attorney General said yesterday in this House that he couldn't answer questions about how the Premier's office handled disclosure in the B.C. Rail corruption investigation. But exactly a year ago the Premier spoke at length about this issue during estimates debate. The Premier affirmed that his office was not at all involved and that they didn't interfere.

Yesterday we learned that wasn't true. The Premier's deputy, Ken Dobell, was directly involved. Here's the issue. The RCMP was about to interview members of cabinet in its final round of investigations. The Premier's deputy was informed of the nature and content of the documents that were to be the subject of those RCMP interviews. The Premier's deputy was not

entitled to know about or discuss that, because he had not signed a legal undertaking to keep that information confidential.

The Attorney General knows the laws. Did those actions not taint that investigation, and what is the Attorney General going to do about it?

Hon. W. Oppal: We've been clear throughout that we're not going to engage in specifics about what's before the courts. It's not a question of what I'm going to do about it. It's what the judge will do about it or won't do about it.

Mr. Speaker: Member has a supplemental.

L. Krog: It's pretty clear the Premier didn't have any trouble answering questions about this last year. The Premier just ten weeks ago told Mike Smyth at *The Province*: "We have taken every step we can so that there is no political interference." But we now know that the opposite is true. The government broke its undertaking not to disclose any information about the documents to anyone outside the vetting protocol — documents which Justice Bennett has said relate to the consolation prize issue were discussed with the Premier's deputy minister. These documents, which were to be the subject of RCMP interviews with cabinet ministers and senior officials, were discussed with the Premier's deputy.

My question is again to the Attorney General. By going outside the protocol, by breaking its undertaking to the court, did the government not taint this investigative process? And again, what is the Attorney General going to do about it?

Hon. W. Oppal: I would have thought the answer to that question was made abundantly clear when the Deputy Attorney General sent a letter to that member and stated as follows: "The real point in your letter, however, appears to question whether I have made decisions on the disclosure of government documents independent of political input. I have exercised the responsibility I was given to…."

Interjections.

Mr. Speaker: Members.
Continue, Attorney.

Hon. W. Oppal: "I have exercised the responsibility I was given to determine whether to assert privilege on any government documents completely independently, free of any influence. There has been no attempt by anyone to influence my decisions. I have been left entirely to my own judgment to decide these questions, and I have not consulted with anyone other than receiving legal advice from Mr. Copley."

B. Ralston: The Attorney General should be aware, and I'm sure he is aware, that Mr. Seckel only got involved later on. The initial protocol was different. The protocol was set up to preserve the integrity of the investigation while documents were vetted for privilege.

Only four people were legally permitted to see those documents. All of them had to sign an undertaking that they would not disclose the document or discuss it. Mr. Dobell was not on that list. He was not permitted under the process sanctioned by Mr. Justice Dohm to see or hear about the documents, but he did.

The government violated its undertaking, and that is a problem for the integrity of the investigation. The Attorney General, in the independent, non-partisan aspect of his office — the office he holds — has an obligation to protect the integrity of the Crown. How will he exercise that obligation here?

Hon. W. Oppal: The answer to that question is clear and simple — by letting the court do its work.

[1410]

CORONER'S INQUEST INTO OAK BAY DEATHS

M. Farnworth: The Solicitor General is responsible for the coroner's office. Does the Solicitor General have confidence in the decision of the coroner in the Oak Bay inquest to call the Crown prosecutors to testify at the inquest? Does the Solicitor General agree with that decision?

Hon. W. Oppal: I think it's clear that all of us in this House want answers as to what took place during that tragic incident of September 2007. The coroner has convened an inquest to determine those very difficult issues of fact and law involving the incident. I think that we should let the coroner's inquest take its course.

Mr. Speaker: The member has a supplemental.

M. Farnworth: We all, I would hope, want to see the truth and the facts on the table. The last time I checked, again, the Solicitor General is responsible for the coroner's office. My question again to the Solicitor General, who is responsible: does he support the decision of the coroner to call Crown prosecutors to testify at the inquest of the Oak Bay tragedy to get to the truth of what happened?

Hon. W. Oppal: There is a very important legal issue involved here. To step back a bit, the Crown took the unusual step of having a regional Crown testify as to what reports, what information and what evidence they had before them before certain moves were made.

Now, the coroner has made an order. I would recommend to the member opposite that perhaps he read the Crown Counsel Act. The Crown Counsel Act confers independence and discretion upon members of the criminal justice branch. That's what is happening here now, and that's why, pursuant to the order made by the coroner, an appeal is being taken of that order.

J. Kwan: The coroner's inquest is not a fault-finding mission. Rather, it must investigate such deaths "to assure the community that the facts are not concealed, overlooked or ignored in any way." The coroner goes on to say: "To extend special privileges to any person or groups of persons may compromise the integrity, or appear to, of this process."

By the silence of the Solicitor General, is he saying that the coroner is wrong?

Hon. W. Oppal: Nobody is making any comment about whether the coroner is right or the coroner is wrong. The fact is that he made an order. That order is one in which he has compelled Crown counsel to testify. The criminal justice branch, independently of any political input, has determined — quite correctly in my view — that that order ought to be appealed to the Supreme Court.

Mr. Speaker: The member has a supplemental.

J. Kwan: I have a quick and simple question for the Solicitor General. Does he agree with the appeal of this case right now?

If he doesn't, will he stand up in this House and say that he expects the inquiry to get the answers that they need, to make meaningful suggestions for changes? If they are not able to do that, then everyone involved in the case would not be compelled to testify, and British Columbians might very well not get at the truth of the situation. Does the Solicitor General agree with the appeal?

[1415]

Hon. W. Oppal: There's nothing in this process that will prevent British Columbians from getting at the truth of what happened. It has got nothing at all to do with the truth. If the opposition wants to play political games with the process, it's their business, but there's an important principle of law involved here. It's set out in the Crown Counsel Act, and that will be determined ultimately in a review to the Supreme Court.

GOVERNMENT ACTION ON FOREST INDUSTRY

C. Trevena: The Elk Falls sawmill is set to close tomorrow. That's 257 well-paying, family-supporting jobs gone from Campbell River — another 257 jobs lost and zero effort from the Minister of Forests and Range. The workers at the mill commissioned a study that showed the sawmill was viable, but TimberWest has been starved of logs, thanks to this minister's inaction.

I'd like to ask the minister: what will it take before he finally does take some action to help the workers and their families in Vancouver Island's forest-dependent communities?

Hon. R. Coleman: I don't know if the member is aware of it, so I'll make her aware of it. The CEP have entered into discussions with the owner of the mill with regards to whether they are interested in purchasing the mill or not. They are also doing a business plan and actually doing a business study with regards to that. All of those negotiations, as I understand it, are bound by a confidentiality agreement between the two parties, which isn't unusual with a public company.

I should advise the member, though, that we have provided funds to assist the union with their business study.

Mr. Speaker: The member has a supplemental.

C. Trevena: The minister has talked about a confidentiality agreement. I would have thought that the minister, if he's the minister responsible for this, would be able to explain what was actually being discussed here, not just being able to say that there were things underway.

The mill is about to close. That is 257 jobs, and that is an issue of policy and inaction. It's an issue of fibre supply, and it's got a knock-on effect with the other mill in Campbell River, the Catalyst pulp mill. The pulp and paper industry is benefiting from the best market for years, and yet the Catalyst mill is still having to close down another machine, which is another 145 jobs at risk.

I have to ask the minister: how long do forest-dependent communities like mine, like Campbell River, have to wait before something is done to protect the jobs in the communities?

Hon. R. Coleman: We met with Catalyst last week. We've told them we will work with them on their fibre issues and try and find solutions for them.

N. Macdonald: Well, for three years this minister has done nothing while B.C.'s most important industry has collapsed. Then we hear that the minister, who won't help anyone, gave a massive cut on the cost of logs from public land to the community of the Minister of Energy. Nobody else gets it. The person who sits beside him gets a massive cut in his…

Interjections.

Mr. Speaker: Members.

N. Macdonald: …cost of logs.

When you think it cannot get worse, we receive an e-mail from Paragon Wood Products saying that the statement made by the minister on Monday during question period was inaccurate. The minister told this House he was working with Paragon on the issues with regards to getting access to logs, and Paragon Wood Products says that no such thing is happening. So the most charitable that one can be is that there has been a misunderstanding.

What specifically is the minister doing to help Paragon Wood Products get logs? He said he's working on something. Paragon has said nothing of the sort. What is it? What specifically is the minister doing to help Paragon Wood Products get logs?

Hon. R. Coleman: I actually talked to my staff again about Paragon the other day. We put up sales in that area that Paragon would have an opportunity to bid on. If they wanted to bid on that fibre, then they can buy it. Then they can trade the logs with someone else to get the fibre mix that they want. The member should know that they use a specific portfolio of logs that they need to trade in order to get enough fibre to do what they want to do.

[1420]

But you know, Mr. Speaker, the member sits there, and he always wants to say the government has done nothing. Well, I've got a surprise for him — $185 million in Northern Development Trust, $640 million to the mountain pine beetle strategy, $120 million to mitigating roads, $20 million into forest roads, $25 million into international investment to find places for new product, 257,000 trees replanted last year, $1.8 million invested in value-added.

We worked with the industry. We worked with it aggressively, and quite frankly, it's about time those people on the other side recognized that there has been more investment in the forest industry in British Columbia by this government than they did in ten years.

[End of question period.]

V. Roddick: As the Parliamentary Secretary for Agriculture Planning, I would like leave to present a petition.

Mr. Speaker: Proceed.

Petitions

V. Roddick: I rise today to present one-half of a petition, and my colleague from Vancouver-Fairview will present the other half, with over 22,000 signatures collected by members of Greenpeace asking the federal government to pursue and, on behalf of the people of British Columbia and the people of Canada, adopt truth in labelling — specifically, genetically modified products — which is highlighted in our provincial agriculture plan *Growing a Healthy Future for B.C. Families.*

Mr. Speaker: Member for Vancouver-Fairview with the other half.

G. Robertson: I rise to present a petition — the other half of the petition that the member for Delta South mentioned — from 10,691 people across B.C. concerned about the threats of genetically engineered foods posed to human health and environment. They are calling for mandatory labelling of genetically engineered foods through right-to-know legislation in this House and federally, which is now compulsory in 40 other nations.

D. Hayer: I'd like to seek leave to make another introduction of students.

Mr. Speaker: Proceed.

Introductions by Members

D. Hayer: I have another group of students from my riding of Surrey-Tynehead — 56 grade 5 students from Pacific Academy School, one of the best schools in Canada. They're visiting here. Would the House please make them very welcome.

H. Lali: I request leave to present a petition.

Mr. Speaker: Proceed.

Petitions

H. Lali: Hon. Speaker, I'd like to present a petition on your behalf with 288 signatures in the southern Interior.

Hon. P. Bell: I seek leave to do an introduction.

Mr. Speaker: Proceed.

Introductions by Members

Hon. P. Bell: Joining us in the House today is my executive assistant, Sean Murry, and his mother Susan Whitney. Would the House please make them very welcome.

R. Fleming: I seek leave to present a petition.

Mr. Speaker: Proceed.

Petitions

R. Fleming: This petition to the Legislature is regarding residential care and seniors health care issues. It requires and asks government to annually explain their specific intentions to achieve residential care targets, meet seniors health care needs and, for other reasons, indicators on seniors health care.

Orders of the Day

Hon. M. de Jong: I call in this chamber continued second reading debate of Bill 26 and in Section A, Committee of Supply — for the information of members, the beginning of estimates for the Ministry of Attorney General.

[1425]

L. Krog: I'd ask leave to introduce a bill. I don't recall the Clerk calling for….

Mr. Speaker: Sorry, Member.

Second Reading of Bills

HEALTH STATUTES AMENDMENT ACT, 2008
(continued)

A. Dix: It's an honour to get up in this Legislature again and speak to Bill 26, which is the Health Statutes

Amendment Act. As members will know and people who were paying attention to the debate yesterday will know, the debate on Bill 26 began yesterday evening.

The minister spoke briefly in that debate. I spoke somewhat briefly in that debate, as well, for approximately 27 minutes. I have a little bit of time left. I don't plan to use all of that time, needless to say, because the Minister of Health, I know, is anxious to not just hear from me, although he is no doubt rapt in that regard. He appreciates it. He'd like to hear from other members as well. I would like to continue on and perhaps review briefly where we left off.

[S. Hammell in the chair.]

As members will know, Bill 26, the Health Statutes Amendment Act, deals with three issues, and I think they're critical issues for us to deal with in this House.

The first, of course — the one that we were talking about yesterday evening at some length and will continue to talk about at some length — is to implement a decision by the Supreme Court and then a subsequent negotiation between the Facilities Bargaining Association, which included the HEU, the BCGEU and other unions and the government, pursuant to that decision of the Supreme Court.

Members will remember what happened with Bill 29. Members will remember what happened and its impact. We talked a little bit about this last night. The government had promised, specifically in the name of the Premier, that they would not tear up or take away rights from health care workers. They subsequently proceeded to do just that.

You'll recall that when asked a direct question prior to the 2001 election, the Premier said that he would not do it. He said no. He further said, when asked the question: does a 48-year-old housekeeper who has finally, after decades of struggle, come up to an average wage have anything to worry about in terms of privatization from the Liberal government? The Premier said: "I say no. What she's going to find is that people in B.C. and the government respect the value of the work she does. Most importantly, she's going to find the quality of the work she's able to do more rewarding and more fulfilling." That's what they promised.

Then, as you know, they proceeded to tear up that contract by legislated diktat. They proceeded to tear up protections for working people in the health care sector that had been around not from an NDP government, not from a deal from an NDP government, but from bumping provisions that existed for 30 years at that time and contracting-out provisions that had dated 20 years from that time — namely, from the period of the Bill Bennett Social Credit government. They in fact stripped those provisions from that contract. I think it's important to remember, as we sit here in the Legislature today, how they did that.

They betrayed these workers by telling them that they wouldn't do it, and then they did it. This is the behaviour, remember, and the reason we're here today. Certainly, the government didn't volunteer to come here today and acknowledge that what they did was disgraceful and wrong, though it was. They didn't volunteer to come here today.

They came here today because the Supreme Court of Canada said that the government's actions violated the Charter rights of those women workers. It precipitated the largest layoff of women workers in the history of Canada, and their actions violated their Charter rights. That's why we're here. The provisions in question that had been around for decades — this government chose to do that with.

[1430]

How did they do that? Sometimes there are changes in the legislative schedule, and there are sometimes things that frustrate us here in this Legislature — the use of closure and so on.

Some 70 members on the government side — they were all there, pretty much. There were 77 of them at the time; 76 voted in favour.

The then Leader of the Opposition, Joy MacPhail — recognized by the people, if not the government — voted against it. The member for Vancouver–Mount Pleasant voted against it at all stages, and the member for Peace River South voted against it at second reading.

They were all here. They decided that it didn't matter what they'd promised people. In fact, you know what the excuse was that they used to violate the rights of those workers leading to this massive layoff? You'll like this, hon. Speaker. Health care sustainability — that's what they used.

What did they do? Friday, January 25, 2002…. It's important to dwell on this, to say that not only did they have 77 seats, not only did they choose, according to the Supreme Court of Canada, to violate the freedom-of-association rights of those workers leading to the largest layoff of female workers in Canadian history, but here's how they did it. Just so people understand what the Legislature was like, there were 77 of them, and there were two very courageous opposition MLAs, Joy MacPhail and the current member for Vancouver–Mount Pleasant.

Here's what they did. They have all those advantages, all that power. They'd won an election. They didn't bother talking to any of the workers involved, the workers that they promised they would never, ever do this to. Here's what they did. On Friday, January 25, 2002, they introduced the legislation and read it a first time at 1:42 p.m. On Saturday, January 26, 2002, they drove through second reading debate. They sat on Sunday so that there would be no opportunity for anybody to respond to this outrageous action, an action that has now been sanctioned by the United Nations and by the Supreme Court of Canada and that we're here, in part, to overturn today by this bill, Bill 26.

Sunday — committee stage. Really, one would do well to read the debate. Bill 29 committee and third reading commenced at 11:30 p.m. that Sunday evening — 11:30 p.m. They drove through committee stage on that and a whole bunch of other bills. They had 77 MLAs, and they were so disrespectful of parliamentary procedure and of the rights of those workers that this is how they behaved.

Bill 29 committee and third reading debate commenced at 11:30 p.m. — two members of the opposition — on Sunday evening and adjourned at 4:57 a.m. when royal assent was granted. That's how this was done — in the dead of night, legislation by exhaustion after two days of debate, stripping away rights that they said they wouldn't strip away, stripping away rights of freedom of association that they have now been sanctioned for by the Supreme Court of Canada.

Oh yeah, the Minister of Transportation was there. Oh yeah, he was there. The Minister of Transportation was there, and this shameful behaviour that he attempts to justify was behaviour that was sanctioned by the International Labour Organization, sanctioned by the Supreme Court. That's what they did.

Interjections.

Deputy Speaker: Members. Members.

A. Dix: That's what they did. With that majority, that's the manner in which they behaved. Of course, no consultation, the disrespectful approach to the work that these workers did…. Can you imagine?

We talked about this yesterday, and I think it's important to reiterate this point. The work done by the workers who are affected by this legislation is extremely important to all of us. It's hard work — cleaners in hospitals, care aides in care homes, food service workers, people who provide security.

Sure, I understand that maybe the Minister of Transportation doesn't think that compared to his record of service, that record of service matters.

[1435]

I understand that. I understand that's his position, but that work matters. It matters to us. It sure matters to us as patients. It sure matters to us when our family are patients. It sure matters to seniors in long-term care homes. It sure matters to seniors. It sure matters to communities. It sure matters to the children of people in care.

Can you imagine that keeping our hospitals clean is not seen as work worthy of respect? Of course it's worthy of respect. It's the most important work people can do, and this is the way they were treated.

This is what Bill 26 seeks in part to undo — not only this disrespect for work, for manual labour, for work that isn't as credentialed as the work that they would like to reward more. This is how people are treated. Their rights are stripped away. What it meant for many people is that they lost more than 50 percent of their salary and all of their benefits.

We could go case after case that we know of, of people we've met who ended up working 60, 70 or 80 hours a week. Those cases are real. For the people who were affected by Bill 29, this affected their lives, their health and the social determinants of the health of their children. This is what this government did. This is the way they behaved, and it was wrong.

Of course, this is important for members of the opposition to highlight, and of course we support overturning, as the Supreme Court suggests, those parts of Bill 29 that were struck down by the courts. Let's be clear. There's more we'd like to get rid of. We'd like to get rid of it all, and that's one of the things we plan to do when we win the next election.

Really, if you look at this bill and see its effect on people…. We've talked at length about its effect on real people, people who do important service in our community, people who volunteer in our community. How did it affect them?

Interjection.

A. Dix: Well, you know, I don't need to quote back the disparaging words that have been said in the past by members on that side. The laws that apply to everybody else were taken away by this government. So it's not us talking about real people and unreal people.

This is what they did. This is their action. They did it in the dead of night in the worst and, I would argue, the most unscrupulous of ways. That's how they took away these rights, and now they're sanctioned by the Supreme Court. I know they're defiant, but they're here today because they were sanctioned by the court.

Those individuals who contribute so much to society…. We know the stories, and surely all the members across know the stories, the effect on families, the effect on relationships, the effect on all those things — how it destroyed in many respects the lives of many people. It took away from children tens of hours of attention from their parents every week.

It hurt families, it hurt communities, and it disrespected the work. So we've talked about that impact, which is a very personal impact. It impacted communities in a very profound way. It created a new tier, if you will, of low-paid jobs that in the view of the government side of the House aren't as worthy of basic rights that have been in place for decades, basic rights that have been negotiated with previous governments — not NDP governments but Social Credit governments. Basic rights — everybody has them, but not these workers.

What effect did that have on communities beyond that? I would suggest to you that when you ask people to maintain their standard of living, to go from working 35 hours a week to 70 hours a week…. There is example after example of people who had to do that because those members on the government side, at 3:30 in the morning, decided to strip away those rights — example after example of people.

You're not just taking away from their families, although you are. You're not just taking away from their kids, although you are. You're taking away from the entire community, from people who are able to participate in community life as volunteers. This is about, in a sense, social exclusion in the most reprehensible of ways.

[1440]

You had a whole new tier of workers who used to be able to support their families, who were no longer able to support their families — and the consequences on down for the community.

Of course, it had a profound impact, I would argue, on the quality of health care. There's no question about it. Where wages are low, where benefits are nonexistent, where hours are scheduled as part-time, where workloads are extremely heavy and turnover high, it has an impact on the entire workplace — on the quality of care that's provided, on the quality of cleaning services that are provided, on the quality of everything provided in a hospital or a long-term care centre.

Clearly, it had that effect, and we know it had that effect. We know that was indeed the intent. Not only did this lead to cuts in salaries and benefits and family-supporting jobs for thousands of people, the largest layoff of female employees in history and many other workers as well, many male workers as well…. We know that.

But it also meant — and this is the fact of it — that on top of cutting the benefits, they also cut the hours. They also cut the hours, which meant that hospitals were dirtier, the quality of security and of food was less. This is what happened. This is the record of what they did.

As a result of this contracting-out, hospital-employed nurses and other health care workers had to phone call centres to get a private sector cleaner to come to a certain area to attend to an emergent situation. This was true of security as well, in many cases — a point that the B.C. Nurses Union has repeatedly made to the government in terms of their brief around safety of nurses, critical to the retention of nurses.

It was destructive to the working life of public hospitals, long-term care homes and other health care institutions. In addition to that, I think it's fair to say the contracting-out and the use of commercial confidentiality to protect the government from scrutiny around those contracts meant that the accountability of the health care system for issues such as cleaning, food services and others was diminished as a result of this action.

What cleaners tell us and what we know because the government cut the number of hours…. There's FOI information, and we know this. FOI information that they were finally forced to release by the freedom-of-information and privacy commissioner said that the Vancouver Coastal Health Authority reduced cleaning hours by 153,500 hours every year when it privatized hospital cleaning in 2003.

The standard of cleaning has gone down. And what is the response? We only discovered this after they were ordered to release the information. The contracting-out of this allowed the government in effect to hide the information, to hide what was going on in these contracts.

So what do they say? Westech Systems — here's what they say about cleaning. Contrary to all of the evidence-based reports, here's the government's position on cleaning expressed by one of the people they hired to perform external and independent annual housekeeping audits, Dean Waisman from Westech Systems Ltd. What did he say?

He made the following public comments in defence of privatized cleaning services. He said — contrary to all of the evidence, I would suggest — of anyone who actually goes to a hospital….

Hon. S. Bond: I seek leave to make an introduction, please.

Leave granted.

Introductions by Members

Hon. S. Bond: I am delighted today, on behalf of the Premier, to welcome to the precinct 29 visitors from St. Augustine's School in the Premier's constituency of Vancouver–Point Grey. They are grade 7 students travelling with obviously some of their parents and their teacher Donna O'Hara.

The group is here today to experience the history of these amazing buildings and to learn more about the business of government and parliamentary tradition and, I am certain, to take some photographs and notes that they will share with their family and friends when they return home. I would ask my colleagues to please join me in welcoming this incredible group of students and the adults accompanying them here to the precinct today.

[1445]

Debate Continued

A. Dix: Just to review, Dean Waisman, president of Westech Systems Ltd., in defending the government, claimed: "All the hospitals in B.C. are doing a great job." He went on to say, however: "There is no correlation between the level of cleanliness and the spread of infection."

This is the government's position. Privatize its services. Devalue the work. They appear to be experts in cleaning, although I suspect that they wouldn't want to do the work that the people they attacked with Bill 29 do.

But here's their position. They say there's no correlation between the level of cleanliness and the spread of infection. "No one has ever been able to prove that cleanliness and infectious diseases are connected. There's no scientific evidence, so to speak," he said, adding: "Handwashing is key to curbing the spread of infection."

Indeed, handwashing is important in curbing the spread of infection. But no one less than the Vancouver Coastal Health Authority and others dispute this position of the government that having dirtier hospitals isn't a danger to the public.

Everybody is vulnerable when they go to hospital. We didn't need scientists, although there is a mountain of evidence to show that Mr. Waisman is wrong about this. There's a mountain of evidence.

We don't need that. We just have to listen to our parents and everyone from that point on who told us that, in fact, there is a connection between dirtiness of a hospital and the spread of infection. We know this. There's a connection between the dirtiness of hospital and the quality of care.

We also know, as a result of the bill that we're dealing with today, at least, that provisions are being stripped away in this Legislature and that our hospitals are dirtier.

What we also know is that these services had a noticeable effect across British Columbia. In rural B.C.

many workers with long service found themselves without jobs when the facility in which they were working was closed under the Bill 29 revision. They had no jobs to bump into. The effect was profound in the Kootenays and some parts of the Okanagan.

The loss of health care jobs in rural B.C. often went hand in hand with the loss of jobs in the resource sector. Two incomes in a family suddenly disappeared.

Of course — and we know this — Bill 29 contracted out seniors long-term care facilities across the province as operators privatized direct residential care. This meant care aides, this meant licensed practical nurses, and it even meant registered nurses — all of whom were in fact part of the Bill 29 settlement.

While this phenomenon was most pronounced in the Lower Mainland, on Vancouver Island and in the Fraser Valley, what happened in those care homes was tragic. Care aides that worked with seniors and LPNs who had worked with seniors for decades saw themselves laid off. Care homes that were loving places to be were suddenly transformed overnight.

Pay cuts for those workers and changes and contracting-out of those services meant that many places which needed to, by definition…. To do the work they were doing, they had to have an atmosphere of family. Because the care homes were forced, sometimes by contract, by the government to contract out the work, they were forced to cut the wages of their workforce. They were forced to lay off and take away the benefits from their workers. They were forced to have high turnover of workers and, in some cases, the repeated layoff of whole workforces.

The real effect of Bill 29 on seniors care was profound. They hurt individuals and families with this. They hurt communities with this. They hurt the health care system with this. They violated the freedom-of-association rights of workers — the largest layoff of female workers in Canadian history. They did it at three in the morning on a Sunday, even though they had a 77-to-2 majority in the Legislature at the time. This is what we're talking about with this piece of legislation.

[1450]

All of that occurred — the parliamentary shenanigans, the taking away of people's rights, the undermining of health care institutions — after the Premier himself had promised, not in a broad statement but specifically, that it wouldn't happen. He had promised specifically that it wouldn't happen, and the members on that side of the House all stood and voted for it. It was wrong.

We here today in the Legislature — and other members, I hope, will come and rise in this debate — have to note what happened. As we implement the Supreme Court decision which repudiated this government's action, at least in part, we have to note that the continuing effect on the health care system of these changes is still being felt.

Workers are not going to get those years back. Workers are not going to get those jobs back. They are going to get some compensation, and current workers are going to get some future bargaining rights. But the consequences of the mistakes made in 2002 are still profoundly felt today by workers across British Columbia and, of course, by people who need health care across British Columbia.

This was a profound and unfortunate action by the government. Today, as an opposition that I can proudly say spoke out about this at the time, as an opposition that fought valiantly against this…. One of the arguments made by the government was that you could get 56 weeks of job security after working for one day. That's what they were claiming. It wasn't the case, but that's what they were claiming.

Here's what the then Leader of the Opposition, Joy MacPhail, said: "It's a patent untruth that somebody gets 56 weeks of job security after working one day. It's going to come back to haunt this government, perhaps in court — the absolute untruth of the repetition of that kind of statement."

Well, it did haunt the government. Their actions were in part overturned by the court. Their contempt for the institutions here hasn't been overturned yet, but we have great hopes for May 12, 2009.

There are other provisions of the Health Statutes Amendment Act which I would comment on. The first is changes that come out of what's going on at the Medical Services Commission in British Columbia really since this government came to office — namely, that extra-billing cases are piling up. Government chose, of course, not to proclaim the changes in the Medicare Protection Amendment Act that were put forward in 2003, and all over British Columbia we've seen case after case of extra-billing now being referred to the Medical Services Commission.

One of those cases, the Copeman case, took years to come before the Medical Services Commission and get resolved. In fact, the issues were raised not by me but by the ADM of the Ministry of Health, Craig Knight, in June 2005. There wasn't a decision in that case until 2007.

Of course, we couldn't see the decision. Why was that? Because the legislation couldn't have imagined that a government would be, as this one has been, so encouraging of extra-billing. We've seen, in fact, that the Copeman case was the first extra-billing case of its kind. The previous cases before the Medical Services Commission dealt with disputes between the Medical Services Plan and doctors.

What we've seen since this government came to office is case after case of extra-billing that requires intervention. We believe — and that's why we put forward private member's legislation last fall, after the Copeman decision, that proposed to expand public access to Medical Services Commission decisions — it's a good thing that the public may have some access to that, given that we have a government that has consistently and repeatedly encouraged extra-billing in British Columbia for medically necessary care.

Clearly, it's problematic in the Copeman case. It's why we would very much like to hear what the Medical Services Commission had to say in the Copeman case. We think that a fee is being charged on medically necessary primary care in that case. It's not just the

Copeman case. There are cases that we've brought to the Medical Services Commission.

[1455]

Remember, this is how it works. The government — which has decided not to avail itself of the legislative tools it needs to investigate such cases, which were brought in, in Bill 92 in 2003 — says that it will only investigate those cases in the case of complaint.

Well, fortunately, there have been cases of complaint. People have come forward courageously and said to this government in some cases…. And it's a very difficult thing to do when you're waiting, for example, for surgery, as in, the case of Barbara Gosling of Williams Lake in 2006 when she comes forward and says: "It's wrong for me to go to my doctor's office and be given an appointment in 2008 and have a sign on the door that you can see the same doctor in two weeks for 350 bucks." She thought that was wrong.

Because of the way the law is structured now — and this was a law not intended, I have to say, to deal with this wave of extra-billing we've seen under this government…. Now that we have this wave of extra-billing, we obviously need greater access to that process. So this legislation attempts to go some of the way. It's not as far as we'd like to see it go, and we'll be discussing that at committee stage.

Some of the way to saying that maybe Barbara Gosling, when she brings such a case, when she has to do that…. She needs surgery, and she has to bring the case forward because her government won't do it on her behalf. She has to bring the case forward because the government won't do the audits needed to ensure that the Medicare Protection Act is upheld. She does it — that she should have access to that information.

We're going to support those changes. We believe that the approach we've taken that in extra-billing cases and in cases involving the fundamental principles of health care, there is a compelling public interest in every case in the disclosure of information…. But we will support this step, and we'll talk to the minister about how it will work at committee stage.

Hon. Speaker, I think you see together in these actions the privatization of care that led to Bill 29 and a decision that the government — surely in retrospect, surely after the United Nations condemned them, surely after they lost at the Supreme Court — has acknowledged was a serious mistake.

The growth of extra-billing for medically necessary care, which we've seen from this government since they came to office…. This legislation deals not with the successes of the government but the forced failures of the government to deal with these serious issues.

Bill 29, and what the government did to health care workers, was wrong. We on this side of the House said it was wrong at the time. It was a betrayal of the basic rights of workers in British Columbia. It was a betrayal of those rights. They said they wouldn't do it; they promised they wouldn't do it. They were warned it was illegal by the then Leader of the Opposition. They proceeded to do it at three o'clock on a Sunday morning, so anxious were they to target those workers and to take away their rights.

The lives of those workers were changed in a way that they will never get back. The lives of their children were changed. The quality of our health care was affected negatively. Our hospitals are dirtier as a result of it. The care provided in seniors homes is worse — all because a government decided it wanted to exert its power in a reckless and unacceptable way.

So those courageous workers fought back. They took it all the way to the Supreme Court, and today a small victory — three provisions of that law, three sections of that law struck down and compensation that doesn't go anywhere near making up for the loss the community felt and the workers in question felt, but an agreement that nonetheless recognizes the profound injustice that they faced.

We on this side of the House, of course, support Bill 26. Of course we support Bill 26, a piece of legislation that the government was forced kicking and screaming, via the Supreme Court in Ottawa, to introduce. Of course we support it. But it would be wrong not to recognize the damage done to our communities, the damage done in the largest layoff of female workers in Canadian history, the damage done to health care, the damage done to all of us. We must never forget what happens when a government acts in such an outrageous and reckless fashion.

[1500]

N. Macdonald: Like my colleague, I rise to speak about the Health Statutes Amendment Act, which is Bill 26. What Bill 26 does, in part, is repeal certain parts of 2002's infamous Bill 29.

Bill 29 was an attack on health workers. It was an attack on health care, an attack on friends and neighbours of ours, and it showed a complete disrespect for those workers. People that are watching should have no illusions that the changes to that 2002 Bill 29 have anything to do with the B.C. Liberal government's sense of decency. There's nothing about trying to set things right with this bill.

The B.C. Liberal government has been forced to do this because the Supreme Court of Canada has told them that parts of Bill 29 are not only immoral, but they are illegal. How often is it that this Legislature passes legislation that is condemned by the International Labour Organization of the UN? How often does that happen? It is condemned by other parts of the UN, other bodies of the UN, and the Supreme Court of Canada rules it illegal. How often does that happen?

There is a typical lack of shame from this Premier and from the government. If the Premier could get away with not listening to the Supreme Court, he would. So there's nothing about this that has to do with any sense of decency. We need to remember some of the background, because the background is important.

In 2001, as the Premier was moving around the province, running to take over government, he went in front of health workers and told them to their faces that contracts would not be ripped up. He knew what the

contracts were. He understood all the facts that he needed to understand, and he told them to their face: "You can trust me. We will not rip up your contracts."

Well, we can see what happened. Not only was that word broken, but the actions were even illegal. That is the history. That is what is going on. That is the history of this government, and that is what Bill 26 is here to try to correct. As I said, it has everything to do with the Supreme Court of Canada forcing this government to do one tiny bit that's decent.

The Premier also told those workers that he had no privatization agenda. But what we have seen continuously is that whether it's health care or anything else, there is an attempt to sell off this province very often to people very closely connected to B.C. Liberals as either donors or B.C. Liberal insiders. That is the consistent pattern.

Well, I think one of the strange things is that when you look at that 2001 *New Era* document, you cannot quote from it without a sense of irony. Everything that's talked about, whether it's — what? — the most open and accountable…. It's hard to say it with a straight face, because the things that were promised have turned out to be the complete opposite. It's Orwellian, but that is the reality.

In terms of timing, the Premier was barely in the door of this Legislature, having taken control of the levers of power, and the commitments he had made were almost immediately broken. There is no sense that they were commitments that were genuinely given. One can have no sense that that was the case. Whether it's B.C. Rail — that promise not to sell B.C. Rail and the argument that a thousand-year lease is somehow not a sale…. Whether it's something like that or the promise not to have political hirings and then hire the past president of the B.C. Liberal Party…. I mean, there's a whole list of things.

[1505]

Amongst that list was the promise that they were not going to rip up contracts for health workers, and they step in here and do it. They do it in the most draconian way. They have a majority — 77 to 2 — and they still have to bend rules and bend rules and use their majority to ram through legislation that the UN condemns, that the people of B.C. condemn and that the Supreme Court says is, at least in part, illegal.

What were some of the implications? I just want to remind people, too, that there are many in this House who were complicit in that. The Premier drove the agenda, but each member of the B.C. Liberals voted for it except for one. So the rest are complicit in that decision. What's the impact? You had a 15 percent wage cut for many of the workers that remained. You had 9,000 to 10,000 health workers let go.

If people think there are not implications up to this day, they're wrong. We are dealing with seniors concerns that are brought to us regularly. They almost always tie back to a lack of workforce. The very care aides that we so desperately need now were treated with complete contempt by this government. To be honest, it's a contempt.

That attitude is still here with this government. They think these jobs are worthy of contempt when we know that our friends and neighbours are doing jobs that deserve the highest respect. These are jobs that are difficult to do. They are jobs that are critically important, looking after many, including those that are dearest to us — our seniors, our mothers, our fathers, our grandparents. Yet this government treats with contempt those people that look after them. It's unfathomable.

So let's put one more thing, one more mark on this government's wall of shame, because with this firing, you had the largest mass firing of women workers in Canadian history. That wall of shame is filled with other things. It's the same government that gave us the biggest annual debt in the history of B.C. That was this government. They gave us the most bungled project, the Vancouver Convention Centre expansion project, in the history of B.C. We can tack that up there too. They gave us the most homeless and the highest child poverty in five years. All of those can get tacked right up there with Bill 29 and this mass firing.

Bill 29 was part of this government's privatization agenda, and that's an agenda that we know — we've seen it here in this Legislature this session — continues to this day. The government needs to misrepresent their intentions, as they did with care with these workers. They need to misrepresent their intentions because they know there is no public support for their privatization agenda, especially on health care. People know that public health care is something that will serve people the best, so it has to be done in a way that escapes the scrutiny of the public.

Not only is treating health workers with contempt wrong, it's also poor public policy. These are people that seniors depend upon. Seniors' families depend upon them. They do what I feel is very important work. They do what any number of British Columbians would feel are very important jobs, which many of us would find a challenge to do — keeping a hospital clean, keeping seniors' homes clean, working with seniors often at a time when they are the most vulnerable, often at a time when they can be difficult as they've moved possibly into Alzheimer's.

So what do we have? We have the Supreme Court needing to force this government to do anything that can in any way be called decent in terms of their handling of health workers.

[1510]

In terms of those that have spoken against Bill 29, in terms of some of the organizations…. I've mentioned the Supreme Court, and of course, this is what has forced the government to do something correct. But you also had the International Labour Organization of the United Nations.

It is not often that a body like the United Nations has to comment on legislation made in a province of Canada. It is not often that they will condemn the actions of a government. It is not often that they will talk about a set of laws and say that they are contrary to international standards. It's not often that that

happens, but this B.C. Liberal government found a way of having legislation from this House, from this province, condemned by the United Nations and the International Labour Organization.

You would have thought that that would give pause for thought. You would have thought that the idea of keeping promises you make would have given pause for thought, but it didn't. They had to wait until the Supreme Court of Canada forced them to do one little part to fix the damage that was done with Bill 29.

You also had the United Nations Committee on the Elimination of Discrimination against Women. So you have another committee of the United Nations turning their attention to British Columbia and this Legislature, this government, and condemning their actions as being part of a series — Bill 29 was part of a series of laws — of actions from this government that the United Nations felt were directed specifically against women. So you have that in play.

It's hard to see how anyone could not reach that conclusion. You're cutting people's pay, those that remain, by 15 percent, and that same Premier turns around and gives himself a 54 percent raise. Those are the standards. Somehow that is rationalized by this Premier.

The privatization agenda is partially with Bill 29, but it included the closing of public seniors residential care facilities. It included the closing of rural hospital beds. So the attack on health care workers was part of a bigger program.

The mismanaging of the public interest was there primarily to serve a very narrow corporate interest, and you see it. You see the companies that donated, the companies that are connected to this government, which have benefited from these sorts of programs. You see Retirement Concepts and so on — there's a whole list of them — which have benefited from this, but you cannot say that was in any way in the public interest.

Time and time again, this government chooses a very narrow corporate interest and puts that ahead of the wider public interest. You see it with the B.C. Rail giveaway, because it was a giveaway. You see it today with the B.C. energy plan giveaways. You see it with the forestry and the collapse it has caused there. You see it with the convention centre expansion — all of those.

Bill 29 was part of a pattern of privatization that has done incredible damage. As Bill 26 works in some way to repair a small part of that damage, it is something that, of course, you have to push and then work to correct the rest of the damage that was done with Bill 29.

So what do we have here? We have a history of broken promises. We see contempt for health workers, we see failed care for seniors, and we again see a history of sloppy management.

I know that all the colleagues here, the NDP, want an opportunity to speak on this. I'm going to pass over now to one of my colleagues.

I'll finish with just mentioning the pride that NDPers feel in the two MLAs that we had here between 2001 and 2005 and the pride that we had in their fight to try to stop this. I think people need to know that an NDP government believes in respecting those that do important work like this. With that, I turn over to my colleague. Thank you for the opportunity.

[1515]

R. Chouhan: Given that I am in the middle of my budget estimates debate, my remarks are going to be quite short. But I must say that it's a great day. It's a great day for me to stand up and tell this government and the members on that side how wrong they were in passing Bill 29. That was the largest mass firing of health care workers in the history of Canada. It was a complete destruction of our health care system.

It was a sad day when Bill 29 was passed and the workers who had worked in the system for years and years and years were told that they didn't mean anything, that their contribution was not recognized and that from that day on, they should just leave as if they had never existed. It was a shameful day. It was a sad day.

In November of 2000 the Premier met with the newspaper of the Hospital Employees Union, called *The Guardian*. When he met with the editors of our newspaper *The Guardian*, the conversation between the Premier — he was the opposition leader at that time — and the HEU members was very candid, open and blunt. One of the editors of *The Guardian* who interviewed the Premier at that time asked this question — and I'm going to read: "Monitoring the pulse of HEU members, their sense of a Gordon Campbell government would be the privatization of health care service and their jobs."

The Premier — at that time the opposition leader — answered:

> "I don't think they have to worry about it. Their sense should be that I and the B.C. Liberals recognize the importance of HEU workers to the public health care system. They are front-line workers who are necessary. You can't talk to anyone in the health care system who does not recognize that, and I want HEU workers, like other workers in the public health care system or in the public service, to recognize their value, and we will value them."

Madam Speaker, I think I can't use the "l" word in this House. It's unparliamentary, and I won't use it. But I must say that what the Premier at that time told the editors of *The Guardian*…. He did not tell the truth. He totally misrepresented himself.

Then the next question was asked. A 48-year-old housekeeper who has finally, after decades of struggle, come up to the average wage in B.C. — does she have anything to worry about in terms of privatization from his government? The Premier, the opposition leader at that time, said: "I say no. What she's going to find is that people in British Columbia and the government are recognizing the value of the work she does. More importantly, she's going to find the quality of work she's able to do is more rewarding and fulfilling."

Deputy Speaker: Member, after consultation with the Clerk, I think that to say something that skirts the edge of being unparliamentary…. You need to be very careful, and to say something in another way is

actually being unparliamentary. So I think I'd like to remind you of that.

[1520]

R. Chouhan: Thank you, Madam Speaker. I will keep that in mind.

The next question was asked, and I want to make sure that it's on the record: "One of the things that's novel about health reform in B.C. has been the employment security agreement, or the health labour accord. In the past you have said you would rip it up. What's your position today?"

He answered: "First of all, I don't believe in ripping up agreements." Another joke. "I wasn't happy with the health labour accord, and I said that quite clearly in 1995. Having said that, I think the question today is how you maintain the quality and the talent of the people who are in this system. I have never said I would tear up agreements. I said I disagreed with the HLA, and I did. That's just the way it was. I'm not tearing up any agreements."

After that interview, when Bill 29 was introduced and passed, who would believe what this Premier and this government had done to the health care workers?

I have been asked in the past many times to run for political office, and I've been a member of the NDP since 1975. Every time I was approached, I said no. But after what this Premier and this government shamelessly did to the HEU members, I said, "Yes, I will run," so that I could come to this House and tell this government how wrong they were.

The end result of that heinous act on the part of this government was that more than 8,000 members lost their jobs. Many of them were women. These women who worked in the health care system for years and years finally reached the top of their wage scale, approximately $18 an hour.

With a stroke of the pen, this government took away all that service they had and all the hard work they did and rendered them meaningless. Their services were privatized. As a result, those who are able to get back to the health care system were working at $10 an hour.

Many of these women, who I personally met with, were single mothers raising children. In one case, one woman had two children who were just graduating at that time. One of them was going to go to university. As a result, she could not afford to help her children go to university. Not only that, she had to sell her house and what she had. As a result of that, that child has not been able to go to university since then. She was forced to work somewhere at minimum wage so that she could help her mother.

That's just one story. There are hundreds and hundreds and thousands of those stories that I could talk about here today. At that time 77 members of this government were sitting on the government benches. Each one of them stood to support Bill 29 — shamelessly. One of them even called the members of the Hospital Employees Union nothing but toilet bowl cleaners. It was very insulting. It was very hurting. It was so hurtful that when some of the members confronted him, he was not able to answer that.

[1525]

The work of hospital employees in housekeeping and food services is so important to make sure that for patients who go to hospitals and seniors who go to long-term care facilities, their health is taken care of — to make sure that they get the service they need.

What we have seen since the privatization of health care services — namely, the housekeeping…. When you visit these hospitals, you will still, after that many years, find a urine smell coming from the hallways and bloodstains in the elevators, because the workers who were qualified, skilled and experienced were let go. Instead, the private company hired a smaller number of employees, and they were forced to do more work. As a result, we have dirty hospitals, and we have fewer services for patients and seniors.

The members of the Hospital Employees Union are not only working in the housekeeping and food services. There are more than 66 different classifications. They do every important work in a hospital or in a long-term care facility, but this government had no regard for what they do and what they did.

I think the best thing this government can do is all stand up and say, "We are sorry," and apologize. I expect the Premier to stand up himself and say sorry and apologize. That's the only way you can send a positive message to those health care workers whose jobs were taken away, whose lives were destroyed.

That collective agreement that was ripped apart…. I must tell you that at that time, 92 percent of the employers ratified it. It wasn't that the employers were not agreeing with it. It was a freely negotiated collective agreement. The HEABC and the employers' representatives on that bargaining committee recommended acceptance. Some 92 percent of all employers across B.C. accepted it, but this government was so determined to teach a lesson to the Hospital Employees Union because they didn't like their politics, and they punished their membership.

That's the sole purpose of this Bill 29. For all these workers who are now working in the health care industry at the rate of $10 to $12 an hour, it has become very difficult for them to make a living, given that the rates for B.C. Hydro, transit fares, gasoline and natural gas are all going up. How on earth can any reasonable person expect them to make a living?

As a result, many of these employees are working two or three different jobs at $10, $11 or $12 an hour to make sure they have enough for their children. The consequence is that when parents are so busy doing multiple jobs, staying away from their children, the children are not having that contact with their parents and feel neglected.

I know at least five families whose children ended up in the wrong place because of that. They're having a hard time. They're going through counselling and all sorts of different measures. They want to make sure that their children do not end up in the wrong company.

[1530]

The impact of this Bill 29 on the workers' lives is so negative. Even though we can pass Bill 26 and we can have somebody working in the health care industry, they are so negatively affected that they cannot get back to where they were before.

The private operators, as a result of Bill 29 — and I know that, because I met with them…. I negotiated some of these collective agreements with them. Their main concern is the bottom line. They are not concerned about the well-being of their employees or the patients or the seniors.

[K. Whittred in the chair.]

Then the day came, June 8, 2007, when the Supreme Court agreed with the health care workers and told the government that the government was wrong. That was the happiest day for me and thousands and thousands of health care workers.

Because I don't have much time, I'll just read one quote from that decision. The judges in that decision said: "We conclude that the protection of collective bargaining under section 2(d) of the Charter is consistent with and supportive of the values underlying the Charter and the purpose of the Charter as a whole. Recognizing that workers have the right to bargain collectively as part of their freedom to associate reaffirms the value of dignity, personal autonomy, equality and democracy that are inherent in the Charter."

Madam Speaker, you can't find a clearer message than that — that what this government did was wrong. They were absolutely wrong by taking away the right to collective bargaining from those health care workers. Given that I have to go back to the other House now, I would say in conclusion that if this government has any shame left, they should apologize. They must apologize and make sure not only that certain provisions of Bill 29…. They should withdraw the whole Bill 29. That's the only way they will be able to talk to those health care workers and tell them that they mean business.

C. Puchmayr: I rise in support of this bill, Bill 26, certainly because it does correct to some degree something that took place in this chamber — something that had such an incredibly severe impact on people in British Columbia, on women workers, new citizens and new immigrants in British Columbia.

It's something that happened in this House — a bill that was brought in, Bill 29, in the wee hours of Sunday morning at three o'clock — when there was a massive discrepancy between the government and the opposition. We had two members in opposition, and the government had 77 members.

They brought in a bill that was illegal, that broke the laws of Canada and that violated the constitution of Canada. It did so in such a way that it even drew comments from the International Labour Organization, which is located in Geneva.

[1535]

This is legislation that was wrong. It took away people's rights to bargain freely. It took an order of this Legislature to violate something that I think is near and dear to all Canadians and all people that live in democratic societies. I think the standard of living that we enjoy today in this country is certainly…. Part of that is because people can collectively sit down with their employers in an association and come to a conclusion or an agreement on what is a fair distribution of that wage or that wealth. With that, they can continue on to participate in the community and be a sustaining force in that community.

When you take legislation such as this and literally rip the economic heart out of families, not only do the families suffer directly or the children or the community or the sports teams that some of these family members are involved in and volunteering…. It has such a significant impact on the community as well.

You know, you take jobs at around the average of $18 an hour, which isn't a really high wage for someone that does such valuable and important work in our hospitals and in our health care systems…. You take those jobs, and first of all you terminate the people or have the ability to terminate them all. You've taken away the Labour Code provisions of successorship rights, so they can't assert that they still have the right to that job even though there's an imposed collective agreement or an imposed wage without a collective agreement.

You've taken a huge earning capacity out of that community. People had to leave their communities because of that. People could no longer afford to live in their communities, and people who ran small businesses in those communities were certainly affected as well.

Some of the wage cuts were between…. Well, the wage cuts were between 15 and 42 percent. You can imagine the buying power when you lose 42 percent of your income. Even if you were able to retain that job at a 42 percent loss of income, that's going to make some significant economic changes on how you spend in your community, how you sustain your community. How your community is affected is certainly a contributor to this type of wage reduction.

The ILO has certainly spoken out, and it's not the first time it's spoken out. That same government, the Liberal government that imposed Bill 29, also imposed Bills 2, 15, 18, 27 and 28 as well. These bills affected more than 150,000 workers in health, education, community and social sectors, and imposed contracts on teachers, health science professionals and nurses.

In some cases the government has merely ripped up the contracts, which again violates practices that are welcome in democracies all over the world. If you look at those democracies that enjoy the right to association, the free right to association, you'll see that those countries have a higher standard of living than a country that does not permit the right to association.

I've heard comments from the Transportation Minister, I think, when someone was concerned that organized labour wasn't involved in some of the decisions on transportation initiatives. He bellowed out: "Thank God." That's the kind of attitude that some of the members on the other side would like to espouse when it comes to issues such as freedom of association.

There are many types of association. There are many professional associations. Firefighters have professional associations. Police, banks, doctors, nurses and rank-and-file workers have professional associations. That's a hallmark of democracy in the free world — to be able to have that right to associate.

This government on the other side, with the stroke of a pen at three o'clock in the morning…. I think the Lieutenant-Governor was called in about 4 a.m. to sign this into law. Getting the Lieutenant-Governor in on Sunday morning at 4 a.m. — that's how important this legislation was to the government on the other side.

[1540]

To literally shred, tear up collective agreements and throw into turmoil lives of 8,000 to 10,000 health care professionals…. It was just an absolute shock that rippled not only through this province but through this country and all the way to Geneva, to the United Nations and the International Labour Organization.

It took the Supreme Court of Canada to finally…. I think Joy MacPhail at the time did make the comment that this would probably be resolved in court someday or end up in court someday, and it did. It ended up in court, and the courts ruled that this was an illegal act. They gave the government a year to rectify it, a year to rectify something….

This legislation goes a small way towards rectifying it, but it certainly doesn't put back all the pieces of the puzzle or the broken dreams of the people who were working in that field, who lost their jobs. And I mean broken dreams.

People came over from the Philippines and became Canadian citizens and worked in the health care field. They worked as cleaners. They worked extremely hard, and they were extremely efficient. They knew precisely what they were doing. To have those dreams broken by suddenly being told one day: "You're out of a job, I'm sorry…."

Some of those were families with dual incomes in the same field, making a mortgage payment, putting their kids through lacrosse and soccer and contributing to the community, not with a great wage but still a sustainable and living wage compared to what some of them were forced to take after that, which was minimum wage. Wages as low as $8 an hour were the first wages that were paid by these private contractors.

You couldn't really call me a victim of the hospital system, but I did become very ill with a very serious infection. I certainly noticed immediately that the hospitals weren't as clean as they used to be. I spoke to a couple of the cleaning workers and heard from them how hard they worked and the pressures that were put on them.

They were even limited as to how many pairs of rubber gloves they could get. So here's a person with a dirty pair of rubber gloves, because the employer will give them maybe only three or four pairs of rubber gloves a day. They're supposed to come into your room and sterilize and clean your room and ensure that there are no bacteria.

Not to get too graphic about my personal condition, but I received a serious infection when a tube that was pulled out of my stomach cavity was completely infected. I was a victim of *C. difficile*, which I fought for almost three years. Fortunately, I was able to get over it.

The hospital was filthy. I couldn't blame the workers. It wasn't the workers' fault. There weren't enough of them. They were run all over the place. They were fairly new and being trained. They were in jobs that were very low-paying, and they were merely looking for other places to go and work.

You wonder, when you look at the medication that people have to be on for that type of an infection…. It's hundreds of dollars a month. Imagine hundreds of dollars a month — $450 a month — to the health care system for a period of three years. How many cases of infection or people staying longer in the hospital because of infection or people having to be on medication longer because of infection?

What's the overall cost? No one has really quantified the entire hit that this has had on the health care system in British Columbia, but you can be sure that it's been significant. It has taken some time. Certainly, some of them have gone through collective bargaining again. The wages have gone up slightly, but there are also some training provisions.

[1545]

I'm going to refer to this document, which was a leaked government document. It estimated $70 million in savings over three years from contracting-out while projecting severance costs of contracting-out were going to be $173 million. So the estimated savings from contracting-out over five years, 2002 to 2007 was $117 million.

The estimated cost of severance was $173 million. The estimated cost of health settlement agreements plus the court costs of this were $85 million. So the total estimated savings were $117 million minus the estimated costs, which were $258 million. That's a deficit of $141 million. That's just $141 million in costs for this blunder — not only blunder, but this illegal legislation that this government passed, which had to be rectified. That's why we're rising here today to talk about rectifying this.

The minister often in question period, when he hears from us the horror stories in our communities of the health care delivery system and the backlogs and the patients…. One of the things he always talks about is shortage of staff, shortage of nurses, shortage of workers. Well, is it any wonder that there is a retention problem in health care in British Columbia? Is it any wonder when the government sends this kind of message to people in the field or people that might have wanted to get into the field of health care?

The message is: your job isn't secure. You can get in here now, but we might contract your job out again and find somebody else that will do it. They certainly won't do it cheaper. It's just that the cost will be offloaded to the patient as opposed to being paid for by the health care system that we so proudly uphold on this side of the House and that we try to enhance and certainly vigorously try to defend and protect.

There's a company that drives around in the little pink cars. I'm not going to mention the name of the company because I'm not here to promote them. People are so desperate that they are going to private systems, because they care about their loved ones when it comes to home care.

We saw the severe cuts to home care. One has to wonder why such severe cuts to home care when keeping people in their home longer actually saves money from the health care system. You have to scratch your head and say: "Why would somebody do this?" Wouldn't it make more sense to put more money into home care, to have people going into the homes and cooking one meal or doing some laundry or helping with the bathing? Wouldn't that be a more appropriate way to deliver health care than people ending up in the hospital?

I spoke to one of the home care workers, who told me that when they go into the home care system to consult about home care, before they provide a public service, they sit the elder down — or the elder and the elder's family — and ask: "Do you have any family that can come in once a day and help out maybe an hour a day and do meals and that? No, you don't? Well, do you have anybody that you can maybe hire to come in and do this service?"

When the elderly people start to quiver and break down because they have no money, then the next response from the consultant or the counsellor is: "Well, look, we'll try to get you some assistance." But the assistance has been really cut.

This company is a real upstart. They call themselves pioneers in the health care field, and they even talk about developing leaders in the community to promote this new direction in health care.

[1550]

They'll come into your home. If you need someone an hour a day in your home, they'll come in for an hour a day. It'll cost you between $25 and $29 an hour with a three-hour minimum call-in. So it's around $100 a day to get someone into your grandparents' or parents' home to look after those basic needs that they have, which used to be provided to help keep seniors from getting into the hospital, to keep seniors at home longer. Now there's this upstart company.

So by virtue of this government reducing the service, discouraging people from staying in their home, in essence it creates a huge market for these upstart companies that are going to now sell you that service for a minimum of around $3,000 a month. Well, who can afford that if your parents or grandparents have been retired since age 65, and they're now 75 or 80 years old? I mean, it's 15 years on a fixed income, wanting to stay in their home, to live with some dignity in their home. They need a little bit of assistance, and suddenly it's: "You need to pay us another $3,000 a month."

That's where we're heading with this type of direction that the government is taking with delivery of health care in British Columbia. The direction that the Health Minister has taken promotes privatization. It absolutely promotes privatization when you have a clinic that says: "Come to our clinic, where the doctors wait for you." You hear that on the radio, and you go: "Wow, I'd love to do that, but I can't afford a membership card."

Royal Columbian Hospital, where there are 12 to 14 ambulances parked outside sometimes, should have a big sign out front that says: "Come to Royal Columbian, where St. Peter waits for you." That's what is happening. People are queuing for socialized medicine. Then you've got private providers that are capitalizing on the mismanagement of the local health care system. They're capitalizing on it. Those that can afford it can go and get a quality of health care that everyone should be getting, but unfortunately they're not, because they don't have the money to pay for it. That's the direction that this government is going with health care.

The bill, by taking away people's jobs, by ripping up these contracts…. Then they also expanded it to go to private care homes as well. We saw what happened in Nanaimo. Three times the entire staff was let go. Selectively, a few people were brought back, and the rest were let go. "Don't speak out. Don't try to form an association, because if you do, we have legislation here so that we can just let you go, and you don't have a legal leg to stand on in any of the provincial jurisdictions. You can't go to the labour board. You can't go to the employment standards branch."

Fortunately, the BCGEU, the HEU and the Health Sciences did launch an appeal to the Supreme Court of Canada. That Supreme Court decision was positive. Everybody I spoke to believed that would be a successful win, and it was. Shame on this government for bringing in illegal legislation that created such a hardship and such suffering to people that provide health care in British Columbia.

I remember reading some *Hansard*, and I think it was the member for Kamloops–North Thompson who referred to cleaners as nothing more than toilet cleaners. I mean, what a way to look at health care workers that are doing such a valuable job, trying to keep our health care system functioning and keep our infection rates low. You know, to talk about them like they're some worthless employees that should really be redundant is akin to bullying, which I thought this government was opposed to.

That is insulting. It is absolutely insulting to characterize a health care worker like that, and it's consistent with some of the notions they have on the other side that anyone who has a labour association has to be bad. Anyone that's trying to get a better quality of life for their family — that has to be bad. Anyone who's trying to get a better paycheque so that they can have some of the things that everybody else would like in life — that has to be bad.

[1555]

Yet if you look at Canada as a whole, we've benefited from that. We've benefited from people's right to association, and so have many, many democratic countries in the world. That's why the ILO was so strong in its position. That's why the ILO made such a bold statement. They don't often come across as bluntly as

they did in this case. But they did, and they did so because it's just unacceptable that a government would violate what is acceptable international democracy and impose something such as this against workers because of the mere fact that they belong to a type of association.

In January 2003 there was a poll taken of workers in the health care field; 76 percent of the workers that were polled were fearing job loss. That was hanging over them. They were afraid that their work was going to be contracted out.

You know, when somebody is working in such a high-impact, high-stress job, where seconds mean the difference between life and death, and then to have this hanging over your head…. Plus, they now have a retention problem where people aren't coming into the field. Now you have to work your people for longer hours. As if they needed more stressors on their work life, to now have to worry about what the next bout of terminations would be or what the next position or line of work that was going to be contracted out would be, and contracted out without any successorship rights whatsoever….

That certainly doesn't help the retention issue. I know the bill yesterday, Bill 25, talked about: how do we get more people into health care? How do we end up with more doctors in British Columbia? How do we get more nurses in British Columbia? How do we get more health care workers in British Columbia? Well, you know, the key component from all of it is morale. When there's morale, you don't have turnover. When there's good morale, you don't have turnover.

In my community we had St. Mary's Hospital, which was a building that the government thought was getting old. I think the other one was that the nuns who owned it wanted to retire. That was another thing we heard. That was a very strong and sturdy building. Just ask the demolition company that was trying to take it down. That thing was solid. It was probably built more solid than most buildings are built today. It was still very durable.

They had these teams of excellence, I believe they called them. I think they did something like 11,000 surgeries a year out of there. They stayed together for a long time. These employees would come in. They enjoyed their work. They enjoyed their teams. They were creative; they were innovative. There were some new techniques developed from those teams. It was a model that this government could have easily expanded on.

They could have said: "Wow. You know, we're having a problem with health care. We're having a problem with retention. Where aren't we having problems? Well, that St. Mary's Hospital seems to be doing quite well and has a very high efficiency rate, has a low infection rate post-surgery. Maybe we should look at that model and expand it."

But you know what? If you expanded that model, it would take away the incentives for privatization. If you expanded that model and started looking at building all of your surgical teams into these types of models, you would have a very efficient health care system, and I would venture that it would probably be an affordable one. It would save you a lot of costs.

[1600]

Right now what we're seeing at Royal Columbian Hospital is nurses burning out, nurses leaving the field, nurses looking for postings in departments where there isn't as much stress, where they don't have to work as much overtime, where they're not seeing the horrors daily and they're not coming into every bed full and having to take over numerous files at one time.

You know, you could create these teams of excellence quite easily, and you certainly don't create a team of excellence by tearing down one of the very few hospitals that's showing you that that model is possible. That model is extremely possible. That model is possible right now on the vacant lands right next door, right across the street from the Royal Columbian Hospital.

There's land that Labatt donated to the hospital, land that the city council and the Brewery, Winery and Distillery Workers Union worked on, ensuring that the city had a great partnership with an employer, a union and a community. The land is sitting there, and it could build one of those departments of excellence and provide health care service that would enhance and would be a model for future health care.

In this legislation we're fixing some parts of Bill 29. I think it's shameful that this government went in this direction, knowing that this was not legal legislation. I'm worried also about the legislation that they just brought in, denying homeless people the right to vote. I, too, predict that that will end up in the Supreme Court of Canada, because again, it breaches democratic rights.

Madam Speaker, I think that this government owes the people of British Columbia an apology. They owe those 9,000 health care workers an apology, and I think if they truly believe in anti-bullying, they should all stand up and apologize to all the health care workers that lost their jobs because of that draconian legislation that was introduced.

D. Chudnovsky: I am pleased to speak today on Bill 26, and I thought I'd begin by talking a little bit about the context. Where does Bill 26 come from? Substantially, it comes from a situation that arose in the winter of 2002 when government brought in what was then Bill 29, legislation that stripped provisions of a contract, a collective agreement between the Hospital Employees Union and, essentially, the government, the health authorities. That led to contracting out, privatization, the loss of jobs and a whole number of consequences which the Hospital Employees Union and other trade unions in the health care field, took to the courts. That's what brings us here today.

I thought I would begin by quoting from the Supreme Court of Canada in their ruling on the case of the then Bill 29, which came before them. That ruling was made public in the summer of 2007. I think it's instructive, as we try to understand what we're doing here and what the import of Bill 26 is, to look at what the Supreme Court of Canada said to those workers

and their representative organizations when they came to the Supreme Court of Canada to criticize and ask that Bill 29 be set aside.

This is what the Supreme Court said, among other things:

> "We conclude that the protection of collective bargaining under section 2(d) of the Charter" — that's the Charter of Rights and Freedoms — "is consistent with and supportive of the values underlying the Charter and the purposes of the Charter as a whole. Recognizing that workers have the right to bargain collectively as part of their freedom to associate reaffirms the values of dignity, personal autonomy, equality and democracy that are inherent in the Charter."

That's from the Supreme Court of Canada.

[1605]

I want to read another small excerpt before I comment on the Supreme Court's decision, and I quote a second time: "Ultimately, we conclude that sections 6(2), 6(4) and 9 of the act" — the act being the then Bill 29 — "are unconstitutional because they infringe the right to collective bargaining protected under section 2(d) and cannot be saved under section 1" — paragraph 110, which is an exception in the Charter.

In those what may appear very legalistic words, the Supreme Court of Canada has sent a message to the people of Canada, to the workers of Canada and to the governments of Canada about its view of collective bargaining, of unions and of collective agreements. It is heartening that the Supreme Court's message is consistent with the decades-long, centuries-long struggle of ordinary working people to be able to create organizations which represent them to the employer. I want to speak about that a little bit more in a minute.

The Supreme Court's message to this government is that collective bargaining is not a privilege, not a treat, not a fringe benefit to be trifled with by some government that's trying to flex their muscles. Collective bargaining, the Supreme Court tells us, is our right. It is the right of working people to engage their employers collectively, because if that weren't a right, ordinary working people would be put at even more of a disadvantage in the employment relationship than they already are.

The common law — and we could get into this if we wanted to — and employment law, even with the right to collective bargaining, leaves working people at a disadvantage with regards to their employers. But the Supreme Court of Canada has told us that the right to collective bargaining, which ordinary working people enjoy in this country, isn't a privilege; it's a right. That's a message to this government and any other government that wants to trifle with the rights of the people who do the tough work in our communities.

The Supreme Court of Canada has told us that the right to belong to a union…. That's what this paragraph says: the right to choose to belong to a trade union, which is a way for individual workers, who are weak in the face of their employers, to get a measure of strength in the relationship between themselves as working people and their employers — the right to belong to a union.

The reality of belonging to a union is not a treat. It's not something to be messed with by some guys who get themselves elected. It's a right, says the Supreme Court of Canada, and that's a message to this government and every other government in the country. The right to negotiate and sign a collective agreement, which governs the terms and conditions of employment that ordinary working people have when they engage their employers — that's not a treat. That's not a privilege. That's not something to be messed with by some government that happens to get itself elected. It is a right within the Supreme Court's understanding of our Charter of Rights and Freedoms, the fundamental law of the land.

So the message from the Supreme Court, so eloquently delivered in the decision on the then Bill 29, is of tremendous importance to us as British Columbians and as Canadians. It tells us that the Supreme Court of Canada believes that collective bargaining and belonging to a union is part of our democracy. It's part of what we mean when we talk about democracy.

[1610]

Democracy is not simply getting to vote for this one or that one once every four years. It's a piece of democracy. That's a part of democracy. There's a lot more to democracy, and the Supreme Court tells us in this decision that a piece of our democracy is the right to collective bargaining. Good for them, because it protects us as Canadians from people like that over there. People like this government on that side of the House that would bring in the kind of terrible legislation that Bill 29 was.

So today we celebrate. Our celebrations are muted, and I'll get to that in a little bit. But we celebrate the decision of the Supreme Court, and we celebrate that this government has been forced by the highest court in the land to come back to this House with their tails between their legs and take back some of the outrageous legislation that was put forward and passed in 2002.

Now, there's another reason why we have a muted celebration today. That's because promises made were broken. Clear promises made by the then Premier and still Premier were broken. When the leader of the government makes promises and they are broken, it is to be celebrated, in a muted way, that that leader of that government is caught out and made to correct what was an injustice.

We can turn our heads back to the period in the year 2000 and 2001, as we were preparing for the next-to-last election in this province. The Premier, the then Leader of the Opposition, was asked on many occasions: "Do public service workers have anything to fear from you if you become Premier? Will public service union–employer collective agreements be respected by you if you become Premier? Will you tear up" — the then Leader of the Opposition was asked — "freely negotiated collective agreements?"

Remember, collective agreements…. They're often described as union contracts. They are not. They are collective agreements. They are agreements between unions on the one side, representing workers, and em-

ployers on the other side, representing the employers. If they were union contracts they'd be a lot different than they are now, I'll tell you that. They'd be a lot different than they are now. They're compromises that are negotiated.

The then Leader of the Opposition was asked: "Will you tear up collective agreements between public service workers and their employers?" He said: "No, you've got nothing to worry about."

In fact, he made the promise directly to me. At that time I had the great privilege of having been elected by my colleagues, 40,000 teachers in British Columbia, to be the president of their organization. As a part of my work, I met in this building with the then Leader of the Opposition, who was to become the Premier, and asked those very questions of him. Do public service workers have anything to worry about? Will collective agreements be respected? Will freely negotiated collective agreements be torn up?

The promises made to all kinds of public service workers, to me as a representative of teachers in the province, and to the people of British Columbia — those promises turned out to not be kept.

[1615]

So today is a kind of celebration of the fact that those promises that were not kept were caught. That Premier was caught out. That then opposition leader, who became the Premier, was caught out. When those commitments were made and turned out not to be true, the highest court in the country, the Supreme Court of Canada, saw that and called that Premier to account. That's why we're here in this room today debating this bill. That's why this government was forced to bring Bill 26 before us today, and that's reason for celebration today.

But in the interim period there were consequences of the promises unkept. There were consequences of the illegal bill. People's lives were affected dramatically by that bill that turned out to be illegal — and the Supreme Court of Canada told us that — and by those promises that turned out not to be kept by that man who was the opposition leader and became the Premier.

What were the consequences of that illegal bill and the consequences of those unkept promises? Well, people who worked in hospitals, the workers in the hospitals, the people who do the tough work in the hospitals, the cleaners and the care aides and the people who made and delivered the food, those people without whom our hospitals and long-term care facilities could not function…. We could not do what we do for each other in the health care system without those people.

You know, some of them were even making $18 or $20 an hour. You don't get rich on $18 or $20 an hour. You can't buy a house in my constituency on 18 or 20 bucks an hour. You can't even come close to it. Astounding. They were making 18 or 20 bucks an hour. But that was too much for this lot over here. The people who make sure that our hospitals and our care facilities function were making…. And God forbid, most of them were women, and almost all of them immigrant women to boot. That was too much for this lot over here.

So they brought in Bill 29, and the consequences of that decision were real for thousands and thousands of people across this province, most of them women, who make sure that our hospitals can run. Those people — 9,000 of them — lost their jobs as a result of Bill 29. Unbelievable.

But it was okay with this lot over here. Those who were lucky enough to be hired back by the privatized, contracted-out, lousy companies that provide way worse services today in our hospitals…. The lucky ones were hired back, most of them, at $10 an hour. But that was okay with this gang over here. In fact, that was the purpose of this gang over here.

I want to talk about….

Deputy Speaker: Member, I wonder if you could withdraw that phrasing. I think it is unparliamentary.

D. Chudnovsky: Which phrasing, Madam Speaker? If you could help me, please. I'm sorry. Quite frankly, I don't know what….

Deputy Speaker: Referring to hon. members as "gang."

[1620]

D. Chudnovsky: I'd be happy to withdraw that.

I want to speak about one of those 9,000 workers. One of those 9,000 workers was a constituent of mine. She is no longer. Jaswant Dhamrait worked at Burnaby Hospital for 30 years. For 30 years she worked in the cafeteria at Burnaby Hospital. By the decisions of this government, by the decisions of those who sit on the opposite side of this House, Jaswant Dhamrait lost her job. She was the sole breadwinner in her family. They lived six or seven blocks from me in East Vancouver, in Vancouver-Kensington. The sole breadwinner. Her husband, a wonderful man, was disabled and has been disabled most of their married life. They had children, and she was the sole breadwinner of that family.

As a result of this government's decision…. She made too much money, according to this group on the other side of the House. According to this government, she was too rich at $18 an hour taking care of a disabled husband and her family. That was too much for this esteemed group. So they brought in Bill 29.

It's not theory. It's not categories of people. It's real people whose lives were turned upside down by the decisions of this government, and they laugh. Every time we on this side talk about ordinary folks or poor people, that minister across the way has a giggle.

So Jaswant Dhamrait lost her job, and as a consequence of the decisions of this government, her family lost their home. They no longer live in my constituency. They had to move in with their children. That family and that woman were treated with contempt by this government. It is a small celebration that the Supreme Court of Canada has told this group on the other side that their law was unacceptable, didn't pass muster and was inconsistent with the Charter of Rights and Freedoms of Canada. That's a small vindication for Jaswant Dhamrait. She deserves much more than that

small vindication, but we celebrate with her today that small vindication.

This government chose to precipitate a conflict with Jaswant Dhamrait. They decided that they were going to have a beef with Jaswant, because, at $18 an hour, that was too much to pay her to do the work she'd been doing for 30 years at Burnaby Hospital. They chose to precipitate a conflict with thousands and thousands of public servants who worked in our hospitals and our care facilities in 2002. They chose to do that. They precipitated that conflict.

But today we have a little celebration in the fact that the Supreme Court of Canada has told Jaswant Dhamrait and her tens of thousands of colleagues that they were right and this government was wrong, and that's worth noting and worth celebrating. The bill was illegal and is illegal, unacceptable and violated the Charter of Rights and Freedoms, the very principles on which this country sits.

[1625]

I want to speak about another impact of Bill 29, another consequence of Bill 29, and it's one that's not often spoken of. I think it's worth talking about, because Jaswant Dhamrait and her colleagues thought of themselves as being part of the health care team in our hospitals and care facilities. They had great pride in their work.

They understood, in a way that this government didn't and I fear still doesn't understand, that for our hospitals and care facilities to work and provide the health care that British Columbians need and deserve…. For that to happen, every part of the operation has to be respected and given the dignity that it deserves. From those that clean the floors and, yes, the toilets, to those who serve the food and prepare it, to those who provide the care and attention to the patients, to the professionals, to the administrators — all of those people have to be seen to be part of the whole and to be extended the dignity and respect that they deserve.

When that happens, our hospitals and care facilities run very well indeed. But when it doesn't happen, the hospitals get dirty, the emergency rooms are in crisis and the acute care beds are full. When that doesn't happen, the morale of the workers in the hospitals and the care facilities takes a tumble and they don't see and understand themselves to be part of the team.

One of the great tragedies of the actions of this government has been to poison the relationship between those very workers and the enterprise in which they worked and in which some of them once again work. It has been to change their attitude.

In my constituency in East Vancouver, in Vancouver-Kensington, 1,100 health care workers live — that's before you start talking about nurses — and I know many of them very, very well indeed. They report what really goes on in the hospitals. They report, most depressingly, that their feeling about their work has changed substantially over the last few years.

The responsibility for that lies with this government, because when you treat people without respect and you fail to provide to them the dignity to which they're entitled, there are consequences. The consequences are that the morale in our hospitals has taken a tremendous beating and that the team — the notion of the health care team, which includes everybody who works in the hospital — has taken a tremendous beating. It's this government which is responsible for that, and thank heavens that the Supreme Court of Canada has told them that it's unacceptable. It's illegal. It's not consistent with the Charter of Rights and Freedoms that they treat those people the way they have.

Now, it's worthwhile noting that it's not only those who suffered at the hands of Bill 29 who had to deal with the unacceptable and regressive actions of this government in those winter months of 2002. It's also the case that tens of thousands of other health care workers — our neighbours, our relatives — had 15 percent of their salaries stolen from them by this government, stolen right out from under them as a direct consequence of the promises of the Premier not coming true.

[1630]

The Premier promised that health care workers, civil servants, public servants of all kinds had nothing to fear from him and that public service contracts would not be ripped up, and they were. As a consequence, in health care thousands more workers had 15 percent of their salaries stolen from them.

We could go on and on in other areas of the civil service. Teachers, for instance, who have always tried their best to provide the best instruction and education for students, had their contract ripped up by this government even though the promise had been different.

Today is a little bit of a vindication, a little bit of a celebration. Those who lost have not been given back what they lost. Many still don't have those jobs. Many who were hired back by the privatized, outsourced, contracted-out international corporations have lost not only what they lost at the time, but are working for much lower pay than they were at the time. Those who still have their jobs have lost the 15 percent and haven't yet gotten back what they lost as a consequence of this government. Portions of that legislation, Bill 29, that are unjust still exist, and other legislation which came in at the same time still exists.

[S. Hammell in the chair.]

So our celebration is muted, but it is a celebration nonetheless. It is a vindication. It is a vindication of workers like Jaswant Dhamrait. She and her colleagues triumphed over this government. They deserved to triumph. We congratulate them today. We celebrate with them, and we say with them that the struggle isn't over. The struggle will continue. There will be justice for all of those workers who were attacked by this government in 2002.

B. Ralston: I rise to take my place in this debate on Bill 26. As previous speakers on this side have set out, this bill is brought forward before the House largely in response to the direction of the Supreme Court of

Canada in its decision which considered the application of the Charter of Rights, section 2(d), the right to associate, on the legislative action of the government back in 2002.

I think it's useful just to reflect on how this came about, because in 2002 the action was something that was contrary or, at the very least, appeared to be contrary to what the now Premier, then Leader of the Opposition, said prior to the election. Indeed, he gave a famous interview with *The Guardian*, which is the publication of the Hospital Employees Union, in November of 2000.

Just for the sake of accuracy, I want to quote from that interview, and I'll allow the public and those who read this speech to draw their own conclusions about the Premier's subsequent actions when judged against what he said back then. He was asked — and I'm reading here: "Monitoring the pulse of HEU members, their sense of a Gordon Campbell government would be the privatization of health care services and their jobs."

Deputy Speaker: Member, you don't refer to a person by name.

B. Ralston: I understand that. I'm endeavouring to quote accurately from the article.

Interjections.

Deputy Speaker: Just a second, Members.
You cannot do indirectly what you can't do directly.

B. Ralston: Very well.

The response was from the Leader of the Opposition, now the Premier, but referred to by something else:

> "I don't think they have to worry about that." He said that their sense should be that the Leader of the Opposition, now Premier, and the B.C. Liberals recognize the importance of HEU workers to the public health care system. "They are front-line workers who are necessary. You can't talk to anyone in the health care system who doesn't recognize that. I want HEU workers like other workers in the public health care system or in the public service to recognize their value. We will value them."

[1635]

A new question. "A 48-year-old housekeeper who has finally, after decades of struggle, come up to the average wage in B.C. — does she have anything to worry about in terms of privatization from a" — Leader of the Opposition, now Premier — "government?"

Response from the Leader of the Opposition, now Premier, referred to by something else: "I say no. What she's going to find is that people in British Columbia and the government are recognizing the value of the work she does. More importantly, she's going to find the quality of the work she's able to do is more rewarding and fulfilling."

New question by the editor of the newspaper: "One of the things that's novel about health care reform has been the employment security agreement or the health labour accord. In the past, you said you would rip it up. What's your position today?"

Leader of the Opposition, now Premier, referred to by something else in this interview: "First of all, I don't believe in ripping up agreements. I wasn't happy with the health labour accord, and I said that clearly in 1995. Having said that, I think the question today is how you maintain the quality of the talent of the people who are in this system. I have never said I would tear up agreements. I said I disagreed with the HLA, and I did. That's just the way it is. I am not tearing up any agreements."

Then the final question: "So there will be no legislative initiatives to remove it from the collective agreement?" Leader of the Opposition, now Premier, referred to by something else: "No, I don't plan on it."

I would think that the clear implication of that interview was to invite people to conclude that the Premier, the Leader of the Opposition then, should he have come to government — this interview was in November 2000 — would not rip up collective agreements. That indeed is how it was read.

It was covered widely in the media, and these comments were picked up and reported in other parts of the media. Mr. Palmer picked it up and put it in his column. The significance that was attributed to that interview was that not only was the Leader of the Opposition, now Premier, not going to rip up collective agreements; it was taken as a general sign that notwithstanding what his position had been previously, he was moderating his position.

So heading into the election, the Leader of the Opposition took the opportunity to speak directly with the union members of the Hospital Employees Union and set out this very clear position that was widely interpreted. It's not an interpretation that simply the opposition made. The media made that. It was widely agreed that that's what he meant, that's what he intended, and that's what he said. He was not going to rip up collective agreements.

Imagine the surprise, the sense of betrayal, experienced by union members when they discovered back in January 2002 that this legislation was introduced. The Supreme Court of Canada says that notwithstanding everything that the Premier, then Leader of the Opposition, said prior to the election, the unions were given — and I'm quoting from the Supreme Court of Canada decision — "20 minutes' notice of the intention of the government to introduce this legislation into the Legislature."

That was it — 20 minutes. Notwithstanding all the flowery language and the assurances given before the election, that's what the government did. This legislation went through in a particularly punitive and brutal process, certainly not one of the finest hours of the B.C. Legislature.

[1640]

The legislation was occasioned by the calling back of the House to consider some back-to-work legislation in another dispute, in public schools. This bill, using the opportunity, I suppose, of having the Legislature reconvene on Friday, January 25….

The government introduced this bill at first reading on Friday afternoon. Second reading — that is, consid-

eration of the bill in principle — took place on Saturday, the following day, January 26, between 5:35 p.m. and 9:24 p.m. Then on Sunday the Legislature reconvened at 11 a.m., dealt with a series of other bills and got to this particular bill on Sunday evening at 11:30 p.m.

So more than 12 hours after starting in the morning, the Legislature began to debate this bill. At that point there were only two opposition members, the member for Vancouver-Hastings — I think I'm entitled to refer to her, since she's no longer here, as Joy MacPhail — and the present and continuing member for Vancouver–Mount Pleasant. They were the only two opposition members.

Notwithstanding that, after being at it and debating other bills from 11 in the morning until 11:30 that night, they began discussion at the committee stage of this bill. They began at 11:30 p.m. They concluded their discussion at 3:52 a.m.

They debated for a series of hours into the small, early hours of the morning and concluded their discussion at that time in the morning. The Legislature then stood down briefly and awaited the arrival of the Lieutenant-Governor. Royal assent was granted to the bill at 4:53 in the morning.

This legislation was a sweeping and, in the language of the Supreme Court, very decisive and total attack on principal provisions of the collective agreement, rammed through in the most unseemly style in the dead of night. This was from the most accountable, open and transparent government, after consultation with the affected trade unions and the affected workers of a single phone call 20 minutes before the legislation was introduced.

That was the extent of the consultation. That was the extent of the commitment. That was the follow-through on the interview with *The Guardian* in November 2000. That's what the government did.

There is no doubt that there was widespread public condemnation and indeed shock, given the Premier's assurances before the election. The matter went to the International Labour Organization, which is an organization that is a body of the United Nations. The International Labour Organization ruled that the British Columbia government, by its actions, had violated the United Nations convention on freedom of association when it enacted, among other bills, Bill 29.

The ILO used very blunt language by saying that the B.C. government had repeatedly violated the rights of those workers involved, who were members of those unions, by refusing to negotiate contracts with their unions and using the Legislature to arbitrarily enforce its will.

Notwithstanding what the Minister of Finance, for example, just said earlier today here in the Legislature about the ethical standards of the British Columbia Investment Management Corporation — that they would abide by certain UN conventions and international understandings about ethical investment — the condemnation from this UN body, the International Labour Organization, meant nothing to the government. They brushed it aside — no obligation, no sense of shame or sense that anything was wrong in the legislative actions that the government had taken.

[1645]

It then fell to the union to mount a lengthy, expensive and protracted challenge to this legislation, leading ultimately to a decision by the Supreme Court of Canada. I want to comment because sometimes one gets the sense that some of what is said about this debate is an invention of others. But this is the Supreme Court of Canada, the highest court in the land, considering some of the basic rights both in the Charter and in the collective bargaining process.

What the Supreme Court of Canada said is that even before some of the present statutory labour regimes were put in place, collective bargaining was recognized as a fundamental aspect of Canadian society, emerging as the most significant collective activity through which freedom of association is expressed in the labour context.

Association for the purposes of collective bargaining has long been recognized as a fundamental right which predated the Charter.

> "The constitutional right to collective bargaining concerns the protection of the ability of workers to engage in associational activities and their capacity to act in common to reach shared goals related to workplace issues in terms of employment."

It's significant that the process doesn't guarantee a result. There's no obligation for an employer to agree with the union in the process of collective bargaining, but there is an obligation to engage in discussion.

> "It means that employees have the right to unite, to present demands to government employers collectively and to engage in discussions in an attempt to achieve workplace-related goals. Section 2(d)" — of the Charter of Rights, the fundamental, bedrock law of the country — "imposes corresponding duties on government employers to agree to meet and discuss with them. It also puts constraints on the exercise of legislative powers in respect of the right to collective bargaining."

But there are limits.

> "It protects only against 'substantial interference' with associational activity…. To constitute substantial interference with freedom of association, the intent or effect must seriously undercut or undermine the activity of workers joining together to pursue the common goals of negotiating workplace conditions and terms of employment with their employer."

What the Supreme Court found here is that the right includes an obligation to meet but not to agree, and only where there is substantial interference with that right — not trivial, not transitory, not minor, but substantial interference — will the court intervene.

The court wasn't faced with a great challenge of evidence here. It had only been one phone call 20 minutes before the legislation was introduced. Not my words — the words of the Supreme Court of Canada. That's the factual basis that they found. They go on to say that there's an obligation in what's called the duty to bargain in good faith, and a basic element of that duty is to actually meet and to commit time to the process.

> "Different situations…demand different processes and time lines. However, failure to comply with the duty to consult and bargain in good faith should not be lightly founded and should be clearly supported on the record."

Again, substantial interference — not transitory, trivial interference — and a failure to consult should only be found when it's something major, a major breach of that duty. But the court had no difficulty in finding that. Indeed, the language that they used is:

> "Although the government was facing a situation of exigency, the measures it adopted constituted a virtual denial of the section 2(d) right to a process of good faith bargaining and consultation….
>
> "The record discloses no consideration by the government of whether it could reach its goal by less intrusive measures. A range of options were on the table, but the government presented no evidence" — no evidence, none — "as to why this particular solution was chosen and why there was no meaningful consultation with the unions about the range of options open to it. This was an important and significant piece of labour legislation which had the potential to affect the rights of employees dramatically and unusually."

[1650]

Not my words, the words of the Supreme Court of Canada — substantial interference, unexplained why this option was taken and the potential to affect the rights of employees dramatically and unusually.

> "Yet it was adopted rapidly, with full knowledge that the unions were strongly opposed to many of its provisions and without consideration of alternative ways to achieve the government objective and without explanation of the government's choices."

That is a sweeping condemnation of the government's actions in this particular case, and it's worth reflecting upon when one considers some of the other activities of government in the pursuit of its legislative agenda, even in this session today.

The record was unusually sparse — no consultation whatsoever, no explanation of the course chosen, just a plain parliamentary hammer rammed through arrogantly in the dead of night. Thankfully and rightfully, the Supreme Court of Canada intervened — very unusual, a significant decision about the rights of collective bargaining in the country occasioned by the activity of the government opposite.

Notwithstanding that the International Labour Organization condemned the government in 2003, notwithstanding this decision of the Supreme Court of Canada, I don't sense a great deal of contrition. I don't sense a feeling on the part of the government that they're sorry or that they understand what they did. Leaving aside the legislative action, it's particularly instructive and in many ways sad to look at the individual cases, the effect on individuals that this basically legislative action resulted in.

When I was a candidate in the last election and was out knocking on doors in my riding, as many of us do, I knew I had someone who would certainly be prepared to listen to me and consider my message when I ran into former HEU workers, people who'd been laid off as a result of this legislation. Their lives were turned upside down. They were very bitter and very upset, and rightfully so.

Many of them were very proud of the work they did, and they had every reason to be so. Many religions and many people in society speak of the dignity of labour. They were very proud of their jobs, and yet the manner in which they were treated, the effect of the largest mass layoff of female workers in the history of Canada, had devastating impacts on individual families. There was the loss of secure decent-paying jobs for women — not wages that would make people rich, but reasonable wages. Many were not able to find replacement jobs that offered the same level of wages or benefits or workplace protections or pensions.

Not only were individuals affected, but couples were also affected. Many families are two-income families. In the Lower Mainland and the lower Island, in order to afford the cost of housing and many of the multiple obligations that people have, often it's necessary that two people — the mother and the father in the case of a family or even a couple without children — both work.

The loss of the one job led to significant fallout and negative fallout for many families. Relationships were strained; marriages failed; children suffered. The new jobs that people took, sometimes multiple jobs in order to meet the financial obligations they had because of the lower pay, resulted in time away from their children and their family.

[1655]

Displaced workers also battled illnesses brought on by stress and anxiety and worry, with clinical depression being the most prominent. Indeed, there are academic studies that chronicle the impact of unemployment on the health of laid-off employees. It's often said — I think Sigmund Freud said it — that love and work are the two pillars on which most people's lives rest.

When your job of which you're proud, which enables you to support your family, is taken away from you, and that kind of anxiety and stress falls upon you, the consequences can be — not in every case; some people are more resilient than others — very drastic.

The contracting-out that followed resulted in some of those workers taking jobs at substantially reduced pay in the range of $8 to $10 an hour. Again, there doesn't appear to be any contrition on the part of the members of the government. Certainly, the Minister of Health supported this bill at third reading, as did all members of the government side with the exception of the member for Peace River South, who voted against the bill at third reading. Of course, the two opposition members — the member for Vancouver-Hastings and the member for Vancouver–Mount Pleasant — voted against the bill as well.

There don't appear to be any regrets or anything learned from this, and one sees the fallout. Maybe this is the economic vision of this government, and it's bearing fruit. I think the recent Census Canada data showed that median earnings for individuals in British Columbia between 2000 and 2005 fell an average of 3.4 percent. The conclusion that many drew….

The longest secular decline of 13.1 percent from 1980 to 2005 in median earnings in British Columbia, unprecedented in the country, has led to the view of many — and I think it confirms people's real, lived experience — that it's harder to get ahead and that the number of people at the bottom end of the income scale is growing. Most of us in the middle class are treading water, and a few are doing better. But the benefits of prosperity are not being shared equally, certainly in the case of these workers.

These workers are an example — I suppose a very vivid example and with drastic personal consequences — of the result of that economic vision that ordinary people are being paid too much, that they should be paid less and that they should be satisfied with that so that a few at the top can make more money.

The long-term consequences for all of us in that kind of society are not ones that we on this side of the House desire. That's part of the reason why this legislation seeks to correct Bill 29. That's why Bill 29 was so odious — really a shocking betrayal of trust by the Leader of the Opposition then, now the Premier, given his position that he took before the election and given the actions of his government.

Anyone who knows the operation of the government — all commentators, those who are close to the government and those who have been members of the government and left — understands that the Premier exercises a very tight control of the agenda and certainly would have signed off on this measure and indeed did sign off on it and put into legislative action the steps that brought Bill 29 about.

This is a small measure of redress. It's something that I don't think the government is doing willingly, other than under the pressure of a Supreme Court of Canada decision. Certainly, they have little choice, given what the Supreme Court of Canada ordered.

[1700]

It will not put back together the lives of those who suffered drastic personal consequences as a result of the impact of this legislation on losing their jobs and the upheaval in their personal lives. But it is some measure of redress, some small measure of justice.

It's with some satisfaction that we on this side support that aspect of the bill and hope that the government would never consider bringing this kind of legislation forward again, although given some of the signals that we get from this government, I'm not sure that working people can ever rest and know that that certainty exists. This government, based on my experience here in this Legislature, is certainly capable of taking those steps again at some point in the future.

With that, I'll end my remarks and look to the next speaker on the opposition side to take up the debate.

M. Karagianis: I'm happy to also take my place in this debate and follow my colleagues and stand up and speak to Bill 26, because I think it's really important to exercise the democratic right to speak to this bill.

I know that before this session is over there will be bills passed that will go through without debate and without scrutiny and that the government has brought a closure motion and will ram through legislation in the coming days here that we will not have a chance to debate. It's imperative that I stand here and take my rightful place and opportunity to speak out on behalf of my constituents and my community and exercise that right that will be denied to me on bills other than Bill 26.

I do know that Bill 26 has several significant parts to it. I know that the emphasis will be put on some of these very ably by our critic, the member for Vancouver-Kingsway, and that he's outlined in his opening remarks his intentions as this bill moves through its various stages.

The Emergency and Health Services Act amendments are key parts of this. I expect there will be actions from our side of the House with regard to that aspect of the bill. Certainly, the amendments to the Medicare Protection Act follow very closely, in fact, on a private member's bill that was submitted in this House by the member for Vancouver-Kingsway. We're happy to see that and support the fact that the government has seen fit to take that private member's bill and introduce it as their own, through this Bill 26.

I think that our side of the House, the opposition, has very clearly staked our very keen interest, most notably in the part of the bill that addresses Bill 29. I know that members before me have spoken about Bill 29 — the infamous Bill 29 that passed on January 28, 2002, in this House. While the government had a majority of 77 to 2 in this House they saw fit to bring through Bill 29, which categorically broke promises made directly to health care workers in this province and defied a promise that had been made through the election prior to 2001.

I think in fact that it was a day of infamy, the day this promise was broken in this House. I'm curious. If you look back and think, in fact it wasn't really a day of infamy — it was a night of infamy. A government with a 77-to-2 majority felt it necessary to debate this bill into the night and to carry out its actions of passing this bill in the dark of night. You have to ask yourself: why would a government with a majority of 77 to 2 feel compelled to carry out such an action?

We often filibuster in this House in order to give true and thorough debate to legislation that we are not in favour of. When called upon and felt that it was imperative for the opposition to exercise its right, we have filibustered on bills and actions where we felt the government was defying the right of the people and the will of the people. But when you have 77 members and you only have two opposition members, why would it be necessary to carry your debate and your activities into the night and, in fact, invoke legislation in the middle of the night, when no one was concerned?

[1705]

I turn my imagination to that and say: "Now, what was it that government was doing in the middle of the night? With the kind of majority that they had, why was it necessary to do that?"

Clearly, they were breaking a promise, a very clear, direct and unequivocal promise that had been made to

health care workers in this province. They were ashamed and had to carry out those actions in the middle of the night. One can only speculate that that is the reason that a 77-to-2 majority would have to do their work in the middle of the night and pass a piece of legislation that, perhaps, they were afraid to look the people in the eye over in the light of day.

When Bill 29 was passed in this House it removed collective agreement provisions dealing with contracting-out and consulting about contracting-out. It stripped unions of their right to negotiate contracting-out and the consultation that's part of the collective bargaining process. It basically stripped those workers of all of the rights they had fought for.

The bill also eliminated successor rights for health and social service union members whose jobs were privatized or transferred. It rolled back deals reached over a great many years of collective bargaining. It rolled back wage parity between genders and also between workers in the community and those in health facilities, and it banned the unions from suing over the bill.

Now, just down the street from my home is Sunset Lodge. It's only two blocks away. Sunset Lodge was one of those institutions that was involved in the community and that was not a hospital facility. In fact, Sunset Lodge is an extended care, long-term care facility. I remember very vividly talking to the workers at Sunset Lodge — all of them women, all of them in jeopardy of losing their livelihoods, all of them with families dependent on the wages that they brought in, all of them dedicated to the care of some of our most fragile seniors. I remember every day talking to those workers as they fought back against this government over Bill 29.

When you look at the real implications and the real human beings that are affected here, you can imagine why this bill had to be passed in the dead of night. Who could conceivably look the public in the eye while they were carrying out that kind of business?

Interestingly enough, despite being banned as unions from suing over this bill, the labour movement took it upon themselves to continue to fight and took it to the Supreme Court of Canada.

We're standing here now debating Bill 26, which was really the reparation bill for Bill 29. This is something that's been forced upon this government — not of their own will. I think that it's imperative to stand here and recognize what happened to the workers in this province during Bill 29. The statistics will tell you that between 9,000 and 10,000 health care workers lost their jobs as a result of Bill 29 and that infamous day, or night, that this government hid away and passed Bill 29.

The statistics actually don't bear out the human beings behind that. You have to have known those human beings and talked to those human beings and those workers at the time it was happening. As has been said in this House before, this was the largest single layoff of female workers in the history of this country — female workers whose families were dependent on those salaries they brought in.

You read the stories here about what happened. Many lost their homes. They had their credit ratings destroyed. They were laid off, many of them, weeks before they qualified for pensions. I remember speaking with many of those workers at Sunset Lodge as they contemplated what this meant for their lives, for their children, for their husbands, for the careers that they had had in health care — and what would become of them in the future.

[1710]

They were much more than just these statistics. Like my colleague that spoke just before me and who talked about knocking on doors leading up to the election in 2005, I remember very vividly, in the early days of my door-knocking, knocking on a door which turns out to be now very close to my constituency office — just a few blocks away.

A man came to the door, and he was very robust and very angry when he heard what I was doing there at the door. I introduced myself, and he said: "I need to talk with you." He called his wife out, and they stood there, and they told me the story of what had happened to them.

Both of them had worked in the health care sector for 30 years. It had been their life, their career. Bill 29 took that away from both of them. You can imagine if you've worked in a career for 30 years…. These were not young people. These were not people in their 30s or 40s who might make a career change. These were people who had spent most of their adult life working in health care, and Bill 29 effectively stripped them of their jobs.

They lost their home, and everything that they had worked for and saved for in their entire life was stripped away in Bill 29. That man stood there with great dignity and passion to explain to me what had happened to him and what this government had done to him, his wife and his family. He held back the tears, and there is nothing worse than seeing a grown man holding back tears, a grown man who is no longer in the flush of his youth when he could go out and be competitive.

The man and his wife were living in subsidized housing and had lost virtually everything they had worked for and saved for their entire working life. There they were, broken by this government that carried out a legislative act in the middle of the night. With a 77-to-2 majority, they carried out their actions in the middle of the night.

I defy the members of this government to go and speak to this man who to this day has not been able to recoup what he lost when Bill 29 was brought down, because that man was broken. Everything gone.

So when I read the statistics about 10,000 health care workers, I think about that man and his wife that day that I knocked on their door. Every single day of that election campaign of 2005, that man haunted me. To this day, that man is there in my memory. I know where he lives. I see him now. He has not recaptured anything that he lost the day that Bill 29 was brought down in the dark of night, when a government chose to

bring down a bill that stripped a man and his wife of everything they owned — their jobs, their pensions, their income, their home, their dignity gone, by a group of individuals who had to pass a bill in the middle of the night.

That's the face behind the statistics. So when you hear about people who have lost their homes, how do you ever recapture that? In Bill 26 we can now try and legislatively repair the damage done by Bill 29, and perhaps some compensation will flow to some.

[1715]

But the people who have lost their homes, the people who have been broken on the backs of this legislative decision, cannot ever recapture that, because it's hard enough to maintain your home and your lifestyle now. Two incomes slashed and destroyed for the man and the woman that I talked to. How would they ever recapture and be able to buy a home again? They lost all of that.

Hundreds and hundreds and hundreds of families went through the same thing. Now granted, some of them got their jobs back — at half the salary. So when you see statements like they lost their credit ratings…. Well, I guess they would lose their credit ratings. If your wages went to half or less than half of what it had been before, then you go into debt, or you lose your car or your house. You certainly can't educate your kids the way you thought you were going to. Everything in your life now changes, because you have a meagre income, and it's difficult to make ends meet.

If you've gone from two decent wages in your family while you worked in the health care sector down to less than half of that for each individual, if they could both be hired back…. But so few got back into the workforce of that group, and too many were broken.

For those that were laid off before they could qualify for their pensions, there is another story. There is a whole other group of faces and group of individuals. I know those individuals. My constituency has the Victoria General Hospital. It has Sunset Lodge. It has other care facilities where these individuals affected by Bill 29 worked and lived. For those who couldn't qualify for pensions, where are they now? Do members of the government side ask themselves: "Where are those workers now?" So 10,000 of them didn't go back into the workforce, earning what they had earned before. If they clawed back anything in their life, did they get their house back? Their car? Their credit rating?

I know the government likes to brag that there are lots of jobs out there — certainly, there are — but when you have lost everything, lost your home, lost your credit rating, and you go back to work for half the wages you were working for before, your life has been destroyed. A life that you had built and thought that you had some security in has been destroyed.

I see many of those workers, and some of them have got other jobs. Some of them are just barely scraping by. Some of them left the health care sector entirely and have gone to do other things. None of them anticipated that this destruction of their lives would happen at the hands of their very own government, a government they trusted. A government that promised them, leading into the election in 2001, that there would be no broken contracts, that all of their rights would be respected, that their contracts would be respected. None of them expected that their government would, in the middle of the night, destroy their lives — and years later be forced back with Bill 26 to try and repair some of what was done.

But I don't think that it's possible to repair, for many of those people, what was done. The fact that this was the largest mass firing of women workers in Canadian history is, I think, the other piece of infamy that this government will wear. When you want to carve out history for yourself, when you're trying to leave legacies behind as a government in power, this will be one of the things that this government can wear as one of their crowning achievements in seven years as government in the province of British Columbia — that they are responsible for the largest mass firing of women workers in Canadian history.

I want to talk a little bit about the consequences of some of the actions that the government took. Aside from the human face of my friends and my neighbours in my constituency who have had their lives destroyed by Bill 29 — and some of whom have managed to scrape together some semblance of a new career or put their lives back together in some manner — and on whose behalf I stand here and speak today, I want to talk a little more about some of the other consequences of what has occurred with the results of Bill 29.

[1720]

Let's for a moment set aside the human factor of the people whose lives were destroyed by this government. Let's talk about the consequences to our health care system, because the consequences have been another infamous part of the history of this province and part of the ongoing challenge we have here in trying to protect and restore public health care in the province of British Columbia.

In fact, the impacts on local hospitals and care facilities in my community are notorious. The first and foremost is the famous rethermalized food that the private company who came in and took over food services in the hospital began to deliver. In looking back, it would be a farce if it were not so sad for the results of what happened with the rethermalized bad food that came out of the first wave of privatization that this government allowed into the hospital system.

I know that the number of heart patients getting inappropriate diets of rethermalized product, the number of other health concerns from people who were receiving inappropriate meals, whether they were diabetics, whether they had just come out of heart surgery, whether they had special needs and special diets…. The rethermalized food disaster was an absolute mess in this province and became the subject of story after story after story.

I know from the number of people who came into my office and talked about the really inappropriate meals that their loved ones were receiving. One of the reasons we had all of these tragic stories about the

inappropriate meals was because the food was being prepared in Alberta, was being delivered here to be rethermalized and was being shipped like some kind of an assembly line.

Interjections.

M. Karagianis: I can hear the government members starting to catcall, because they don't like to hear about this part of it. They don't want us to stand on this side of the House and remind them of this kind of dark part of their infamous actions around Bill 29 and its results.

Interjection.

Deputy Speaker: Excuse me, Member.
Minister, you will withdraw.

Hon. G. Abbott: I withdraw.

Deputy Speaker: Carry on, Member.

M. Karagianis: It continues to be an ongoing concern for my constituents around the quality of food preparation that they have now experienced at the hands of the privatized food preparation and food services within the health care system.

So we removed the food service people from the hospital, those who had experience with delivering nutritious meals within the hospital, who had the professional experience and expertise for doing that — for preparing specialized meals and making sure that when heart patients come out of surgery, they're not given greasy hamburgers; making sure diabetics get the kinds of meals they need; and making sure those with special diets get the kind of food they need. We took all of those out of the system.

I know earlier the member for Vancouver-Kensington, my colleague, talked about his experience with a worker in his community. I do know from talking with all of the constituents who have come into my office and complained and told me their stories. I do know that we have turned the tide back against quality and professionalism in our food preparation here in this province, and that's as a result of Bill 29.

Let's talk about the other side of the privatization that came out of Bill 29. We've, again, laid off thousands and thousands of workers, destroyed their lives, moved all of those professional people out of their jobs and put in a privatized company that brought in…. What is the other…? Bad food — what's the other side of it?

We've debated it long and hard in this House — dirty hospitals. At a time when we know there is growing concern around superbugs, a growing concern around hospital cleanliness being a really significant component of preventing these kind of communicable diseases from existing and carrying on and being perpetuated in hospitals…. What do we do?

[1725]

We privatize that end of it. We fire all of the health care workers who had previously worked in that sector, and instead, we replace them with a privatized company that gives us dirty hospitals.

You know, the government can catcall all they want. My husband works in the health care sector, and he sees it every single day. Every single day he goes in and sees the results of poor-quality service delivery, and why? Because a privatized company is there to deliver the service at the most economical rate and make sure that they walk away with a profit at the end of the day.

We have seen a consistent erosion of the cleanliness in hospitals as a result. Low-paying jobs, rapid turnover. Other members in this chamber on this side of the House have spoken about this.

These are tough jobs, and I do not for one minute think that these are not tough, tough jobs. To be a cleaner in the hospital is very tough because it's not just like cleaning your hotel room or anything, where a quick wipe and dust is going to do the job. These are cleaners who have got to go in and clean up in extremely challenging circumstances. It's extremely dirty and hard work, and so if you don't have those professionals….

I know other members of the House here have talked about this, about companies that have restricted the number of rubber gloves that their workers can use in a day, that have restricted the amount of cleaning product their workers can use in a day, that have restricted the number of workers on a shift.

There is no one who has spent time in the hospital who has not seen this — that we have, as a result of Bill 29, not only the broken lives of the people who were fired but now we have private companies in hospitals who have low-paying jobs that turn over quickly and that are not professionally run. We have dirty hospitals as a result of it. I have got a file in my office of the stories from workers and from people who have gone into the hospital, family members who have experienced horrific, dirty circumstances when they've gone in there.

So that's what we got as another result of Bill 29 — bad food and dirty hospitals and getting dirtier. So we have seen this widespread chaos within the health care system continue to be perpetuated by this government on a whole number of levels. But Bill 29, I think, has been one of the worst catalysts in all of this.

I said yesterday when I was in the House here that this government is a do-over government. This is a government that constantly has to go back and do over its work. I think that this is another real, prime example of that. The Supreme Court has pretty much had to drag the government kicking and screaming back to the table here, back to the cabinet table, to repair what was done with Bill 29 by putting in place Bill 26.

[K. Whittred in the chair.]

I don't think there is any way to actually restore all of the damage that has been done to families in Bill 29 by this government, by the legislation they passed in the middle of the night. I doubt that there will ever be a way for them to adequately address the results of those actions. I know that the Supreme Court has determined

that the government can put some new legislation in place here, but when I think about my constituents who were most involved in this…. I think about those constituents who lost their homes, lost their pensions, lost their credit ratings. I think about those workers who have now had to go back and work at two or three jobs for lower wages in order to make ends meet.

[1730]

I think about those families trying to raise their children now on lower wages and working longer hours. I think about all the years that have been lost for their families. I think about all those people who, in the current market, will not be able to gain back homes. Some of those people will never own a home again. Some of those people who will take years to repair things like damaged credit ratings.

I also think about their families. I think about all of those workers who have now had to raise children over the last five or six years, whose children have grown up with parents who are working longer hours to make ends meet and who may not any longer be living in a house that their family owns — who may, in fact, have to be growing up as latchkey kids.

I think about the kids. What age were they six years ago, and where are they now? All those lost years.

This bill in no way will give them that back. For many of those families, who are working hard to make ends meet, they have joined the ranks of the working poor at the hands of this government. That is a tragedy.

I'm glad to see Bill 26 take the first step towards reparation, but frankly, an apology is long overdue. This bill will not go far enough to repairing the damage that was done by this government.

H. Lali: I take my place in this debate. Bill 26, as you know, is the Health Statutes Amendment Act, which repeals provisions of the Health and Social Services Delivery Improvement Act, Bill 29, that was passed in 2002 and was subsequently ruled illegal by the Supreme Court of Canada. It also repeals sections of the Health Sector Partnerships Agreement Act and others as well.

I just want to remind folks in the Legislature of the reason we're here. We're here because of a Supreme Court of Canada ruling that is forcing this Liberal government to actually do what it didn't want to do, which was to repeal certain sections of Bill 29 that stripped workers of their rights, which were democratically gained and were also gained through negotiations with the health employers in this province, but which were arbitrarily stripped by this Liberal government in a very harsh way in 2002.

This bill was brought in by this Liberal government, kicking and screaming. They didn't want to do it, but they had to do it because the Supreme Court said they had one year to implement the changes they were recommending they had to do to that draconian Bill 29.

It talks about, obviously, the Hospital Employees Union workers and their membership — the folks that actually are very, very fundamental in terms of making sure that our health care system in this province works well. These are workers who were not traditionally very highly paid. They were, at that time when they were stripped of their rights, making about 18 to 19 bucks an hour. Even at that time they were not necessarily family-supporting jobs, if only one person in the family was working, and often that was the case. But it was good enough of an income to actually put food on the table and be able to provide certain things for your family.

In many parts of the province it was not enough to be able to buy a house, but you could afford car payments and buy yourself perhaps a Volkswagen or a Chevrolet — certainly not a Cadillac, a BMW or others, with that kind of wage.

Often both adults in the family had to work. So if one HEU worker was making about 18 or 19 bucks an hour and the other one was able to make about the same amount, they could buy a house and perhaps even buy a better car and be able to provide better food, clothing and shelter for their children and for the family. But often that was not the case. You had a single worker that was working.

[1735]

At that time, in November of the year 2000…. I want to read some of the highlights from the interview that the Premier, who was the Leader of the Opposition at the time, had with *The Guardian*. A question was posed by *The Guardian*: "A 48-year-old housekeeper who has finally, after decades of struggle, come up to the average wage in B.C. — does she have anything to worry about in terms of privatization from a Gordon Campbell government?" I know we're not supposed to use names, but this is a part of the interview.

Deputy Speaker: Member, you know the rules.

H. Lali: I'll change that to "privatization from the Leader of the Opposition's government, if he becomes Premier." He was the Leader of the Opposition at the time.

Of course, now the Premier — at that time the opposition leader — said: "I say no. What she's going to find is that people in British Columbia and the government are recognizing the value of the work she does. More importantly, she's going to find that the quality of work she's able to do is more rewarding and fulfilling." Those were the Premier's words when he was the Leader of the Opposition.

But it doesn't end there. *The Guardian* — it doesn't mention the name here, in this article — pressed further. They asked: "One of the things that's novel about health reform in B.C. has been the employment security agreement, or the health labour accord. In the past you have said you would rip it up. What's your position today?" That's the question posed to the Premier, who was the Leader of the Opposition at the time.

He answered: "First of all, I don't believe in ripping up agreements. I wasn't happy with the health labour accord, and I said that quite clearly in 1995. Having said that, I think the question today is how you maintain the quality and the talent of the people who are in the system. I have never said I would tear up agree-

ments. I said I disagreed with the HLA, and I did. That's just the way it was. I'm not tearing up any agreements."

The Guardian pressed further: "So there will be no legislative initiatives to remove it from the collective agreement?" And again, the Premier, who was the opposition leader, replied: "I don't plan on it, no." Those were his categorical denials, hon. Speaker. Those were the Premier's categorical denials, on the eve of an election, where he was trying very hard to become Premier of the day, and he didn't want to mess anything up by revealing what was in the little bag of tricks.

Interjections.

Deputy Speaker: Member. Members. The member for Yale-Lillooet has the floor, Members.

H. Lali: That was on the eve of an election. These denials and false promises that the Premier made, in this one interview alone…. And there were dozens of other interviews, by other news organizations in this province asking the very same question to the Premier — if he had alternative plans as to what he would do if and when he becomes Premier of this province.

There are categorical denials such as this dozens of times by the Premier, who was the opposition leader, on the eve of an election, because they wanted to find out what he had in his little bag of tricks. He made that denial. He made that denial over and over and over again — that he was in no way going to rip up any agreements. That's what the Premier stated repeatedly. But we know the truth to be something else.

After getting elected in 2001, he reached into his little bag of tricks, and he pulled one of them out. No matter how many times he's denied that he wouldn't do this, he would not rip up agreements, no matter how many times the Premier, on the eve of an election, not wanting to mess things up — that the people might find out the truth in terms of what his real intentions would be after an election — he reached into his bag of tricks, and he pulled one out. He not just pulled it out; he pulled a fast one on the HEU workers — all of those health workers across this province.

[1740]

What did he do? He turned around and introduced Bill 29, hon. Speaker. All of these workers, thousands of workers, who were just barely making a family-supporting wage, found out that they were going to not only lose their jobs but that they would be stripped of their rights. That's what the Premier pulled out of his bag of tricks. That's why we're here today — because the Supreme Court of Canada has said to the Premier and to this Liberal government that he was wrong then and he is wrong today.

It was the right thing for this Liberal government to actually make the changes to give some of those rights back to those workers who had worked hard and in good faith for decades by negotiating across the table, according to the law. To sit down with employers, with governments and to negotiate collective agreements in good faith, whether those governments were Social Credit or NDP in the past, for three, four decades before that — that is what would've happened. And the Premier reached into his little bag of tricks, pulled it out one day, and said: "This is what I'm going to do."

Deputy Speaker: Member, I just want to caution you. I think you are getting very close to unparliamentary reference. So use caution, please.

H. Lali: Thank you, hon. Speaker.

In any case, that's what happened. What happened was the stripping of rights for workers. The Supreme Court of Canada has forced this Liberal government, kicking and screaming, to come into the House this spring to actually rectify a number of those items that they brought forward in Bill 29.

That's why we're here today. You know, it was such a betrayal of the Premier's words to hear those words out of the mouths of Health Minister of the day and the Premier that their contracts were going to be stripped.

It was not done in any kind of a consultational way, either, and I want to put some more information on the record. How did the Premier do this? When he brought in Bill 29, when the debate took place in this Legislature, it wasn't a daytime debate in the middle of the week under the prying eyes of the media who usually sit up there in that gallery.

Sometimes these galleries up here — in front of me, to my left and behind me — are full of people. It wasn't done during the middle of the day when a lot of folks out there actually tune in and listen to what's going on here. It was done on a weekend. It was done in the middle of the night. It was done on a Saturday and a Sunday, to stay away from the prying eyes of the media up there who might report what was going on here, or people might see. It was done in an almost secretive way.

But still, I know that those cameras were rolling for the record, to see what was going on. I mean, how cowardly is that, to not even have the courage enough to actually do it when there are going to be a whole lot of people? But that's how it was done. The Premier used the hammer of his 77-to-2 majority. That's what he did. He could do anything and get away with anything. That's what the Liberals thought. That's what the Premier thought.

No matter the protestations of the member for Peace River North. He was a member of that who did that. You know, the Premier forced Bill 29, the Health and Social Services Delivery Improvement Act on January 28, 2002. The bill removed existing collective agreement provisions that dealt with contracting out, and also with consultation about contracting out, and stripped from unions and their workers the right to negotiate contracting-out provisions and consultation as a part of the collective bargaining process.

That's what happens everywhere else in British Columbia. That's what always has happened in other provinces in Canada and other jurisdictions across North America and around the world. When you want

changes that are in the collective agreement and changes to that collective agreement, when you negotiate in good faith, what you do is…. Both sides, employers and employees, through their bargaining agents, bring forward those issues, and they negotiate back and forth. It's a give-and-take.

But the Premier didn't afford that right that was hard fought and won by all those health care workers. The Premier didn't give them that option. He took it all away.

[1745]

He brought in the sledgehammer of the legislative majority of 77 to 2 to do that, in the middle of the night, on a weekend, away from the prying eyes of the media and the public, while most people were asleep at that time and not watching their televisions.

The bill also eliminated successor rights for health and social services union members — their jobs were privatized or transferred — and rolled back deals reached to move to wage parity between genders as well as between workers in the community and those in the hospital facilities. That's what the Premier did. He also banned the unions from suing over the bill.

What the Premier did through his actions was to not only strip all of these rights away from all these health care workers, but he also said: "I'm going to take your right away to be able to sue." That's what he said. How arrogant was that? There was no consultation. None.

Then of course, hon. Speaker, you and I both know that as a result of the legal action by the unions to question the legality of the legislation, in June of 2007 the Supreme Court of Canada ruled that parts of Bill 29 were illegal and established collective bargaining as a right protected under the Canadian Charter of Rights and Freedoms.

No matter how much of a majority the Premier and the Liberals may have had in this House in those four years, no matter how dictatorial most of those initiatives brought forward by the Premier and the Liberals were at that time, no matter how powerful they thought they were or how arrogant they were, you can't strip people in this country — and in most countries that I know of — of their rights when they're guaranteed to you, as they are under the Charter of Rights and Freedoms in this country. Thank God for the Charter of Rights and Freedoms in this country and for an independent judiciary.

Bill 29, which eliminated contracting-out provisions from current and future collective agreements and prohibited union consultation on contracting-out plans, violated the Charter right to freedom of association as well. The ruling gave the government a one-year deadline, as I mentioned earlier, to get rid of some of these offending provisions, and it forced the government to negotiate with the affected unions. That's what will happen here in this province.

When you look at it, what was this Liberal government and this Liberal Premier trying to do between '01 and '05? They said: "Oh my God, the budget's out of whack. We're going to have to control our spending, and we're going to have to make all these massive cuts." Not to mention they were giving away, at that time, $1.5 billion in corporate tax breaks to their friends on Howe Street, which actually created the deficit in this province to begin with.

"Oh no, we have this huge deficit. We're going to have to actually control the deficit and balance the budget. But the way we're going to do that," they said, "is we're going to make cuts to services in health, education, forestry, environment, mining" — no, not mining — "agriculture, tourism." In all of those, every other ministry, they made these huge cuts, massive cuts.

That's what the Premier did. In other words, he made cuts to the wages of some of the lowest-paid workers in the public service, the HEU workers. He took the money away from them by privatizing their jobs, and he gave it to his friends. That's, in essence, what happened. The deficit was created when this government gave away its revenue to its friends on Howe Street and then said: "We have this deficit, and how are we going to get the money to actually control the deficit? We're going to cut services to average lower- and middle-income workers and people who need health care in this province." That's how it was done.

[1750]

But who were these people who worked in the health field, who were the recipients of these cuts? It was between 9,000 to 10,000 workers to begin with. As well, they were mostly women, many of them running single-parent households, just barely being able to make ends meet, and now they were losing their jobs.

They were mostly women, not to mention mostly women of visible minority origin too. They were mostly a lot of recent immigrants, within the last five to ten years. That's who they were, mostly. These were the people who were affected by the cuts the Premier made.

I've already mentioned that they didn't have courage enough to actually do it in broad daylight. It was done on a weekend in the middle of the night.

Here's what happened. Going from $18 or maybe $19 an hour, their jobs were privatized, and their pay was cut to less than half, down to as little as $8 an hour — eight to ten bucks an hour. If some of those people, after they were laid off, were fortunate enough to get a job, to be rehired by these private contractors who were now going to look after the jobs these people did, they were going to be paid a lot less, too, and that's what happened.

Most of these workers I've mentioned were women. In essence, what happened here was that this was the largest layoff of women workers in the history of Canada with the stroke of a pen — one stroke of the pen by the Premier. He perpetrated the largest layoff of women in the history of this country.

As the member for Esquimalt-Metchosin just said earlier, before me, we all come here as politicians, and we all want to leave behind a legacy. If there's a legacy, as the hon. member before me has so notably mentioned, that the Premier will be remembered for when he is long gone…. He will be known as the Premier

who perpetrated the largest mass firing of women in the history of this country. That's the legacy he will have left behind.

These women and these health care workers — so many of them lost their mortgages because they were not able to pay for their mortgages. They had $18- or $19-an-hour jobs. They either went down to minimum wage, if they were fortunate enough to be rehired, or they had difficulty finding jobs. Many of them lost the mortgages on their houses.

Many of them lost their car loans if they had recently bought a new car. They couldn't make the payments because the unemployment rate under the Liberals, for three years, was closer to 10 percent at the time. There were no jobs out there for them to actually go and find a job at 20 bucks an hour to supplant the ones they had lost.

Do you think my colleagues on the opposite side actually cared about the situations of so many families that were broken, so many mortgages and car loans that were lost by these families, and the disruption they took in their lives? We don't hear any members across the way getting up to speak on behalf of these people. But they'll take their turn — one after the other, one by one — every day they're here when they have to talk about corporate interests and all of the companies, like the banks and the oil companies, that are making hefty profits.

They've got no problem standing up in this House and talking about the needs of those people that they represent — those poor oil companies and banks. They keep shovelling the money off to the back of a pickup truck every year. But when it comes to the lowest-paid workers in this province, they've got nothing to say to actually stand up on their behalf.

So many health care workers I talk to who have lost their jobs tell me: "It wasn't just my occupation. I didn't just lose my job. I didn't just lose my occupation. I didn't just lose the mortgage on my house or the car loan or have difficulty putting food on the table. What the Premier did was not just take my job away from me, but he took my dignity away as well." That's what happened. One just has to go out there and talk to the people who are affected. I doubt if members across the way care to do that, or have done that anyway.

[1755]

There were other consequences too. What happened was that when private contractors took over from the public, where the wages were higher…. Now the wages are lower. There is understaffing going on as well, evidently, and when you know that an employer doesn't treat you with the respect that you deserve, doesn't pay you with the kind of wages that you actually deserve, the morale goes down. It happens everywhere; anywhere it'll happen.

With the lowering of the morale plus the understaffing and the maltreatment of these workers, what's the final result? You're ending up with dirty hospitals. These are workers that you're talking about who cleaned our hospitals, who cleaned the laundry, who did the cooking and the cleaning and all the kitchen work that needs to be done and all of the other support staff work that has to be done in our hospitals and health care facilities across the province.

When their morale is down and it's understaffing that is going on, obviously, you're ending up not only with dirty hospitals but also with lousy food. That's what's happened. No wonder people are getting sick in our hospitals and our health care facilities. No wonder seniors who are in a lot of these facilities are complaining.

Basically, what's happened here is there's chaos, widespread chaos in the health care system, particularly when you go to seniors care homes. The mass layoffs and, also, the low pay of health care workers will impact recruitment and retention in this sector as well. It's a big problem. They don't want to talk about it across the way, but we'll talk about it on behalf of the people in British Columbia.

It leaves many care homes short-staffed, as I mentioned, and staffing shortages combined with the high staff turnover have contributed to the declining quality of care for seniors.

We don't find members across the way standing up to talk on behalf of seniors in this province. We're still waiting for them to get up and take their position. It's a government bill. They're the ones who brought it in. We don't see any members across the way standing up and speaking.

Interjection.

H. Lali: Sure, I'll take my place in a few minutes. The hon. member across the way who told me to sit down… Yeah, I'll take my place in a few minutes. I want the member to stand up, actually get up here and take the place in the debate.

Interjection.

H. Lali: That's right. I am entitled to my 30 minutes, and I will take them.

The response to all of the outcry when the government said they were going to do this was that they couldn't care less. It's a very arrogant kind of a response. It's their government — a 77-to-2 majority. They can do whatever they want, and that's what they did. But the Supreme Court of Canada had different ideas.

I'm going to read some of the quotes from the Supreme Court of Canada's decision on June 8, 2007, regarding Bill 29, and I quote from the document.

> "The evidence establishes that there was no meaningful consultation prior to passing the act on the part of either the government or the HEABC as employer. The HEABC neither attempted to renegotiate provisions of the collective agreements in force prior to the adoption of Bill 29 nor considered any other way to address the concerns noted by the government relating to labour costs and the lack of flexibility in administering the health care sector.
>
> "The government also failed to engage in meaningful bargaining or consultation prior to the adoption of Bill 29 or to provide the unions with any other means of exerting meaningful influence over the outcome of the process — for example, a satisfactory system of labour conciliation or arbitration."

But the Supreme Court ruling doesn't end there. It continues on.

> "The only evidence of consultation is a brief telephone conversation between a member of the government and a union representative within the half-hour before the act, then Bill 29, went onto the Legislature floor and was limited to informing the union of the actions that the government intended to take."

Half an hour. They talk about consultation: "Yeah, we consulted." One half of an hour before the bill was going to be tabled in the House — that's their idea of consultation.

I'd like to continue, because it is very important to put this on the record. What it says here in the court document is:

[1800]

> "Recognizing that workers have the right to bargain collectively as part of their freedom to associate reaffirms the values of dignity, personal autonomy, equality and democracy that are inherent in the Charter, paragraph 86. Having established that there is a right to bargain collectively under the protection of freedom of association in section 2(d) of the Charter and identified its scope, we must now apply it to the facts of this case. Ultimately, we conclude that section 6(2), 6(4) and 9 of the act are unconstitutional because they infringe the right to collective bargaining protected under section 2(d) and cannot be saved under section 1."

Paragraph 110, hon. Speaker. That was a slap on the face for this government, and it was a victory for some of the lowest-paid workers in this province.

One final comment I want to put on the record from the court document is this. They also say that the measures adopted by the government "constitute a virtual denial of the section 2(d) right to a process of good-faith bargaining and consultation."

So basically, the Supreme Court of Canada is saying that the government of British Columbia actually acted in bad faith. There was a collective agreement that was in place between the employer and the health care workers, and good faith would have meant sitting across the table from each other and negotiating back and forth to get the terms that you wanted in and the terms that you wanted out. That's good faith.

Bad faith is when you don't do that. You bring in a bill in the middle of the night on a weekend away from the prying eyes of the public and the media, and pass it while everybody is sleeping and not give workers the right to be able to actually sit down with the government to bargain in good faith.

That's here in the document. The Supreme Court of Canada says that the government acted in bad faith. So I'm really happy to see that the government's finally seen the light, according to the decision of the Supreme Court, to bring in Bill 26.

J. Horgan: It's a pleasure to rise here at a few minutes past six, when our blood sugar is at its lowest, and participate in what is a divisive debate that, really, is not about what's happening today as much as about what happened some many years ago when the B.C. Liberals came to power and decided that they were going to be the government for capital, not the government for working people.

That's a result of the current government valuing capital and thinking that the toil of human endeavour…. The people who work with their hands, people who go to work every day to pay their bills, are not as important as giving the massive tax breaks to corporations at the first opportunity and then reneging on commitments that the current Premier, then Leader of the Opposition, made publicly with respect to the validity and the sanctity of the signed contracts.

Now, this has been a long day. We've heard a lot from this side of the House. We've heard scant little from that side of the House other than: "Oh, let's move on. Let's move on." I just want to say to members on the opposite side, the government members, those who were here in 2002 at five in the morning on a Sunday and stood in this place and stripped the rights of workers, leading to the loss of some 9,000 jobs, predominantly women, and the reduction of wages of many, many more workers in the health care sector….

My colleagues have done, in my estimation, a very good job of summarizing the history of Bill 29, which is now being corrected by Bill 26, but I'm going to take a little march down memory lane as well, because I believe it's important that those on that side of the House are reminded as many times as is humanly possible of the profound impact, the human costs, of their reckless behaviour in the middle of the night on a weekend in January of 2002.

I do that out of sorrow rather than anger. My anger is usually confined to the glib and irrelevant comments of the member from Penticton, so I'll try and, instead, focus on the sorrow that this legislation brings to me, because it is genuine.

[1805]

I've had colleagues speak about their experiences on the campaign trail in 2005 — knocking on doors, visiting with people in their constituencies. Many, many health care workers were approached at that time. We've heard stories of constituents. Certainly, the member for Vancouver-Kingsway, the member for Esquimalt-Metchosin and, most recently, the member for Yale-Lillooet have spoken about the human costs of arrogance in governments, the human cost of doing whatever you want with no regard for the law.

I think I have a story as well. I'm going to leave it until later in my remarks, because whenever I think of this individual, it makes it very difficult for me to compose myself. I have much to say, but I do have a human story that I want to share with members on that side of the House, because it has certainly been haunting me for the past three years, and I want them to go home this weekend mindful of the impact that their actions had on at least one person in this province.

The genesis of Bill 26 is the Supreme Court ruling with respect to Bill 29, which was brought in, in January, passed on Friday, the 25th of January, 2002, and over the course of the weekend, passed in the dark of night with Her Honour the Lieutenant-Governor being rousted from her sleep, jammies replaced with regal

wear, for a trip here to give royal assent at 4:53 in the morning.

I think that before we get to that weekend…. The impact of a 77-to-2 Legislature was a government so arrogant and so confident in its course that it had already given massive tax breaks to large corporations as its first order of business. Now it set about demonstrating not just its love of capital but its disdain for those who work for a living.

The genesis of this whole issue was an interview when the then Leader of the Opposition, the current Premier — the member for Vancouver–Point Grey, the tony part of Vancouver — was sitting down with *The Guardian* newspaper, which is the newspaper for the Hospital Employees Union. He was being interviewed in November of 2000.

I know members on that side of the House have heard this quotation a number of times this afternoon, and they're going to hear it at least one more time before we adjourn. *The Guardian* asked the following question: "In the past you have said that you want to rip it up. What's your position today?" That's the quote, and it's in reference to the Health Labour Accord. The Premier, then Leader of the Opposition, said the following: "I have never said I would tear up agreements. I said I disagreed with the HLA, and I did. That's just the way it is. I am not tearing up agreements." That was the Premier's position at that time.

More importantly, he talked about the value of work, and he said that hospital employees had no fear of a B.C. Liberal government. These workers were going to be treated with respect and dignity, and in fact they were going to enjoy their jobs even more than they did before. Well, what a turn of events. In just 14 short months we went from, "Don't worry. Trust me. I'll take care of you," to a late-night sitting, a weekend sitting and the stripping of rights that have now been proven to be unconstitutional by the Supreme Court of Canada.

I know that the member for Vancouver–Point Grey is familiar with convictions, but I don't know if he's ever contemplated that….

Interjection.

J. Horgan: A cheap shot?

I don't know if he's ever contemplated that the Supreme Court of Canada….

Interjections.

Deputy Speaker: Members.

An Hon. Member: That's embarrassing.

J. Horgan: That's embarrassing? How do you think the people of British Columbia felt when they woke up and saw the leader of the government in a jail cell? How do you think they felt about that?

Interjections.

Deputy Speaker: Members.

J. Horgan: And I'm embarrassing? I'm embarrassing?

Interjections.

Deputy Speaker: Order.

Member, would you withdraw that last remark, please?

J. Horgan: Certainly, if it offends the members on the other side, I withdraw the remark.

Interjections.

J. Horgan: Without qualification, I withdraw the remark.

A little sensitive on that side of the House today, hon. Speaker. I referenced blood sugar earlier on.

Interjection.

J. Horgan: My behaviour.

I'm standing in this place representing the people who sent me here. That's what I'm doing right now.

Interjections.

Deputy Speaker: Members.

All right, let's all keep calm and continue the debate.

Member continues.

J. Horgan: Thank you, hon. Speaker. It was the Supreme Court decision in June of 2007 that led to the creation of Bill 26, tabled recently by the Minister of Health.

[1810]

I want to just read, with respect to legality, what the Supreme Court said with respect to Bill 29. It goes as follows, and I'm quoting from the Supreme Court decision:

> "The evidence establishes that there was no meaningful consultation prior to passing the Act on the part of either the government or the HEABC as employer. The HEABC neither attempted to renegotiate provisions of the collective agreements in force prior to the adoption of Bill 29 nor considered any other way to address the concerns noted by the government relating to labour costs and the lack of flexibility in administrating the health care sector."

Now, that was the argument that the government used at the time. They needed flexibility. They needed a free hand to make sure that capital won out over human endeavour. They needed to ensure that the boardroom buddies got their tax breaks, and they had to do it somehow on the backs of working people. That was the genesis of Bill 29.

The Supreme Court said that the freedom of association enshrined in the Charter of Rights in this country — something that, certainly, one would assume the governments of any province would uphold or, at a minimum, would seek legal advice from the Attorney General as to the efficacy and the legality of legislation

brought forward to this place…. Certainly missed the ball there, didn't they?

It's interesting that noted columnist Vaughn Palmer, commenting on Bill 22 at the time, said the following: "The flip-flop brought a mealy-mouthed acknowledgment from the Premier: 'The steps we're taking…are not consistent with my stated intent to respect existing…contracts.'" He called it mealy-mouthed. "Not consistent with my stated intent to respect existing union contracts."

That is about right.

Interjections.

Deputy Speaker: Members. Order, Members.

Interjection.

J. Horgan: Why wouldn't you withdraw that?

Interjections.

Deputy Speaker: Members.

J. Horgan: The conviction is not a fact? It certainly is.

Listen to yourself, dude. Listen to yourself once in a while.

Deputy Speaker: Member.

J. Horgan: You can throw out whatever you want, and we have to take it. I'm sorry. It's over. I'm not taking garbage from them anymore.

Deputy Speaker: Member.

Interjection.

Deputy Speaker: Member.

J. Horgan: You're the thin-skinned ones. It's a fact.

Deputy Speaker: Order, Member. Order, Member.

Now, before we continue with this debate, I'm going to ask for order in the House. One of the things I'm going to insist on is that people who wish to participate in debates must be in their own places.

Continue, Member.

J. Horgan: Again, I did say at the beginning of my remarks that the blood sugar is quite low, and we've been listening to heated discussion this afternoon. I hope that I can contribute in some modest way to that in the next few minutes.

So what did we get with Bill 29 back in 2002? It was introduced on a Friday, and people need to know the context of this place at that time. There were two members of the opposition, two women — Joy MacPhail and the current member for Vancouver–Mount Pleasant. Two against 77. That's a fair fight. I'd say that's a fair fight.

The two members of the opposition gave it their all. They gave it everything they could. The bill was introduced at 1:42 and proceeded to second reading on Saturday at 5:30 in the evening and went on for three hours of debate and came back for committee stage the following day at 11:30. As I said earlier, the Lieutenant-Governor was roused from Government House and brought here at 4:57 in the morning to pass the legislation.

Well, the Premier at the time said there was urgency. We had already given away a massive amount of treasury dollars to corporations in the form of tax cuts. We couldn't possibly meet the contractual obligations that we had to workers in the health care sector, so what are we going to do? We best dispense with about 9,000 of them and reduce the wages for those that remain.

That was the objective. That was the intent, and that was what they did at 4:57 on a Sunday morning. So 77 to 2 — bully doesn't describe that. Bully does not describe that — 77 to 2. And they had to do it on a weekend, at five in the morning on a Sunday. I'm shameful for stating facts, but those on that side of the House were quite happy to come in here and rip people's lives up. Not just a contract — rip people's lives up.

[1815]

The health care sector is one of the most important sectors in our provinces. Even the Minister of Health, I think, would acknowledge that. We have thousands and thousands of people working every day to ensure the health, safety and well-being of British Columbians. That work has got to be more valuable than ensuring that capital gets a return on its investment. It has to be.

If for no other reason, we should come to this place to ensure that the individuals, the voters that sent us here are our highest priority — not returns, not the shareholders, not dividends but people.

I made reference earlier on…. My anger is a result of this story that I'm going to share with the Minister of Health. I certainly believe that he will pass it on to the former Minister of Health, and he will share the grief that I have experienced over the past three years, which doesn't even come close to the life of the woman that I'm about to tell this Legislature about.

It was during the election campaign. My colleague the member for Esquimalt-Metchosin…. We abut; our electoral boundaries are side by side. I was taking a break. I was getting a bite to eat at a fish and chip shop in Langford, and I walked into the shop. It was busy. It was bustling — some of the best fish and chips in Langford. I won't mention the name of the place. I don't know if that's right or wrong, but I'm not going to do it anyway.

There was a woman in a pantsuit, well-dressed, well-groomed, sitting waiting for her order. I took up a conversation with her, as all of us would on both sides of the House during an election campaign. If there's an individual in your community, you want to talk to them. You want to talk about the issues of the day. We had a pleasant discussion. She was telling me that she was there on that particular Thursday because she could get two pieces of fish for the price of one, and I

thought: well, that's a prudent or practical thing for any individual to do, to try to save a dollar or two on food costs and other costs.

I didn't think for a minute, looking at this woman, that there was anything untoward, extraordinary. She was as ordinary as anyone that is sitting in this place today. But her story was far from ordinary. She had been a health care employee. She had been a care aide, and….

How about that Charter of Rights? Maybe we will go back to the Charter of Rights for a minute, because what Bill 29 did in 2002 was….

J. Horgan moved adjournment of debate.

Motion approved.

[Mr. Speaker in the chair.]

Committee of Supply (Section A), having reported resolutions, was granted leave to sit again.

Hon. R. Thorpe moved adjournment of the House.

Motion approved.

Mr. Speaker: This House stands adjourned until 10 a.m. Monday morning.

The House adjourned at 6:19 p.m.

PROCEEDINGS IN THE DOUGLAS FIR ROOM

Committee of Supply

ESTIMATES: MINISTRY OF ATTORNEY GENERAL AND MINISTER RESPONSIBLE FOR MULTICULTURALISM

The House in Committee of Supply (Section A); H. Bloy in the chair.

The committee met at 2:36 p.m.

On Vote 16: ministry operations, $451,905,000.

L. Krog: The topic of domestic abuse has been much in the media of late. There are two significant cases which I will refer to as the Merritt and the Oak Bay murders. I appreciate that these matters are arguably in process, but I think the Attorney General is certainly well qualified to discuss the issues around domestic abuse in this province.

In 2003 the Liberal government abandoned the violence against women in intimate relationships policy, which had been in place since 1993, in favour of a more discretionary policy that encouraged alternatives to court action. The criminal justice branch created its own operational policy and removed the violence against women in intimate relationships policy from the Crown counsel policy manual.

I'm wondering, in light of what has happened in Oak Bay and Merritt: is the Attorney General considering a change of policy in that area?

Hon. W. Oppal: Domestic violence, of course, is a complex and a multifaceted problem. Regrettably and unfortunately and at times tragically, it's been with us for many, many generations. There is no easy fix. There is no easy answer, and while many people seek easy answers, this is a multifaceted problem. I think the proper approach to it is to have a multi-pronged approach, and by that I mean that we need the resources of different sectors of the community to get involved in preventing family violence.

We have embarked on a number of what I think are creative approaches to family violence. I'm speaking of the domestic violence response team. We have a Crown counsel working out of New Westminster, Jocelyn Coupal, who has embarked upon a program that involves other ministries and other parts of government. It involves the training of Crown, the training of police, the training of social workers so that all of them can work together.

However, to deal with your specific issue that you spoke about — that is, the policy change, as you say, in 2003. I think if you look at this carefully, there really wasn't a change, except what happened was that the Crown was given more flexibility to deal with individual cases of spousal assault.

[1440]

There's a very good reason for that. The one-size-fits-all is not sufficient to address this malady, this cancer. What you need is some flexibility. Historically, we find that the conviction rate, for instance, in spousal assault cases is under 50 percent, because many women who have been victims of spousal violence do not wish to proceed after the laying of criminal charges. There's no attempt here to blame victims. I fully understand that. I fully understand the power and balance. I understand the intimidating nature of the process. There are reasons why women do not wish to proceed when it comes to the time of trial.

The Crown will work together with the victims. The Crown often works with social workers and people who are familiar with the dynamics of family violence. Based on that, we have to determine not only whether it is in the best interest to prosecute…. I might add that the Crown adopts the same policy that it adopts for all other criminal prosecutions; that is, is there a substantial likelihood for conviction? Secondly, is it in the public interest to prosecute? Often after speaking to the victim, it may not be in the public interest to prosecute.

I'll give you an example. I was in our Surrey Crown office about six months ago, and I spoke to one of the Crowns. I said, "How are we doing in spousal violence?" and she said: "We've got our challenges." But let me just tell you that I just got a letter from a woman,

and she said to us: "Thanks a lot for getting you people involved. I didn't want the charge to proceed. You people proceeded with the charge. My husband was convicted and lost his job. I'll never call you again."

That's the problem with having an intransigent one-size-fits-all policy. We cannot take this lightly. We must be firm in dealing with the offenders, but at the same time, we can't always pretend that we know what's good for the victim. So any decisions that are made in this flexible policy are made with full consultation with the victims.

That's basically where the…. I've sort of given you a very broad overview of what the policy is. Of course, the victims are always consulted with what the ultimate decision is, and the Crown proceeds on that basis.

L. Krog: Surely, the Attorney General is not suggesting that we as a society should tolerate domestic violence simply because there is the possibility that someone may lose employment. We know that women who have been victims of violence find it very hard to get out of those relationships, whether or not they see it themselves at the time.

My question to the Attorney General is: in the situation he's just cited, does he disagree that it was the right thing to do, to prosecute an individual and to see that justice was done?

Hon. W. Oppal: I wasn't suggesting it was the right thing to do or the wrong thing to do. I was merely pointing out an example as to how difficult this issue is. If you've done any of these cases, you'll know that these are very difficult cases to prosecute. I'm not blaming anybody.

Obviously, the Crown prosecutors have to see at the end of the day that justice is done and that the perpetrator of the violence is held accountable. That's the ultimate purpose of the system. You have to do that.

The example that I gave was an example that we have to sometimes consult with the victim. Ultimately it's the Crown that makes the decision, but if we don't consult with the victim, then we're telling the victim what's good for her. I'm not so sure that that's the proper approach to take.

[1445]

I can tell you throughout that this is something that's very serious. We've taken it very seriously, and we're embarking upon creative ways to deal with the system. Right now where a victim is unwilling to proceed, we are using the section 810 provisions of the Criminal Code, where we're breaching those people who breach the no-contact orders. So that's another way of holding the perpetrators of the violence accountable under the Criminal Code provisions. No one takes this lightly, merely by the fact that we consult with victims before we prosecute.

L. Krog: An assault is an assault is an assault. It is against the peace of Her Majesty, if you will. It often involves family members, relatives and people involved in relationships. But ultimately, the prosecution of that offence is on behalf of Her Majesty; it's not on behalf of the victim. If they want to do something on behalf of the victim, they can sue civilly, although that's become rather difficult and expensive to do. I fully acknowledge that. But the fact is, it's an assault against the public order, an assault against Her Majesty's peace.

What do we know? We know that in 2005, according to the *Keeping Women Safe* report, 74 percent of police-reported spousal assault incidents involved a male offender, only 16 percent involved a female offender and ten percent involved both spouses. What is clear is that there is still a view in our society that it is okay for men to assault women, that it is somehow acceptable. That is a problem. I suspect everyone in this room today acknowledges that is an issue.

When the state starts to take directions in a serious way from the people who are already victimized, women who have already been assaulted, who are often involved in abusive relationships, who may have come from families where women were abused, where that was the norm…. When the state doesn't prosecute, that sends a message that somehow that kind of assault is less important than an assault that takes place in a bar between a couple of drunk men. That's the message that's sent.

So my question to the Attorney General is: when he talks about all of the statistics and involving the victims, doesn't the Attorney General agree it would be better to make it clear to victims from the start that the charge of assault is one laid by the Crown? It's not one laid by them.

Hon. W. Oppal: I don't disagree with anything the member said. We take that approach. We do lay the charges. The Crown lays the charges. I'm sure the member knows that. The Crown lays the charges, but The Crown needs witnesses before it can proceed. That's the issue.

Obviously, this is a horrendous problem. We know that. We're putting tremendous resources in it by having prosecutors who are being schooled in the multifaceted issues that are involved here. We're not suggesting for a minute that the victim drives the system. I didn't say that. The member opposite may think that I said that. I didn't say that at all.

What I said is that our Crowns interview those witnesses before going to court. Obviously, we're the ones who lay the charges. We have direction of the file. We have direction of the prosecution, and that's the way it will be. It's a crime against the state; it's not merely a crime against the victim. We fully understand that. I hope that makes what I said clearer.

L. Krog: My understanding is that in 2005, Criminal Code assault offences associated with incidents of spousal assault, out of all the assault offences, accounted for 26 percent of all police-reported assaults. That information comes from the Ministry of Public Safety and Solicitor General. That is clearly a significant drain on the resources of police forces, dealing

with this single aspect of criminal behaviour in our society.

It's one thing to deal with the criminal aspect. The Attorney General talks about the multifaceted approach, etc., but can he tell us today exactly what is being spent, what is being done to combat this issue? We know, statistically, that in 2005 there were 10,273 incidents of spousal assault reported to B.C. police. That was a nine percent increase from the 9,417 reported in 2004.

[1450]

The fact is that it's going up. Now, if the Attorney General has better statistics today, or more recent statistics that would prove that, in fact, the trend is going the other way — that there's a significant success rate in prosecutions — I'd love to hear it. But I want to hear from the Attorney General today exactly what is being spent. What's being done today?

Hon. W. Oppal: Well, we've got a number of initiatives that are now in progress. They involve a domestic violence response team in which we work with the police. Following the commission of inquiry into policing that I was involved in, in the '90s, we recommended that the police, social workers and community care workers get involved in these issues. We're doing that.

We have the Crown counsel in New Westminster that I've told you about. She's now training Crown counsel in the specific approach and the techniques that are needed to be used involving domestic violence cases, the protocols being developed. We're also reviewing the Family Relations Act as it deals with family violence.

We have more. We're embarking on a protection orders registry. We have a VictimLINK program, which is a 24-7 telephone service. That's supported by the Ministry of Public Safety and Solicitor General, and that provides general information and crisis support for victims.

We have 28 family justice centres in the province, where victims can get information and referrals in order to address violent situations. The centres are trained to screen for violence, to determine the appropriate dispute resolution process for family law issues, to assist clients — that is, those people who have been abused — to prepare for court. We have prosecutors who are being trained to do the same. All of those things are being done in hopes to address this horrible issue.

L. Krog: Can the Attorney General tell me exactly how many prosecutors there are in the province, in total, and how many have actually received this training?

Hon. W. Oppal: There are 467 Crown counsel in the province. There was a spring session this year a few weeks ago in Whistler. I attended that conference, and there was a seminar on violence, victimization and trauma in the context of the criminal justice system and, with it, victim dynamics, reactions to court process and how the Crown counsel can respond to that. A lot of creative work was done.

[1455]

In the fall of 2007 Val Campbell, a well-known Crown counsel from the province of Alberta who's the director of what's called APTAMI, an Alberta program to address serious domestic violence and criminal justice harassment cases, attended. She gave a lecture to 80 leaders in the criminal justice branch. That was a comprehensive seminar on the issue.

On February 2 of 2007 a Crown counsel domestic violence seminar was held for a full day. In that one the psychological issues that involve victims and…. The assessment session was held. There are a number of these that are ongoing, and they've always….

I can say one thing. More work is being done now than at any time in the past. I prosecuted in the '70s and the '80s. I sat in the courts in the '90s. More work is being done now than at any time in the past. I can tell you that.

L. Krog: I'm delighted to hear that more work is being done now, but I don't think I actually heard an answer to my question. Of the 467 Crown in this province, how many have taken something other than — with great respect to the Attorney General — an hour-long lecture or a talk from a prosecutor from Alberta? How many have actually taken a course, and by that I'm assuming a day or two or three — some kind of training to deal with issues of domestic violence?

Hon. W. Oppal: I can't give the exact number. But I would say the vast majority of people have had some kind of comprehensive exposure to this. All new Crown that come into the system receive training on the dynamics of spousal violence. Having worked with the police, I know that the police and the Crown often liaise on this very difficult issue. We don't take these lightly.

L. Krog: I'm wondering if the Attorney General can tell us what exactly it is that these new Crown who come into the system receive — hours, time, dates, locations, anything. Something quite specific — in other words, what is it they actually get by way of training?

[R. Cantelon in the chair.]

Hon. W. Oppal: For the years 2005, 2006 and 2007 a three-day training period was given to new Crown. It was based on fact patterns and scenarios. Based on that, they were asked to give their responses as to what they'd do in a given scenario, and they were tested. So that's some of the work that was done.

L. Krog: Is that three days of training in general, or is it three days in training related specifically to domestic violence?

Hon. W. Oppal: It would be all things. It would be all aspects of Crown work, but there's no doubt that we're putting specific emphasis on the area of family violence.

L. Krog: Just so I understand how this system works. I have perhaps been called a couple of years,

and I've been out in private practice, and I come to work as a prosecutor for the Ministry of Attorney General. I get three days of training, and then I'm off to the races. Is that essentially it?

[1500]

Hon. W. Oppal: I suppose it's the job of the opposition critic to be cavalier about this, but we take it a lot more seriously than that. We don't think it's being disposed as being off to the races. We take this seriously. Every Crown that comes into the system learns about the dynamics of family violence, and they're given instructions on family violence.

L. Krog: If the Attorney General interprets my attitude as being cavalier, I can assure him that he's quite wrong, on this issue. What I'm asking specifically is that given the statistics around domestic violence and spousal assaults…. Indeed, they represent one in eight prosecutions, as I understand it, according to the ministry statistics.

Given that high rate, is the Attorney General telling me that if I take a job with Crown, I'm going to get three days of training to be a Crown counsel? Now, I'm not suggesting for a moment that I'll be thrust into a murder prosecution on the first day out. But certainly the kinds of cases that come before Provincial Court on a regular basis, which will include a significant number of spousal assaults…. Is the Attorney General saying that you get three days of training, part of which includes specific training around domestic violence?

Hon. W. Oppal: At 222 Main Street, which is sort of the hub, the main area of activity in the city of Vancouver, there's a three-week orientation program where new Crowns receive extensive training. They're mentored, they sit in courtrooms, and they watch what's taking place. So they receive a vast amount of instruction and advice.

In some of the smaller areas they do not receive the same kind of extensive mentoring program. Sometimes it may be three, four or five days. It may be a week. The Crowns are oriented and instructed with respect to all aspects of Crown counsel work. But it's no secret that in recent times, with the emphasis upon family violence, that there's an increased emphasis upon this particular issue.

L. Krog: I understand that the Attorney General, on April 16, 2008, said: "I don't think there's any more compelling issue in the criminal justice system than the issue concerning violence against women.… I know how serious this issue is."

Taking the Attorney General at his word, obviously one would expect that there should be significant budgetary resources to combat family violence. I'm just wondering what the Attorney General can point to in terms of his budget that relates specifically to that.

[1505]

Hon. W. Oppal: It's difficult to quantify exactly what our particular ministry spends on that. I can tell you that we are involved in this issue not only from the Crown side — that is, the Crown counsel side — but the Family Justice Centres, which screen for violence and advise on questions of violence. The hub in Nanaimo is an example where they get questions and where advice is being sought on violence.

Victim services, which is not a part of our ministry, is involved in this. I know that $50 million was spent on 63 transition houses and 27 safe houses. That budget was increased by $2 million approximately a month ago. There are new training tools for police and the Crown to get better information as a part of that.

There are programs under the auspices of the Ministry of Public Safety and Solicitor General that involve victim service programs throughout the province, domestic violence units and a number of other programs that are overlapping. By overlapping I mean that they are multiministry programs.

L. Krog: The victimization rates amongst aboriginal first nations are much higher than for the general population. In fact, a Statistics Canada general social survey indicates that aboriginal people were three times more likely than non-aboriginal people to be victims of domestic abuse.

I'm wondering if the Attorney General has any specific programs aimed at dealing with the substantially higher rate of abuse amongst first nations.

[1510]

Hon. W. Oppal: I want to correct a misapprehension on the part of the member. The Attorney General's ministry offers no programs as such. That's not part of the mandate. The Solicitor General's ministry does, and the Solicitor General funds some of the programs that I have spoken about.

Historically we've never…. We provide prosecution services. We're a service ministry. We do provide, incidentally, advice but no programs. That's done by other ministries. Community Services and various other ministries provide those services.

L. Krog: Quoting the Attorney General, he said on April 14, 2008: "I can tell the House that one of the positive aspects that has come out of these meetings and the interaction of victims and members of the community is that more and more women, more and more victims are speaking out about these issues. That's a first step — to speak out about these issues."

Given that the Attorney General believes that it's very important for communities to speak out about these issues, I'm wondering what specific steps the ministry has taken to create community meetings or forums to facilitate those kinds of discussions — that kind of openness around the issue of domestic violence.

Hon. W. Oppal: We have taken part in a number of forums, particularly in the South Asian community, so as to encourage victims of violence to speak out. That has, in my view, been of great assistance, because in the ethnic media the issue has been a matter of major

discussion. Victims have spoken out, and victims are coming forward. It is part of my job, I think, to convince victims that they have to come forward and share their plight and that the system itself needs victims to speak out.

Historically, as the member well knows, domestic violence has taken a different form, if you will, in that often victims of violence don't speak out, particularly in the visible minority communities, in the multicultural communities. I can tell you that in the South Asian communities…. We have to tell the victims in those communities that they have to come, that they must come to the system to receive help. In fact, the most recent forum that I went to was held in Langara; I believe it was last fall. We're getting more and more people speaking out on these things.

We have to convince the victims that it's not their shame, that it's the shame of the offenders. It takes a considerable amount of persuading and a considerable amount of acumen, if you will, to go into the South Asian communities, particularly where there has been historically unequal treatment of women, to convince women that we need them to come forward.

In fact, more women are coming forward. Approximately six months ago I was told that in the city of Kelowna, for instance, there were 17 outstanding prosecutions involving South Asian men. Now, I can't say whether those people came forward as a result of what has taken place in the public that a lot of us have gone out and spoken out about. I don't know. But I can tell you that after a lot of these public discussions in the media, talk shows….

Ethnic media is particularly a vibrant media. In the Chinese community, for instance, there are six daily newspapers. SUCCESS, the social agency, is involved in this. We've had a number of meetings with them as to how to bring the issue to the forefront.

I think it's important, rather than sweep this issue under the table, that respect be shown to victims, to encourage victims to come forward and to trust the system.

L. Krog: When this government came into office, it cut the funding for women's centres across the province, which are and were often the first line for women who were suffering domestic abuse.

[1515]

The Attorney General in his discussion here today has talked a great deal about victim services. In other words, that's after the fact. There's been a prosecution; there's been an assault; something has happened. Whereas, in fact, what many women require is some advice and assistance while they're still "in the home, in the relationship, involved." They need some place to go to feel safe and secure, to discuss in confidence the violence they're suffering in their home.

I want to know from the Attorney General today: would he or would he not agree that if his ministry were funding women centres or like organizations where women could feel comfortable in going, that it in fact would lead potentially to a reduction of domestic violence before it occurs, because women would have the assistance and confidence and advice they need to get out of those relationships?

Hon. W. Oppal: Well, I mentioned a while ago that the Attorney General's ministry does not fund those services. Other ministries do that. That question, perhaps, could be better directed at another minister.

But I can tell you that the Family Justice Centres, which are under our auspices, do offer advice. Counsellors are trained to screen for violence. They assist clients to prepare for court. They make referrals to services to assist victims of violence, and they direct people to transition houses and counselling programs.

I can tell you that overall the $50 million that is being spent by this government, by other ministries, is the most that's ever been spent on domestic violence. I was in the justice system in the '70s and the '80s and the '90s, and I can say that more is being done now by virtue of the fact that we know more about this issue. We are trained more thoroughly. We have received better training on how to deal with these complex issues.

So while the world is not perfect in this area — far from it — the fact is more is being done now than at any time in the past. I was there as a prosecutor, I was there as a defence lawyer, and I was there as a judge, so I can tell you that.

C. Trevena: I'd like to ask the Attorney General a couple of things from what he's been saying. Obviously, the Attorney General was citing, according to him, that much more is being done and that much more is being spent. I think that the Attorney General is talking about moneys that are being spent after the fact, citing transition houses from the Ministry of Community Services and other areas.

What my colleague from Nanaimo is talking about is more preventative work that could be done and more preventative funds that could be spent, but definitely the work.

The Attorney General talked, in his earlier remarks about when charges may be brought, that women are there and that they are being consulted. I wonder if the Attorney General could explain what sort of support these women have, seeing that many of these services that have been around have been cut. What sort of support would they get through this process?

Hon. W. Oppal: I've said this before, and I'll say it again. The support that we give is preparing people for court. That question is better directed to the Solicitor General, whose ministry provides victim services and under whose auspices victim services programs are placed.

[1520]

I've already mentioned the Family Justice Centres and those areas where advice is given and people are pointed, presumably, in the right direction. I agree that prevention is something that we must get involved in, not only in this area, but in all aspects of crime.

C. Trevena: I just wanted a point of clarification. There are two prongs of victim services. There's community victim services, which I know is funded through the Solicitor General, but there's also Crown victim services. Isn't that funded through the Attorney General's ministry?

Hon. W. Oppal: There are no Crown victim services.

C. Trevena: I thank the minister.

I wanted to also go back to the issue that he was talking about, that one of the roles of the Ministry of Attorney General is to give advice to make sure that as much is done as possible to both prevent and deal with the system as it's going through.

One of the issues that I've heard from many women is the issue of dual charging, where the RCMP will go into a situation where there is domestic violence, and rather than making a judgment at that spot and removing the man and charging the man, they will at that stage charge both people in the situation, both the man and the woman. I wondered if this is an area of advice that is being given — that it is better to take both people out of the situation — or whether it's being left up to the RCMP. It has been very troubling for many women.

Hon. W. Oppal: It's the Crown that lays the charges. It's not the police that lay the charges. The police may remove one or more of the offenders that they see as offenders from a residence when they get there as a result of the complaint, but the Crown lays the charges. I would think it would be a rare case, indeed, where both people would be charged.

I'm advised that where it may take place…. If the police did that and charged both people and there was no Crown available at nighttime, that's likely to happen. Then the Crown would look at it, because it's the ultimate responsibility under the Crown Counsel Act for Crown counsel to lay the charges.

C. Trevena: I find this a little troubling. A lot of domestic violence does take place at night. You have two people there who are often both at the height of emotion. I'm just putting the scenario of a man battering a woman. A woman in self-defence tries to defend herself. The police come in. They see the woman trying to defend herself, take both people out, charge them both, and you've got the whole issue of what's going to happen to the children and what's going to happen to the woman who has been a victim of violence.

This isn't going to be an isolated incident. As I say, I've heard a number of cases just from talking to women who have been victims of abuse. So I'm wondering how the Attorney General can deal with this when we are, as the Attorney General is very aware, dealing with women who are in very vulnerable situations, who are victims of long-term abuse. Suddenly, when they do get some help and the police do come in, they find themselves charged.

Hon. W. Oppal: I understand what the member is saying. That's really a policing issue, if that's being done. I find the problem to be somewhat difficult. I don't know what you'd do if you got into a courtroom and you charged both of them and you needed one witness to testify against the other.

[1525]

I would like to think that if that happened, if the police somehow charged both people, that ultimately, when it got to the charging stage where the Crown took control of the file, they would do the appropriate thing. By "the appropriate thing" I mean they that would weigh the evidence carefully, look at the police report, consult with the arresting officer or the witnesses that may have been there, and from that determine whether or not the prerequisites of a charge are there.

It's a difficult question for me to answer, because it appears to be somewhat theoretical. Although I fully accept what the member is telling me — that these scenarios have happened — it just seems strange to me that both parties would be charged.

C. Trevena: Yes, I have heard people talk about this. People have told me that this has happened. The problem I see is that you still have to wait for the Crown to come and weigh up the evidence. So you've got the victim and the abuser both removed from the home at the same time — obviously, very difficult circumstances. So I would hope that the Attorney, having heard now of the possibility, would do some investigation on this and see where he might be able to improve the system for the women.

I have another question that takes it back into the Attorney's realm. Some years ago the ministry was working on the concept of domestic violence courts. I'm talking of a number of years ago. Back in, I think, around 2000, 2001, 2002 there was some work being done. I wondered if this is still ongoing, if the ministry is still trying to develop this as a model for dealing with issues of domestic violence.

Hon. W. Oppal: I don't mean to minimize in any way the impact and the gravity of spousal violence when I say this, but our numbers indicate that there's not significant volume that would justify a domestic violence court. I think the volume just isn't there to have a particular court in a particular city designated only as a domestic violence court.

C. Trevena: I wonder what the Attorney would think would be the level of domestic violence necessary to justify it. I know, for instance, that the Yukon, which has a much smaller population than us, has a very successful domestic violence court.

Hon. W. Oppal: Well, I can't put my finger on an exact number, but I can tell you that from my conversations with the ministers and with judges in other jurisdictions, particularly in places like Nunavut and the Yukon territory, the volume of domestic violence is enormous. Their numbers far exceed ours.

Again, I apologize for sort of speaking in a vacuum, because I can't give you numbers. But when I speak to people that are in those areas, they tell me about the huge, huge volume of domestic violence cases they have. That may well be a reason as to why domestic violence courts, courts that specifically deal with that issue solely, are established.

L. Krog: The Attorney General is the reference of an article in the *Times Colonist* back on September 11, 2007, when he was off to meet with fellow Attorneys General in Winnipeg in November. He indicated at that time, according to the article, that he would press for changes, and those changes were changes involving the Criminal Code that would require a judge to hear from a psychiatrist, psychologist or some expert on risk assessment. I'm just wondering what the results of those discussions were.

[1530]

Hon. W. Oppal: I pushed hard for that at the federal-provincial meetings in, I think, '06 and '07. I know that I did it in '07. What I had proposed was to amend either the Criminal Code or the Evidence Act so as to make admissible the initial statement given by a victim at the time of the assault so we could use that statement that's made out of court at that time, which is otherwise hearsay. That would be used in a courtroom so we could secure convictions and make offenders accountable.

There were some Attorneys General who expressed reservations at my suggestion. I think we have to be creative in these areas, and that's why I raised this and brought that forward. In any event, enough of the ministers were persuaded that this is an issue that we should do some work on, so it's gone to a committee.

They are going to report back to us as to the feasibility of that. Really, what we're doing here is we're expanding the law with respect to the admissibility of hearsay evidence. As the member well knows, hearsay evidence historically has been held to be inadmissible because of its inherent lack of reliability.

My submission to the Attorneys General and the Minister of Justice was that if a statement is made so close to the event, that has to be reliable. It means that we can prosecute cases without the victim's evidence in a courtroom, and that helps us in two ways.

One is that we don't have to rely on the victim's evidence, and it doesn't traumatize the victim again by having to come into a courtroom and having to testify against the person with whom she has or had been intimate. That was the reason why I proposed that, and I plan to press that further.

L. Krog: During the course of estimates debate last year the Attorney General said:

> "What the public ought to know is that the real issues relating to violence against women have to be proactive. The solutions have to be proactive, and we have to get involved in prevention. Prevention is achieved through education — massive amounts of education and knowledge. We have to get in and tell the public and tell the offenders that it is totally improper and wrong to be involved in the horrible crimes of violence against women. We have to step up our campaign in that particular area. Our government is doing that."

I'm just wondering if the Attorney General can outline: what specifically is his ministry doing, what other steps is he aware of other ministries doing, and is there any coordination involved in that?

Hon. W. Oppal: I'm going to start answering the question before I get some much-needed assistance.

There are a number of us who are very active in this area, where we go and commit our personal time to going into communities and speaking out about domestic violence and the prevention aspect of it. We remind people…. When I go in the ethnic media, for instance, I talk about criminal records. I talk about how wrong the act is.

While that may be self-evident, it isn't always self-evident to many people in our society. A number of us have been involved by going out to public forums and speaking to women's groups in the Lower Mainland that this type of conduct is unacceptable and it is criminal.

[1535]

To complete what I said, we are working with the Ministry of Solicitor General. Three weeks ago we committed $1.3 million as a contribution to the Ministry of Public Safety and Solicitor General for increased services to immigrant and refugee women who have experienced or are at risk of domestic violence. These services include information and referral as increased outreach activities to immigrant women. We are now involved in establishing a forum with immigrant women in domestic violence situations. Those are some of the things that we're doing.

L. Krog: Is there any more coordinated program involved than simply the Attorney General's ministry funding a program of the Solicitor General? In other words, is there some broader approach? Because, as I've spoken of earlier today, the issue of domestic violence, and the Attorney General states this himself, is complex.

The fact is that it still remains that the vast majority of cases of domestic violence involve women being the victims. If that's going to change, and given the amount of court time, from the Attorney General Ministry's financial perspective, that is spent dealing with this particular type of crime…. We're not talking about drug deals or commercial fraud.

Is there something bigger and better that the government is doing, particularly led by the Attorney General's ministry, to combat domestic violence to ensure that indeed we don't get to that stage — in other words, so that women in this province feel there are alternatives other than staying in relationships where they're being abused and victimized.

Hon. W. Oppal: I will repeat what I said earlier, and that is that we don't provide for services. That's not a part of our mandate. But the Ministry of Community Services deals with women's issues, and the Ministry of Public Safety and Solicitor General deals with victim

services. Those are the two ministries that fund the services. We are involved in a coordinated way with those ministries in that the prosecution aspect of that falls to us. That's our responsibility under our mandate.

Last year we took part in what the Premier called a Congress on Women's Safety for women in relationships. We were involved in that, and we received advice. All three ministries were involved in that along with the Premier.

To get back to the member's question, our mandate is not to fund services. Other ministries do that.

[1540]

R. Fleming: I wanted to ask the Attorney General just a couple of questions about community courts, models and services — in particular, with regard to my community here in the capital region.

There were — as the minister will know — national crime rankings recently. Many in Victoria were surprised that our city was near the top in a number of categories of crime. Nuisance and property crime was one area that was quite high and had increased — theft from vehicles, those kinds of things. In the discussion around the report, there was a clear link to drug activity, addiction, the addicted population and the spiralling street population in greater Victoria.

I know that the Attorney General has discussed community courts with a number of communities. I understand that the ministry is finally getting around to modelling a community court system, potentially for the fall, in Vancouver.

He had spoken to the Victoria Chamber of Commerce two years ago, and we were very pleased — I say we, as in the community and those who are interested in this issue — that he had hinted and even suggested that it was his view that Victoria was the ideal place to pilot a new and innovative community court system.

Two years later we're no closer to it. The business community here is very frustrated with the revolving-door justice system we have for repeat offenders. Police talk in particular about a very small number of persons who are regular attendees at courts here.

I wanted to ask the Attorney General, on the record on *Hansard,* whether he is willing to deliver on his previous commitment or his previous belief that Victoria is an ideal city for a community court system and whether he will commit to helping it get the services in place.

I realize that that requires collaborating with other colleagues in Health and addictions services and those kinds of things, but will he take a chance on the community court system succeeding here, rather than having his ministry study it indefinitely? The success from other jurisdictions on this continent seems to indicate that it's a risk worth taking.

Hon. W. Oppal: I don't think I ever — and the member didn't suggest it — made a commitment for a community court in Victoria. What I said was that Victoria, with its level of street crime, is a good or an ideal location for a community court.

[H. Bloy in the chair.]

The community court pilot project is now in Vancouver. As the member knows, it involves the coordinated response, as far as services are concerned, in that the Crown, Health, Corrections and police work together in order to solve or address the root causes of crime and thereby address the issue of chronic offenders, who for the most part are addicted to drugs or alcohol, are homeless or are suffering from mental illness.

[1545]

That's the concept behind the community court. But it is very much a pilot project in Vancouver. Our community court in Vancouver is modeled after the New York model. There are 27 such courts in the United States, and they've all succeeded, for want of a better term, in that the rate of crime has dropped.

Having said that, there's no magic in the term "community court." I know it's bandied around a lot, but there are other things that we can do.

For instance, there's a prolific offender management pilot project that we have now. That's based on the premise that a small group of offenders disproportionately commit a large amount of crime in a community. Their impact reaches well beyond the justice system and into the health care system, housing, social services, businesses and families. We are, under this prolific offender management pilot project, taking a new approach to stopping this criminal behaviour by having access to various agencies that deal with those issues.

We've embarked on pilot projects, or we're going to, in Kamloops, Nanaimo, Prince George, Surrey, Victoria and Williams Lake. I think that we can work together with Victoria on piloting a similar project. As I said a moment ago, I don't think there's anything particularly magic in the term "community court."

The community court in Vancouver is one where we had to establish a separate building, which is the old jail at 275 Cordova Street, and we're building two courtrooms there. Some of the challenges there have been that the building costs have escalated and that there have been various problems with the wiring in the building, so we've run into some construction problems and other logistical issues that have caused unpredictable delays.

These are other things that we can work on with the community. We're quite prepared to work on this prolific offender management program with the city of Victoria.

It's taken me a long time to answer the question.

R. Fleming: I thank the Attorney General for that. Sometimes long answers offer up more questions. I want to ask him that, because in his response he was trying to be careful to suggest that there's a definition for community courts or that it's too broadly defined, I suppose.

He offered some specifics, but I think that I want to be careful and ask him for a new explanation on this. You can pull out little piecemeal elements of what might be a coordinated community court system. He

described all the different branches of the system that need to be working together.

We know in Victoria, for example, that if we were to work with chronic offenders who have serious mental health or addictions problems, we would have to greatly improve, and work with the health authority on improving, the situation around detox beds. We have 12 in this region. It is completely inadequate. There's a 30-day wait-list, for example. So that would be something that would immediately cause problems were we to have a community court model. I appreciate that.

I want to ask the Attorney General again whether he will find the resources, commit to discussions and commit to the leadership and coordination to have what I think most people would understand a community court system to mean, with specialized judges that are dealing with this and maybe involving a separate building but with the approach and the model as he understands and as he's explained is best practice in something like 27 cities now in the States.

[1550]

Will he undertake to have something like that in greater Victoria? I do appreciate that he said he understands that Victoria has some unique characteristics, its street population and some of its drug problems here, that allow it to inordinately benefit from trying this new, different approach.

I again want to ask him whether he will commit to undertake that — to sit down with police, Crown, the business community, city hall and the council here in Victoria and start those discussions.

Hon. W. Oppal: As I said a moment ago, the community court concept is new in Canada. This is the first one of its kind that we are piloting in Vancouver. We need to see the results. We need to get a measurement as to how well the pilot project works. We need to get some factual results, some concrete results so we can work with that in order to determine whether a similar pilot will work elsewhere, given the nature of our criminal justice system.

But as I said a moment ago, I think the prolific offender management pilot that I spoke of will be of benefit to Victoria without the title being "community court." That is already underway. The difference is that there isn't a judge there directing these people, and this involves a more coordinated approach with the police. My understanding is that the local authorities are agreeable to the prolific offender management pilot project. I think that addresses some of the same social causes and issues.

R. Fleming: To the Attorney General. He has just outlined what Victoria can expect and what the goal of that program is around that group of offenders. I think the concern is that, because there are not the sentencing tools, there is not a designation around a community court and, with it, the resources that a community court model coordinates with the other elements of government I mentioned. The health authority, and I know that there are others that bring things to the table…. Without that…. This model is not being piloted in Victoria. We only have one element here, and we need a coordinated model.

I know that Vancouver is the first, and I will say this maybe for the Attorney General's consideration. Vancouver was the first city in Canada to have a safe injection site. Victoria had the opportunity to participate in tandem with that trial. They didn't take it at the time. Had we, we would have had a similar site and probably be experiencing some of the same positive outcomes that Vancouver is now.

[1555]

I feel that the analogy is suitable to this community court model. While Vancouver is taking this step into new uncharted territory in Canada, and it can expect good, positive results, as we've seen in the United States, we'd like Victoria to be there right along with them. I realize that has cost implications and requires his leadership in his ministry to make that happen.

So this is really my appeal to give voice to the business community and others in Victoria who are deeply interested in that. Policing, law enforcement, as well, is very much interested in that.

I will ask him again whether he could meet in the summer, as the community court model awaits its opening in Vancouver, to have Victoria do something in tandem with Vancouver.

Hon. W. Oppal: Well, as we learn more about the community court, I'm more than prepared to meet with the people in Victoria. We're all dedicated to doing the same thing, and that is reducing crime.

C. Evans: I have some questions. The Attorney General probably knows what they're about. They aren't gotcha questions; they're check questions to attempt to put some issues on the record, as I do every year when I get the opportunity to ask questions of the Attorney General about Bountiful.

A couple of weeks ago I asked some questions in question period. I was talking about the issue of referral. I suggested that the Attorney General might want to take the advice of his staff and refer the question of polygamy to the Supreme Court or the B.C. Court of Appeal for a reference to decide whether or not it was constitutional.

The Attorney General said: "Well, I'll going to meet this Friday with some folks and work on that issue." So my question to the Attorney General is: would he like to tell us what his deliberations have led him to and whether he intends to proceed with the referral?

Hon. W. Oppal: I'll step back and say that, as the member well knows, this issue has been with us for 20, 25 years. In 2005 we asked the RCMP to reinvestigate. They gave us a report in 2006. We now have two opinions from two well-known, highly qualified, highly respected lawyers who have given us advice. Both have said that, in their opinion, section 293, the polygamy section of the Criminal Code, is valid, but each of them has suggested that the fairest way, the most

expeditious way of proceeding would be by way of reference.

It is the opinion of both Mr. Peck and Mr. Doust that we ought to get an opinion, or ruling, from the Court of Appeal, which is the highest court in the province, with respect to the constitutionality of the section.

We had a lengthy meeting with Mr. Doust last Friday, and we're seriously considering what he has said. Regrettably, I'm not in a position to tell you here today what the tenor of that advice was. But I can assure the member that this matter is of considerable priority for us, and we want to be careful as to which route we take. The reason for that is there are very difficult issues of fact and difficult issues of law involved here.

[1600]

That's the reason why the issue has been with us for such a long period of time. I'd ask the member to have some patience. We'll think about the advice that's been given to us, and we hopefully will make the appropriate decision, the right decision.

C. Evans: I appreciate the need for patience, and I appreciate the need for care. I don't know about the Attorney General, but I'm 60, so I was just wondering how long that patience might go. I wondered if the Attorney General would like to give me a time line about when I might know what the outcome of the deliberations might be — fall, winter? Will there be an election before a decision? Is there any information that the Attorney General would like to put on the record for the citizens to see about when we intend to make a decision one way or another on the issue of referral?

Hon. W. Oppal: Regrettably, I'm not in a position to give you a precise time or a date. Hopefully, it won't be long. The election will have nothing to do with the decision. I can say that quite categorically. But we're considering all the options and looking at it. The file is voluminous, as you might expect, going back a number of years that it's been there, but we hopefully will have a decision soon.

C. Evans: I appreciate that the file is voluminous. That's one of the benefits, actually, of concluding this issue — that the Attorney General might need two fewer rooms to store all of the correspondence on this subject.

Moving to another question related to Bountiful. Last week I made a two-minute private member's statement. I suggested that whether or not we pursue the referral, it might be timely — given that it's front of mind for the people in two countries at this moment and, I think, also before the federal government — for the Attorney General to try to instigate a cross-border meeting of representatives of municipal, state, provincial and federal governments, all of whom touch on the question of Texas, Utah, Arizona or British Columbia polygamous communal situations, in order to learn from one another and, more to the point, to be open to the public so that people could see, on both sides of the border, that we as people of differing political ideologies or political parties or living in different countries or different jurisdictions are rowing in the same direction.

I think there's a perception amongst citizens that we use partisan politics or jurisdictional questions to remain aloof from the issue of responsibility. I put forward the suggestion that we in a public way gather everybody together to learn from one another and allow the public to see that governments on both sides of the border and all levels and all political parties are seized of this issue and want to work toward a resolution.

My question to the Attorney General is: do you like the idea? Have you thought about the idea, and could I assist you to pull it off?

Hon. W. Oppal: Well, I appreciate the advice. It may be something that we may consider in the future. I wouldn't rule anything out.

However, having said that, I can say to the member that I've had conversations with the Attorney General of Utah and the Attorney General of Arizona. We have shared information. The problem is that their issues are different from ours. For instance, this whole issue has now taken on a new life in light of what's gone on in Texas. People have suggested that the raid in Texas should give us some basis for doing something in a courtroom in this province. That, regrettably, simply isn't so, because we don't have those circumstances existing here.

[1605]

In any event, I understand the member's concern. I appreciate the interest that the member has shown in this, and I can assure you that this matter is of some priority for us.

C. Evans: I don't want to belabour the point. I think I am somewhat unique in this situation in that I actually have lived in Arizona and in British Columbia. So I get it that the situation is different on both sides of the border. But what I also get is that it's quite similar, in that part of our societal inability to deal with polygamy on either side is that, within the communities that the polygamous cults operate in, there are relationships with the rest of the community. There is a form of cover provided. There is friendship. There are business relationships.

I think there is something we could learn about how you deal with it. I don't want to pretend that I understand the issue at the level of the Attorney General. But like him, I have talked also with Attorneys General — is that what you call them in the United States? — and I learned from them.

I believe that the people I represent in Creston would benefit from watching a dialogue about how people deal with these issues in Arizona. Regular people are struggling with this conundrum. This is not like something we read about in the newspaper and it's somewhere else. In our communities it's right there. Regular people, I think, need to feel that we are trying to work our way through.

Well, let me just take two examples. On both sides of the border I think that there's difficulty finding a

complainant or a complainant that will give testimony. I think that people would benefit in hearing a discussion about what other alternatives the law has on both sides of the border and what has worked elsewhere.

Another example. I have found it difficult to communicate well with representatives of the federal government on the question of immigration back and forth across the border. I think that regular citizens would like to see in Canada the MP and the MLA and the mayor trying to understand one another and our responsibilities — and similarly, the Governor and the Attorney General and the mayor and representatives of the federal justice system in the United States.

My question to the Attorney General is…. I accept that there are differences in the two countries. Would the Attorney General at least agree, the next time he talks to his counterparts in Texas, Arizona and Utah, to raise the issue and to suggest that it might be of value to compare notes, even in a casual but on-the-record-and-witnessed dialogue in either country?

Hon. W. Oppal: Well, I think the member has really hit the nail on the head when he talks about some of the common issues. The common issue here — he already made reference to it — is the question of witnesses or lack thereof. That's an issue that we've all had in Arizona and Utah. I understand they're experiencing some difficulties in Texas now, but I haven't been in touch with anybody in Texas.

So those are issues, and we have discussed them. The last time I discussed them was last fall with the Attorney General from Utah. The three of us had a meeting last summer in California, and we talked about these things. We try and share information.

As far as having a public meeting is concerned, that's something that nobody has really considered. But I think that if there is such a meeting, there has to be some focus to it, obviously.

[1610]

I understand the frustration of the members of the public. Most members of the public don't understand why the authorities have done nothing about some of the facts which are said to be notorious and well known to everyone. Why don't we do something about it? I wish there were an easy or at least a convenient approach to this, but absent any witnesses coming forward, it's been a difficult road for everyone to go down. This is one of those cases where the victims don't categorize themselves as victims. They say they're not victims. That's putting part of it in a nutshell.

In any event, I appreciate the interest. We're prepared to do anything that we think is productive.

C. Evans: I thank the Attorney General for his comments. I note that he gave me neither a time line nor an agreement to actually talk to these people nor anything finite, but I get it that that's his job.

Let me just say on the record that should I have this job and he have that job next spring, I will remind him of the time that has passed and ask what has been produced. My wonderful and genteel willingness to accept responsibility for this issue thus far might deteriorate with my patience.

L. Krog: According to the police services division, 124 female victims in intimate relations were murdered in British Columbia between 1997 and 2006. I repeat: from 1997 to 2006, 124 female victims.

The Attorney General is well aware of the report *Keeping Women Safe*. It made a total of 65 very detailed recommendations to ensure increased efficiency in the government's attempts to deal with issues of domestic abuse. The sheer volume of recommendations made indicates the government's failure, I would argue, to effectively deal with domestic violence in British Columbia.

Those recommendations focused on both the Ministry of Attorney General and the Ministry of Public Safety and Solicitor General. That report articulated no less than eight critical components of an effective justice response to domestic violence which included, most significantly, information-sharing, coordination and domestic violence policy. The report's recommendations are obviously designed to deal with the successful implementation of those eight components.

I note that amongst the team responsible for that report was one of the Attorney General's former colleagues, one of our province's distinguished former lawyers and jurists, now back on the provincial court bench, a man who clearly enjoyed his job as a judge, the Hon. Judge Josiah Wood.

My question to the Attorney General is simply this today: has the Attorney General taken any steps or done a feasibility report on implementing all of the report's recommendations?

Hon. W. Oppal: We think the report is very useful. We helped fund the report. We're grateful to the committee for its report and its 65 recommendations.

There is a working committee now in place. That committee went into place immediately after the report was received. It is a multibranch, multiministry committee.

We are looking at this in a holistic manner, and we will do everything we can in a productive way. Where we see recommendations that will be of assistance, we will adopt them. We are taking a positive approach to this. We're reviewing all of the recommendations, and we hope to have an answer fairly soon.

[1615]

L. Krog: The Attorney General, in response to a question, said in reference to the report: "We will look it, and we'll examine carefully all of the recommendations that are made. We'll consult with the community partners who would be involved in implementing the recommendations in order to resolve this very difficult issue."

The Attorney General in his response talked about a working group. Can the Attorney General advise who is on that working group?

Hon. W. Oppal: I can't, regrettably, give you the names or the numbers of people involved. I can tell

you that we have the assistant deputy minister from my ministry involved in it. We have senior policy people involved. We have civil law specialists involved. This is receiving a high priority for us to deal with.

L. Krog: I appreciate that the Attorney General has identified an assistant deputy minister — without disclosing which assistant deputy minister — and some policy analysts from his ministry, but what other ministries are involved and what other officials, and are they of a similar rank within the public service?

Hon. W. Oppal: Well, there are at least 12 people involved. They're from the director level and up. They include people from corrections, from the Crown — that is, the criminal justice branch — from family justice, from Community Services and from the Minister of Public Safety and Solicitor General. Those are some of the groups that are involved.

L. Krog: In reference to the quote that I read to the Attorney General a few moments ago, we'll consult with the community partnerships, who will be involved in implementing the recommendations in order to resolve this very difficult issue.

Can the Attorney General advise who the community partners are that he anticipates working with?

[1620]

Hon. W. Oppal: Well, the list has not been completed, but the groups that come to mind immediately are victim services; the police; the counsellors; the mediation experts; the Bar, particularly the family Bar; women's groups. Those are some of the groups that would have to be consulted at the conclusion of this group's report.

L. Krog: Do I take it, then, from the Attorney General's answer that in fact the consultation with the community partners hasn't started yet?

Hon. W. Oppal: No.

L. Krog: Given the statistics that I have read to the Attorney General about the amount of court time in this province that is involved with domestic violence, given the deaths of 124 women in a nine-year period — and I don't have the numbers for the last couple of years — I am just wondering: does the Attorney General have any idea of a time line with respect to this community consultation and the implementation of the recommendations?

Hon. W. Oppal: It would be difficult for me, if not impossible, to give a precise time line as to when the work will be completed, given the fact that this is a lengthy report with 65 recommendations.

As well, I wish to state that a lot of this work is already being done — the greater sharing of information which the report recommends, the domestic violence response teams, the alternative ways that we can bring offenders to be accountable for their actions, the use of section 810 of the Criminal Code. Those are some things that we are doing and will continue to do. It's not like we're starting from ground zero here.

We know a lot of the recommendations that have been made by the report are self-evident. Some of those…. They're not new, but they're far-reaching. There are others that, I think, are creative. We have to look at all of them. It would be unfair for me to put a time line on what our committee is doing. After that, there will be consultations. This isn't a case where no work is being done pending the outcome or the result of the report.

L. Krog: I'm wondering if the Attorney General can comment on a specific recommendation, 3.4.1: "The B.C. government should make it an immediate priority to develop a provincial information-sharing and/or case coordination protocol framework for domestic violence cases, including both the criminal and civil — family law, child protection — systems, with the Ministries of Attorney General and Public Safety and Solicitor General taking the lead."

[1625]

Hon. W. Oppal: There are a number of issues here that are somewhat complex. They involve an interaction between justice and social agencies. But there are technological concerns, and there are privacy issues. For instance, some of the recommendations that have been made regarding privacy are matters that we have to talk to the Privacy Commissioner about. There are some grave concerns about sharing some of that information in that it may contravene privacy laws.

So while on the surface a lot of the recommendations seem to be clear and positive, the fact is that there are other considerations, and there are some complexities involved, but I can assure the member that this report is receiving and will receive priority.

L. Krog: I wonder if the Attorney General can advise. Given that he's had a chance to review these 65 recommendations — and subject to the usual financial constraints that every government faces in implementing the recommendations of any report — does he have a specific problem with the implementation of any of the 65 recommendations? It's subject to financial constraints, which I fully accept, but philosophically, from his perspective as Attorney General, does he have any difficulty with any of the 65 recommendations?

Hon. W. Oppal: I'm not really in a position to answer that question. I don't know of all the technical ramifications and, in particular, some of the privacy concerns that may arise here. While I would like to tell the committee that we're concerned enough that we want to embrace all the changes, the fact is that some of the changes, positive as they may look, have other ramifications. I've already mentioned the fact that privacy concerns are issues that we need to deal with.

L. Krog: Moving onto another topic — and noting that we're running rapidly out of time — there are two inquests ongoing in this province right now, the Frank Paul inquest and the Lee inquest. I appreciate that there appear to be two matters before the courts, arguably, and that the counsel involved for the Crown is intending to appeal the decisions made in both cases by the coroners to require that the Crown counsel involved in making decisions in these matters actually appear to give evidence for the purposes of the coroner's inquests.

I appreciate that the Attorney General's response may well be that they're before the courts. If it's not, I'd love to hear him say that. Assuming that that's the case, I wonder if the Attorney General can advise what legal principle is being protected here that is preventing Crown counsel from appearing to give evidence in two fairly horrific cases that are very troubling to the public in British Columbia.

[1630]

Hon. W. Oppal: What really is involved here is a constitutional principle. It starts with a premise that charging decisions — that is, the decision whether to charge or not to charge — is a judicial decision involving discretion. That's a principle that applies across Canada, regardless of whether or not there's a Crown Counsel Act.

In the case of Kreiger, a Supreme Court of Canada case, they reaffirmed that decision — that Crown counsel cannot be cross-examined with respect to why they reached a particular decision. Their decisions regarding the laying of charges, the withdrawing of charges, the substituting of charges involve a discretion analogous to a discretion exercised by a judge. Just as a judge cannot be cross-examined as to the decision he or she makes, similarly, under our well-established law set out by the Supreme Court of Canada, a Crown counsel falls into the same category.

That is not to say that the decision of the Crown cannot be reviewed. A decision of a judge is reviewable. I think there's a misconception amongst certain members of the public and certain members of the media that somehow the Crown decision not to charge is immune from review. That's not the case at all.

What's at stake here is whether or not there should be unfettered right to cross-examine a Crown on a discretionary issue. From a policy perspective, the answer to that, in my view, is self-evident. I say that from the abuse that can result from that, which is that any charging decision made by any Crown throughout the province or throughout the country could then be subject to cross-examination. Nobody is suggesting, as I said a moment ago, that a jury, a judge or any reviewing body doesn't have the authority to review that decision that is made.

As I said earlier today, the Crown took the unusual position here of having a regional Crown counsel appear before the inquest and, in considerable detail, give a clear explanation as to what took place. There was a complete review of the facts, the facts that were available to the Crown that made the ultimate decision; a clear statement of the law; the burden of the law; the burden of proof; and in particular, the guidelines, the standards for laying charges — and a clear statement of the law here under section 515 of the Criminal Code regarding the release of persons who are charged with criminal offences.

[1635]

That's the position taken by the criminal justice branch. In my view, that's a correct decision based on the principles that are well known.

L. Krog: I appreciate the Attorney General's response to my question, but from the public's perspective, it is very cold comfort to Frank Paul, his family or the Lee family that somehow the people who made decisions not to prosecute or not to deal appropriately with this matter have led to horrific circumstances, arguably, that have resulted in two coroners' inquests….

The coroner is a very ancient office in our system. The belief that the public has the right to know about why deaths occur in their communities is ancient, respected, important and has been confirmed in legislation for a very long time.

In these particular circumstances, this is not some administrative tribunal that's requiring Crown to appear before it. This is not some funny little group appointed somewhere under some obscure statute. This is the office of the coroner, whose job is to find facts and to make recommendations. The coroner at law cannot find fault. No Crown counsel will be sanctioned by the coroner as a result of anything that comes out of either of these situations.

These situations involve the deaths of individuals, and so my question to the Attorney General is simply this. Why not accept that the coroner's obligation at law to conduct an appropriate inquest…? Why shouldn't it trump in a case involving death — and that's the only thing the coroner ever gets to inquire into — any legal principle that says the public doesn't get to hear from Crown counsel why they make decisions in these very difficult cases which in fact have led, I would argue, to the deaths of individuals?

Hon. W. Oppal: Well, I concede that the public has a right to know. I concede that as a general principle. However, there are principles of law that are applicable to these processes that take place. I don't want to belabour this point, because it is a matter that's before the courts. Both decisions are being reviewed. But I'll say this. It seems somewhat inconsistent to me that somehow a coroner or a commissioner is entitled to hear evidence that by law a judge of a superior court is not entitled to hear.

L. Krog: I would suspect, though, and would believe that the Attorney General understands the difference. A judge can make a decision and can sanction behaviour. A coroner has no such authority at law. A coroner's job is simply to determine facts which, in turn, can't be used in a subsequent judicial proceeding or review.

My question to the Attorney General is: what harm is going to befall our justice system if the public knows the facts, given that the coroner's inquest cannot find fault and cannot sanction anyone's behaviour?

[1640]

Hon. W. Oppal: The caution that immediately comes to mind is that from a public policy perspective, it will have a negative effect upon any Crown counsel. It will have a chilling effect upon any Crown counsel who has taken an oath to conduct prosecutions, to laying charges, to withdrawing charges.

We give Crown a discretion that's conferred upon them for very good reason. It could lead to wrongful convictions and adversely impact prosecution services right across Canada. This is a principle that's well known in Canadian law.

It was the Owen commission that made the statement and dealt with the issue of officials from the criminal justice branch testifying. During the course of that commission the branch allowed a person to testify, to give a statement of their reasons for the decision, outlining the facts underlying the decisions, the processes followed and the standards that applied, so that nobody was left in the dark at the end of the day as to the decision made by a Crown counsel.

In this case there has been ample, clear evidence given by a senior Crown counsel that ought to satisfy the public interest. This is an important issue. As I said, the argument that's raised here by the criminal justice branch is an argument based on decisions of the Supreme Court of Canada.

L. Krog: Moving on to another matter. It's the issue of special prosecutors. They're appointed pursuant to the Crown Counsel Act. That arises out of then Commissioner Stephen Owen's report *Discretion to Prosecute Inquiry*.

There have been several high-profile cases in British Columbia involving politicians, allegations once against the former Attorney General Colin Gabelmann and Glen Clark, the Premier. There's an existing one under investigation now where a member of the Legislature has been under investigation for up to nine months before it was announced. The process is that if it becomes public, then it's announced. If it's not public, it's kept secret.

I think the public's attitude towards this is that this system doesn't seem to work very well. It's a kind of a no-peeky poker game. If the media gets lucky, it gets revealed. At the same time, the public fully understands the importance of police being able to conduct their investigations, if you will, in secret, so that "potentially" guilty parties might not escape the full force of the law.

I want to hear just from the Attorney General, in a brief way. Is he satisfied that the system as presently structured is, in fact, working in the public interest?

Hon. W. Oppal: Yes, I am, to put it briefly. As the member well knows, where a person who is not the subject of a special prosecutor or whose conduct is not subject to the appointment of a special prosecutor is under police investigation, the news of that investigation is not made public for reasons that are obvious. In the event that the police do not lay charges or the evidence falls short of charge approval following an investigation, it would be grossly unfair to reveal the name of a person who has been under investigation but against whom there is insufficient evidence to lay a charge.

That same principle is applicable, and perhaps even more so, where there is the appointment of a special prosecutor.

L. Krog: My understanding of the process now is that the Assistant Deputy Attorney General is required to notify the Deputy Attorney General of the appointment of a special prosecutor. But then is it correct that the Deputy Attorney General has the discretion to then inform the Attorney General?

[1645]

Hon. W. Oppal: There's no legal obligation on the part of the Deputy Attorney General to notify the Attorney General.

L. Krog: My question wasn't whether there's a legal obligation. I'm asking the Attorney General: in fact, is it true that the Deputy Attorney General has the discretion to inform?

Hon. W. Oppal: I'm not really in a position to say whether he has the discretion. I assume that he would have the discretion. But I resile to what I said earlier, and that is that there is nothing in law dealing with any discretion or non-discretion or the fact that he's under any legal obligation. Keep in mind that the Attorney General, for reasons by virtue of the particular nature of the office, is intended to be shielded by some of these issues.

L. Krog: I certainly appreciate that, but if we go back to probably the most high-profile of all these cases involving former Premier Clark, the Attorney General was informed of the appointment the very next day after the special prosecutor was appointed. Obviously, the Attorney General, I think quite appropriately, as I understand it, kept that information to himself.

This is where the rubber hits the road in the public's mind. When you have the investigation of a political figure, as opposed to even the relative of a political figure or whatever, a sitting member of a Legislature, I have to ask: is there not some concern, given that this has happened now on several occasions in recent British Columbia history? And to use the other example in the extreme of Colin Gabelmann being aware of a special prosecutor being appointed when there was clearly, obviously, no significant basis in fact to warrant it, but nevertheless, the process was carried through.

Does the Attorney General not feel, in light of the circumstances of the most recent cases that I've just

mentioned, that it would be appropriate to refine and define and improve this process so that the public is confident that the interests of justice are served, that investigations are protected and that the Attorney General would be in a position in a difficult circumstance to indicate to the Premier that a member of executive council should be simply asked to resign without being informed of the reason and to step aside so that you don't have a situation where a member of executive council is being investigated by the police, not known to anyone?

This doesn't exactly do much for public confidence in our system. I appreciate fully that everyone is entitled to…. And one is always hopeful that that will be the case. But given that we've had these fact patterns arise now in British Columbia, I think it's incumbent for the Attorney General to consider changes to make the system more defined and refined, as opposed to having the Attorney General stand here today and tell me that he, the chief law enforcement officer in the province and the chief legal adviser of the Crown, can't tell me if the Deputy Attorney General has even the discretion to inform him that a special prosecutor has been appointed.

Hon. W. Oppal: Well, I'm not so sure that the public interest would be enhanced if, in the hypothetical example given by the member…. Let's assume for a minute that a minister of the Crown is under investigation, the Attorney General learns of that investigation, the Attorney General approaches the Premier, and that member who's under investigation is then told to resign. I wonder how public confidence would be enhanced by that person resigning without the public being apprised as to why that resignation took place and, secondly and more importantly, how that investigation cannot be compromised by virtue of that.

[1650]

Let's assume for a minute that an investigation is taking place. Should the person who is the subject matter of the investigation then be alerted so as to destroy evidence or so as to take steps to evade any kind of investigation? You see, that's the other side of the coin. So it's not an easy issue.

L. Krog: I'm not suggesting to the Attorney General that it is an easy issue. It's very difficult, and it's very complex. What I am suggesting to the Attorney General is that the public has significant concerns around this. The media is raising this issue, and it is becoming a very difficult process for British Columbians to endure.

But, noting the time, I want to move on to the issue of the sheriffs in the province of British Columbia. It is apparent when one looks at the comparable wage rates, that B.C. sheriffs at $26.31 an hour, with a rough annual salary of a little over $48,000, are substantially below individuals such as the greater Vancouver transit authority police who make about $76,000 a year annually, the Vancouver police at $74,000, the Saanich police at $72,000, federal corrections officers at $70,000. I'm taking these figures just roundly down a little bit. Delta police, $69,000; Alberta sheriffs, $61,000; and Ontario bailiffs, $58,000.

I understand that the Attorney General has commented that there's a contract in place, and it can't be broken, so to speak, and that it's a dead issue. But in light of the significant concerns that have been raised by the sheriff services themselves, including public demonstrations, I want to ask: is the Attorney General contemplating taking some steps to ensure that we not only retain, but that we can recruit necessary replacements for the sheriff services?

Hon. W. Oppal: We acknowledge that there is a problem in retaining sheriffs. That's a problem that exists throughout law enforcement. I know that the Vancouver police are in a recruitment drive. I know that the RCMP are in a recruitment drive. A lot of that has to do with the nature of the economy in that people are having difficulty in retaining people.

The sheriffs, for whom I have the greatest respect — having worked with them formerly as a lawyer and more recently as a judge…. I recognize the immense public service that they do and the difficult job of security that they perform. I can't say enough good things about the job done by sheriffs. But there is a collective agreement in place. They did receive $4,000 bonuses.

Having said that, I recognize that they are paid significantly less than Vancouver police, but their jobs are different from Vancouver police. Their jobs are every bit as important, but they're in a different area. The security they provide for court staff and for judges and for courts is very, very important. All you have to do is be in the criminal justice system to know how important sheriffs are.

[1655]

Having said that, there are steps that the government is doing in order to address those issues and to improve the lot of sheriffs. We are actively involved in a recruitment program. We are now taking a creative step in that the government will pay for the training of sheriffs, whereas in prior times the sheriffs paid for their own training. We are providing incentives for them to get involved in courses, providing new dress uniforms and matters of that sort. We're doing that because we respect the work that's being performed by the sheriffs.

I should say that as far as sheriffs' salaries are concerned, they are second only to the province of Alberta.

L. Krog: Sheriffs are required to wear handguns. They wear body armour. The people they deal with are often very difficult individuals, people with mental illnesses. They deal with a whole range of folks that most of us in this room have very little contact with and wouldn't want to be around, to be quite candid.

My understanding is that 60 sheriffs left the service last year. We've got a total of 440 in the province. That's about a seventh. So far this year 14 have left, and there are significant numbers of the sheriffs who are at or near retirement age. In my discussions with the sheriffs locally in Nanaimo, a number of them are not planning

to stay beyond retirement age. They are going to get out.

Apart from what the Attorney General has told us here today, is there any specific program to deal with that tsunami of retirement that is going to face the system apart from the recruitment program the Attorney General has announced? Will he commit today to reopening the contract, which is certainly permissible, and giving wages that would encourage people to either stay in or to join the system?

Hon. W. Oppal: Well, first of all, I agree entirely with what the member said with respect to the job that they do and the difficulty of the job and the dangers that they often face. I fully respect that having worked with them. But the member should know that there are approximately 50 new recruits who did graduate at the end of March, and they're being placed in locations across the province.

[D. Hayer in the chair.]

I know there are people who are leaving. We know that. We know that a number of them are retiring. The demographics are such that people are retiring in policing. Vancouver police department's got a huge problem, if you want to call it a problem, of officers leaving. Many, many senior officers have left due to retirement, and the RCMP has a similar challenge. Government has that same challenge, with the demographics shifting. We're all getting older, and the population is getting older. More people are retiring.

We recognize that it is a challenge to recruit new sheriffs, but we have a number of new ones that are now going through the system. There are now 24 that are in the system who will graduate soon and who will fill at least part of the void created by those sheriffs who have left.

R. Chouhan: Mr. Chair, now we are moving on to my part of the critic area. So I think you would need other staff. Do you want me to wait?

[1700]

In 2006 approximately 42,200 immigrants moved to British Columbia. Under the 2004 transfer agreement, the federal government transferred an annual sum of money to B.C. for settlement services for these immigrants, and I think the number of those immigrants last year probably is the same or higher.

Earlier we were getting a little over $1,000 per landing for these immigrants who moved to B.C., and now the amount has been increased to $2,100 per immigrant, I understand. If that amount is correct, as I stated, that's still lower than Ontario and Quebec.

Is there any plan to negotiate to get the same amount of money for settlement services for British Columbia — any information, please?

Hon. W. Oppal: Thank you for the question, and I appreciate your concern. To answer the question, first of all, while our figures for immigration have generally been around 42,000, in 2007 that number did decrease to 38,000.

We will very soon reach parity with Ontario. I don't expect that we'll reach parity with Quebec, because Quebec is under a different agreement with the federal government because of the number of offices that they have of their own around other parts of the world. So for that reason, I do not expect we will reach parity with them, but we will reach parity as a part of our agreement with Canada.

The federal funding has…. We're always prepared for more funding. Having said that, if you look at the level of funding that we received, the federal funding in 2006-2007 was over $72 million. That went to $84 million in '07-08, and that's scheduled to go to $114 million by '08-09.

We have a good relationship with the federal government. We want to work with the federal government. We are approaching them for more funding on a per-capita basis.

R. Chouhan: What is the difference between the amount of transfer money that we receive per landing in B.C. and in Ontario?

[1705]

Hon. W. Oppal: I stand to be corrected in that we are getting the same as Ontario as of December past. That is approximately $2,800 per immigrant. Keep in mind that our numbers decreased this past year.

R. Chouhan: Last year 43 percent of those funds that we received from the federal government went to the general revenue account to be disbursed to the Ministry of Advanced Education for ESL programs. Is there any other ministry receiving funds, as well, from that amount we received?

Hon. W. Oppal: Yes. As part of the strategy, the money is going to other ministries — Advanced Education, as the member mentioned, and the Ministry of Education, for instance. We have a joint program with the Ministry of Education wherein we have settlement workers now in a number of schools in the Lower Mainland where settlement workers assist teachers, particularly in areas where they have refugee children who have difficulty with English language skills.

The Ministry of Children and Families, the Ministry of Public Safety, the Ministry of Employment and Income Assistance, and the Ministry of Community Services are all ministries that we share programs with. For instance, the Solicitor General and Minister of Public Safety received $1.8 million to deal with the issues of spousal violence, family violence.

We're using some of those funds where other ministries have a mandate to deal with issues involving immigrants, so the answer is yes. The federal money is channelled out to other ministries pursuant to the strategy that we have.

R. Chouhan: Maybe the minister can correct me if I'm wrong. I understand about $4 million goes to the settlement workers who work in the school system.

What criteria are used to determine that that money is sufficient to take care of the needs of those children in the schools?

[1710]

Hon. W. Oppal: The amount spent on settlement workers is $5.2 million, and that is based on settlement workers placed in ten schools in the Lower Mainland. The plan is to have 11 more schools throughout the province receive similar funding. That would be dependent upon the number of ESL students that are in those other offices. Much of this depends upon the population of students who have English as a second language.

R. Chouhan: In my meetings with various service providers in the last couple of months…. I understand that since that program was started in the schools, many of these service providers, these organizations, have lost many settlement workers to the school system now, because these settlement workers in schools are paid according to the collective agreement in the schools, and they get higher wages.

My question is: is there any plan to increase the wages of those settlement workers who are not in the school system so that they can be at parity with what they are getting?

Hon. W. Oppal: The member is quite correct in that the settlement workers in schools were getting paid more money. But the government is in a somewhat difficult position. The government's agreement is with the various agencies, and the agencies pay the workers.

We were told of the discrepancy, so the funding was increased by $8 million to the agencies so that they could address the discrepancy between what their workers were getting paid and what the settlement workers in school, who were subject to a collective bargaining agreement, were getting paid.

This is a case, really, of market conditions. We're now offering more training, and in time we're going to have more workers in the schools, because we need them. So I would expect that there would be some kind of catch-up in light of what has taken place here in the past.

[1715]

R. Chouhan: In the conversations that I have had with these agencies, what they have told me is that even though, yes, you have the contract with those agencies, they're unable to pay the same rate of pay because their funding is so limited and because they have to provide so many different programs. In one case, one agency was not able to increase their wages for the past two years.

I request that the Attorney General looks at their needs, because these agencies are working really hard to provide those services in the community for those people to settle, especially those new immigrants who come to British Columbia.

Also, one correction. I think I heard correctly that the Attorney General said that the ministry paid $1.5 million to the Solicitor General for domestic abuse in immigrant communities, but my understanding is that it's only $1 million for programs which are based on federal funding.

Hon. W. Oppal: It was $1.3 million that was paid under the WelcomeBC initiative. Those were federal funds that were paid.

The Chair: I'd just like to remind the members that when you're asking questions in a debate, you're not allowed to use a computer or a BlackBerry when you're asking the questions.

R. Chouhan: I talked about this issue in the previous years, as well, for the RFP issue, the request for proposals. Each and every agency that I met with expressed their very serious concern — and they asked me to take it to the Attorney General — that the time and the resources they're spending to put those proposals together is not that worthy of their time. It's taking all the valuable time of the staff away from what they could otherwise do on other issues.

Is there any plan to stop that process which was started, I don't know, about three or four years ago? Is there any plan to go back to the system we had previously?

Hon. W. Oppal: We're not going back to the old system. The old system was subject to problems with respect to transparency. What we need to do is have a system that's easier to navigate but is transparent.

The points that have been raised by the member are valid. Steps are being taken to reduce the paperwork to put some of the proposals into draft form. There are some direct grants that are being granted that are being made.

But the ultimate purpose here is to make the system fair so as to have a level playing field for all those people who are seeking funding. Keep in mind that we're the caretakers of dollars here. Some are our dollars, but most are federal dollars.

[1720]

We have a commitment and an agreement that whatever is done is done in a fair, open, transparent way. Objective standards are set so as to remove unnecessary discretion where the discretion may be misinterpreted. I feel comfortable in saying that we cannot go back to a system in which there was no objective criteria and in which there cannot be any concrete evidence as to how the funding was granted.

As I said a moment ago, we're the trustees for those public moneys, and those moneys that are given to various agencies must be given pursuant to a process that's fair, open and transparent.

R. Chouhan: What are the criteria used to determine a successful application under that system?

Hon. W. Oppal: Well, there are a number of factors involved. In no particular order, they involve experi-

ence, community connections — that is, what connection there is that that organization has to the community it intends to serve, what the particular need is for that type of service and what dollars are involved.

Those are criteria that are all brought into the mix in order to determine whether or not a particular applicant is successful or is not successful in achieving funding.

R. Chouhan: I understand that last year when one application was made by one agency, due to a snowstorm or some bad weather they were unable to send it by courier and on time that day. They missed it by a few minutes, as I understand — not by much. Their application was rejected. So is that part of the criteria — that if they are not able to submit their application by a certain time and day, they would lose?

Hon. W. Oppal: There are pretty strict criteria. Again, it's because there are public funds involved, and there are time limits because there's a tendering process involved here. I can't really answer the specific question that the member raised about somebody being three minutes late, or something like that. I don't know. Without any specific knowledge of the particular facts of that case, I'm not really in a position to comment on that. To put it succinctly, yes, there is criteria, there are limits, and they have to be strictly adhered to because we're dealing with public funds.

B. Ralston: I have a couple of questions that were brought to me by Advocis, who are the Financial Advisors Association of Canada. I believe that the minister has received some recent correspondence from them about their issues.

[1725]

If it's necessary to get the assistance of other staff, I'm prepared to wait a moment. Alternately, I can propose my questions, and the minister might take them on notice and provide me with written responses later on, if that's more convenient. I simply want to put these questions on the record and initiate the process of having some consideration by the ministry of what's being asked for.

Advocis has made representations due to the proposed repeal of the B.C. securities regulations. There's the national securities regulation, NI 31-103. It will mean that what has previously taken place, in that financial advisers are permitted to incorporate, will no longer be permitted. It will be necessary, on their analysis, to incorporate that right into legislation.

The advantages of incorporation for a small firm are obvious — for the business purposes, for succession. It's similar to other professions, such as lawyers. I think the government recently committed to permit real estate agents to incorporate. So it's not an unreasonable request. In the association's view — and based on the material that was provided to me, properly, I agree with their view — changes in the national securities regime will mean that what they've been able to do since 2002 will no longer be permitted.

I'm asking the minister not necessarily to agree with that, but will the minister undertake to investigate the reasonable claim that they put forward and provide a response both to me and to Advocis in the near future?

Hon. W. Oppal: I will have to take that on notice, and I undertake to provide an answer to that question. I am unfamiliar with what the member has raised.

B. Ralston: The other issue they have raised with me is that they are concerned that there is a proliferation of designations of financial planners. Indeed, there's no real prohibition against someone holding themselves out, without any professional qualifications, as a financial planner. It's confusing to the consumer, and the Financial Institutions Commission and the Securities Commission are replete with examples of unauthorized and ill-educated persons holding themselves out as financial planners. Some of the consequences to consumers have been rather drastic in terms of fraud or financial loss.

One of the solutions that they have proposed is the recognition of financial planner professional designations in legislation. That would involve the commitment to create a separate act and create a self-governing profession — again, similar to other professions. I'm sure that the minister is familiar with that, such as the legal profession or architects or any other self-governing profession.

Again, will the minister undertake to investigate that request by Advocis and provide both me and them with the thinking of the ministry on that? What commitment is the minister prepared to make to bring in that kind of legislation, appreciating that the legislative drafting process can sometimes be a long one? Certainly, it's their view that this is important. It will provide some rationalization of all the credentials out there and provide important protection for the consumer in the marketplace.

Hon. W. Oppal: I'll undertake to do that.

R. Chouhan: In the service plan I believe there are six goals outlined. My question to the Attorney General is: what steps are taken and how does the government intend to meet the goals that are in the service plan? There are six goals outlined there. I can read them, if you wish.

[1730]

In the service plan the government outlines the desire to ensure government development initiatives incorporate multicultural challenges. Reinforce and revitalize anti-racism programs. Deliver more broad adult ESL programs. Develop ESL programs which respond to labour market needs. Develop a corporate approach to giving multilingual access to government services. Through ActNow develop partnerships and materials that encourage a long-lasting healthy lifestyle.

These are the kinds of goals that are in the service plan. So what steps are intended to meet those goals?

Hon. W. Oppal: I thank the member for his question. That is not a service plan that the member refers

to. That's a business plan that you have, and they're quite different. They have different objectives and different services. It's the service plan that we measure performance measures by. However, having said that, I understand the tenor of the concerns raised by the member.

Under the business plan we involve ourselves in a number of different endeavours. That includes language training, language training for adults, language training for immigrants who come here. We deal with settlement issues. As well, we get involved in the Asia-Pacific initiatives.

ELSA is the English language service for adults. As the member can well appreciate, we have immigrants who come to Canada who don't always have the necessary English language skills with which to adjust, so their English language skills, at different levels, have to be addressed and have to be improved.

[1735]

That is particularly so in the labour mobility area, where people who are trained in various professions may well have received accreditation in the countries from which they come. Once they have come to our province, their language skills may be found wanting, and there is a period of difficulty and a period of adjustment due to the deficiency in language skills. So as a part of the labour mobility market adjustment, we are actively involved in those objectives.

As well, we are involved in literacy programs; that is, it's called the ReadNow program where we want to improve the literacy skills of immigrants. We know, for instance, that there is a strong correlation between literacy and a number of other issues. There's a strong correlation between literacy and crime. For instance, criminal activities are often undertaken by people who are not literate. If you go into any of our penal institutions, one will find that there are people in there who are functionally illiterate. In order to address literacy skills so that people can adjust themselves better, we are putting energy and initiatives into the ReadNow program.

The ActNow program is another one in which we as a ministry are actively involved. I'm sure that the member opposite, who has been active for many years in the multicultural communities, realizes how important the ActNow program can be in furthering our objectives in the Ministry for Multiculturalism. I specifically refer to some of the health concerns, particularly in the South Asian communities.

I'm sure that the member realizes that in the South Asian communities, there's a high incidence of diabetes, cardiovascular disease and a number of other related health issues that South Asians have in a disproportionate amount to other members in the community at large. So we've been involved in a number of health fairs across the province, where we actively go and get involved in health fairs that involve professionals in the health care business — doctors and nurses who get involved in a preventive measure so as to not have a negative impact upon the health care system and to have healthier lives.

So the ActNow endeavour, which is a very progressive part of our government, is reaching out to the multicultural communities because of the health care concerns that have been raised in the communities. In my view, that's a particularly positive aspect of what we in the ministry are doing in addressing the health care needs and the health care challenges of those immigrants — 38,000 last year. So we're doing a lot of that.

As well, as far as the WelcomeBC program is concerned — the strategies — we want to ensure that government, economic and social development initiatives incorporate the opportunities and challenges of immigration and multiculturalism. We want to reinforce and revitalize the government's anti-racism programs. That's a big part of what we're doing. We now have a full-time prosecutor who is working with the police in the anti-racism area.

We want to deliver English language service for adults more broadly by working cross-ministry and by using alternative service delivery models. We want to develop, as I said a moment ago, English language services for adults that will respond specifically to the labour market needs of immigrants who come here.

[1740]

We all hear of immigrants who come here who are well qualified in their areas of expertise and who find that they have difficult periods of adjustment. The prospective employers are telling us that their English language skills are not commensurate with the standards that are required to succeed here.

As well, we are developing — in partnership with the Ministry of Labour and Citizens' Services, through the citizen-centered service delivery for British Columbia — a strategy, a corporate approach to enhancing multilingual access to British Columbia's government information services. It's so that the people who come here are able to access government services. In their times of need they can go to government services and to other services.

For instance, in Surrey Memorial Hospital — the member might well have noticed that many of the pamphlets there are now in Punjabi and other languages. If you go to our courthouses, you'll find that we are now attempting to provide non–English language access so that access to justice can be better achieved by having multilingual pamphlets and multilingual personnel there.

I've already mentioned the ActNow initiative. We are developing materials to create lifelong habits for better health outcomes for British Columbia's multicultural and immigrant communities. You know, 40 percent of the city of Vancouver is now a visible minority. We think that with our aging population, our demographic changes and an ever-increasing demand for labour, we're going to rely even more on immigrants.

All of these are in the business plan, as you correctly mentioned, in order to assist immigrants and, indeed, to assist ourselves so that the immigrants can become more useful and we as a receiving nation can benefit from their skills.

R. Chouhan: Given that we don't have much time left, I'll very quickly review some of the statements made by the Attorney General last year during the estimate debates.

Last year the minister stated: "We are actually working with all the social ministries to see how we can best serve the immigrant community. We need to do more of that, so we are working in a cross-ministerial way so that if there is something that may properly be in another ministry and we can use those funds within the mandate, we will."

So has any progress been made on that front?

Hon. W. Oppal: The question asked is a good one because it illustrates what we need to do in this area. I think that we're doing some productive work here. For instance, in the area of advanced education there is now a $2 million initiative, the community adult literacy program and the English-as-a-second-language settlement assistance program, developed in partnership with the Ministry of Advanced Education. It has expanded the availability of English language services for adults, particularly in small immigrant areas and in remote communities where it's particularly needed.

I was going to say Prince George, but Prince George isn't really remote. Prince Rupert is an example where that's needed. The challenges become greater because you have a smaller immigrant population, but the needs are still there. So we need to do that.

[1745]

Children and Family Development. We are working with that ministry to explore early childhood interventions for vulnerable refugee children and their families. We have implemented a community-based model that was developed in Surrey. The potential to use a similar process and/or model is being explored with other communities where there are higher concentrations of refugee families.

You know, I'm sure that the member opposite…. I know the work that he does in the minority communities. When I speak to teachers that have an inordinate number of ESL students and refugee students, they speak of the challenges that are involved in their professions. I remember one teacher telling me once that she had refugee students who had never held a pen in their hands let alone dealt with a computer. These are tremendous challenges for teachers, and we as a government have an obligation to assist. So we want to ensure that we address the vulnerabilities of those children.

A cross-ministry early childhood development–early learning conference is being planned for June of this year. That will bring together researchers, settlement workers, school administrators and teachers to tell us where the greatest challenges are in that area.

In working with the Ministry of Community Services, in partnership with that ministry, we've hosted a consultation on seniors program to identify possible enhancements to programming for seniors. We are working with the Ministries of Community Services and Public Safety, the Solicitor General, to host a cross-sector learning event on immigrant women and domestic violence. I mentioned that before. We are trying to create opportunities for networking and cross-sector collaboration, and we're identifying training needs.

In the area of education we are working with the Ministry of Education. I've already mentioned the program for settlement workers in schools that we announced last summer, and we're expanding that to 11 other schools. It's now being used in ten schools in the Lower Mainland, and there'll be a further 11 schools in other parts of the province.

There's a $600,000 investment over the next three years, and expanding, to something called Parents as Literacy Supporters, PALS, an initiative to immigrant children and their families creating community supports and resources to assist immigrant parents and caregivers to actively participate in increasing English literacy.

There is another program with the Ministry of Education, and this is a particularly good one. We've invested $350,000 in a UBC learning exchange project that has provided opportunities to improve the English skills of immigrant parents in five East Vancouver schools, because as the member well knows, we need to get the parents involved in this.

One of the problems that the teachers tell me in multicultural schools is the lack of a significant number of immigrant parents who come to participate in their child's learning experience. I know that the member has done a lot of work in this area. We've gone out to these communities to emphasize to, particularly, the South Asian community how important it is for parents to get involved in the activities of their children. So that's why this particular program is particularly useful. As I said, it's in five East Vancouver schools.

[1750]

We've also developed a program…. I was involved in this. We did this a couple of weeks ago at a school in Champlain Heights. This is an educational resource for teachers called *Make a Case Against Racism*. It is a teacher's guide and brochure. We funded that to the amount of $92,000. It's a program that has really been embraced by the teachers and by the school administrators so as to prevent racism and to teach children about the benefits of multiculturalism. So we've done a lot of that.

In Employment and Income Assistance we have an $800,000 project developed in partnership with that ministry in providing services to refugee families. In Tourism, Sport and the Arts there's now a partnership agreement with that ministry and the Ministry of Aboriginal Relations and Reconciliation providing $200,000 in Mosaic grants that support cultural diversity projects. As well, there are youth and ESL projects going on in other areas.

I think maybe I've gone on too long, but I know the interest that the member opposite has in this subject, and I've tried to be as comprehensive as I can.

R. Chouhan: Just a quick question, then. A brief answer will do it, because we don't have much time left. Also, last year the minister indicated that he was working with the housing department or ministry to help with the housing issues. What strategies has the ministry developed to address the housing issue?

Hon. W. Oppal: That program is very much in its infancy, and by that I mean we've started to have discussions with B.C. Housing. I know that's an important issue, particularly in the Lower Mainland. We know how housing needs impact upon immigrants and the adjustment period they have, and obviously, that's an important issue. But I can tell the member that it is something that's very much on the radar, and it's something that we very much…. We have a reading on it. We know that it's an issue, and we're involved with B.C. Housing on that.

R. Chouhan: Housing is a huge problem for the new immigrants and refugees, especially in the Burnaby-Edmonds area. We deal with it almost every day.

My next question is about the children that you have touched on earlier, the immigrant children and the refugee children who come to Canada. They're in the school system — first time. Many of them have never been to a school. They have never even seen a book. But according to their age, they are put in a school in grade 2, 3 or 4 — wherever they will fit.

Because they're not familiar with this concept of education that we have here, shortly thereafter they drop out. You know, they feel lost. Also, it's quite a burden on the teachers who have never experienced those kinds of situations. So any programs to help those students to stay in the school system….

I had a meeting with the local police officers. We were concerned that if those kids are not staying in school, they're going to drop out and end up on the street. You and I know very well where they would end up. Any plan to help those students?

[1755]

Hon. W. Oppal: Well, much of what the member has raised is within the purview of other ministries, particularly the Ministry of Education.

Where we are involved is in the area of settlement workers. I mentioned a short while ago that we are well aware of the challenge that exists where there are children who come here with backgrounds that may not meet the standards that are required in our schools. It's our duty, then, in those circumstances to assist those children, and settlement workers in the schools is our part, our ministry's particular part, to deal with that issue. But there are other ministries that are doing the same things that I've mentioned, some of them, in my earlier reply.

R. Chouhan: Let me now briefly talk about the poverty amongst the new immigrants.

The recent Statistics Canada report on census data, entitled *Earnings and Incomes of Canadians over the Past Quarter Century*, indicated that the gap between immigrants and the workers born in Canada has grown significantly in the past 20 years. Also, it indicates that this problem has worsened in the last six years. Are there any steps planned by the government to help these immigrants to overcome that huge problem they're having in achieving their potential?

Also, many new immigrants, despite their credentials, are not able to get employment where they should be working, according to their training and education. Are any steps planned to help those people?

Hon. W. Oppal: The issue raised is a valid one. We are dealing with that as a government. The Ministry of Economic Development has what is called a Skills Connect program along with WorkBC. There is now….

[H. Bloy in the chair.]

We're dealing with the issue of international qualifications so as to accredit people who are skilled in other areas so that they can adjust. It is in our best interests that we provide the necessary academic background and encouragement for them to adjust. In our particular ministry we are dealing with the issue of ESL in a labour market — in particular, labour market ESL.

R. Chouhan: Thank you, hon. Chair. I'm glad to see you in the chair.

The disparity between the immigrant and the Canadian-born workers, as I indicated earlier, has really gone from bad to worse, especially for those who have come here with good credentials — you know, doctors, engineers, scientists who come here. What steps is the ministry planning to integrate those workers to help them to have gainful employment so that they can achieve their potential? That's my question.

[1800]

Hon. W. Oppal: This has been a significant problem for us for many years, which is that we have immigration, and so how do we best utilize the skills of immigrants? How do we best break down the barriers of some of the self-regulating professions? Much of that work is done through WorkBC and the skills connect program. Where our ministry is involved is in the ELSA program, which is English language skills for adults, and labour mobility programs.

We need to ensure, as a province and as a country, that those people who are qualified and come here as immigrants are in a position to contribute in a way that will fully utilize their skills, and we can fully benefit from their professional expertise.

You know, we've heard of the classic story, which maybe apocryphal, of the taxi driver who is a foreign-trained doctor. You've heard that a hundred times. But there may be some truth to some of that, and what we want to do is ensure that the immigrants who come here are in a position to fully adjust and to use their skills not only to benefit themselves but, obviously, to benefit the province.

So that's something we're working on with federal funding and with provincial initiatives.

R. Chouhan: I have so, so many more questions, but we don't have time to ask. Maybe I'll write those questions and send them to the Attorney General. Maybe we can get the answers that way.

Just quickly about human rights, my favourite subject. The provincial government has cut funding to the B.C. Human Rights Tribunal and, as you know, has abolished the B.C. Human Rights Commission. By doing that, B.C. is in violation of the Paris principles and has been chastised twice by the United Nations.

We have now, in the absence of B.C. Human Rights Commission, the B.C. Human Rights Coalition to provide some of the services provided by the commission earlier. Looking at the numbers that we have received for the funding to the B.C. Human Rights Coalition, it says that in 2004 it received $957,000 and in 2007 it received $950,000. What is the reason for the reduction of the funding to B.C. Human Rights Coalition?

[1805]

Hon. W. Oppal: This province went into a direct-access system by virtue of the establishment of the Human Rights Tribunal in March of 2003. It's my view that this is the best system in Canada, and I'll tell you why I say that.

With all due respect to the Human Rights Commission, it was an entry-level agency in that it dealt initially with complaints. Some of those went on to the Human Rights Tribunal, which is akin to a court. The commission itself was accused of delaying, of not concluding matters in a timely manner. It was said that in some cases the decisions took two to two and a half years to give. Those are the numbers that we have.

An independent study was taken in 2001, and a direct-access model was established. I can say now that with willing parties, the tribunal is able to process a complaint, notify respondents, provide mediation services and schedule a hearing within six months of a complaint being filed. The six-month period…. I think it's excellent if you can get to a hearing within that period of time.

The publicly funded Human Rights Clinic is a key component to the success of that direct-access model. The clinic provides assistance, including legal representation, to eligible complainants and respondents as well as public legal-education services.

I should go back a bit. I should have said this earlier. The tribunal is essentially operating without a backlog. It has identified a number of factors, including unrepresented complainants, that created some challenges, but it is operating, in my view, in a very efficient manner.

Now, the Human Rights Clinic, as I said a moment ago and as the member well understands, is comprised of the Human Rights Coalition, the Community Legal Assistance Society and the University of Victoria Law Centre, which I had the pleasure of attending about a month ago. The dean of the law school was there. It's a splendid centre that offers much assistance to people who need help, and so I commend the Law Centre that they've established.

The member raised a question about funding. First of all, there's been no decrease in funding to the Human Rights Tribunal. I can tell you that. The Human Rights Tribunal in 2004-2005 had a budget of $3.077 million. This past year their budget — it's increased annually — is now $3.376 million.

[1810]

The Human Rights Clinic that the member raised…. I want to correct the misapprehension here. The budget has remained steady from 2004-2005 at $1.872 million. That remained constant until this next fiscal year when it goes to $1.954 million.

R. Chouhan: I guess that was the complete answer that the minister was able to provide. All I can say is that we agree to disagree. As the minister knows, I was the vice-president of B.C. Human Rights Defenders, and I have had access to the same information as the minister had. So let's leave it there.

Under the Human Rights Commission, if the commission had accepted a complaint and had forwarded the complaint to the tribunal for a hearing, it guaranteed the hearing representation. Does the Human Rights Coalition have the same mandate?

Hon. W. Oppal: Well, the Human Rights Commission and the Human Rights Clinic have different mandates. The Human Rights Commission actually dealt with and resolved some cases, according to the independent report that was done in '01. It didn't do it quickly enough, and it was redundant in some of the things that it did. I say that with no disrespect.

The simple fact of the matter is that the Human Rights Tribunal is a one-stop, direct-access model, and for that reason alone, it has to be a superior way and a more preferable way of resolving human rights disputes. The Human Rights Clinic does offer legal assistance and offers assistance in settling cases. I think maybe that's the best way I can put it.

R. Chouhan: I think that we have come to a point that we should conclude. As I indicated earlier, we will send those questions, in writing, to the minister, and so we'll get those answers.

On behalf of myself and my colleague from Nanaimo, I want to thank the minister and his staff for their indulgence in answering all the questions and the staff for their patience to listen to all these long answers that the minister provided. Thank you very much.

Vote 16: ministry operations, $451,905,000 — approved.

Vote 17: judiciary, $68,135,000 — approved.

Vote 18: Crown Proceeding Act, $24,500,000 — approved.

Vote 19: British Columbia Utilities Commission, $1,000 — approved.

Hon. W. Oppal: I move that the committee rise, report resolution and completion of the Ministry of Attorney General and ask leave to sit again.

Motion approved.

The committee rose at 6:15 p.m.

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