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SELECT STANDING COMMITTEE ON

LEGISLATIVE INITIATIVES

Victoria

Monday, September 13, 2010

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DR. TERRY LAKE, MLA, CHAIR

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**SELECT STANDING COMMITTEE ON
LEGISLATIVE INITIATIVES**

Victoria
Monday, September 13, 2010

- Chair:* * Dr. Terry Lake (Kamloops–North Thompson L)
- Deputy Chair:* * Jenny Wai Ching Kwan (Vancouver–Mount Pleasant NDP)
- Members:*
- * Eric Foster (Vernon–Monashee L)
 - * Dave S. Hayer (Surrey–Tynehead L)
 - * Richard T. Lee (Burnaby North L)
 - * Pat Pimm (Peace River North L)
 - * John Slater (Boundary–Similkameen L)
 - * Katrine Conroy (Kootenay West NDP)
 - * Mike Farnworth (Port Coquitlam NDP)
 - * Rob Fleming (Victoria–Swan Lake NDP)

** denotes member present*

Clerk: Kate Ryan-Lloyd

Committee Staff: Josie Schofield (Manager, Committee Research Services)

Witnesses: Anton Boegman (Elections B.C.)
Nola Western (Elections B.C.)

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MONDAY, SEPTEMBER 13, 2010

The committee met at 1:03 p.m.

[T. Lake in the chair.]

T. Lake (Chair): Thank you, ladies and gentlemen. We have an agenda that was circulated earlier. I wanted to, at the outset, just acknowledge that we did receive some correspondence from parties who expressed interest in either appearing before the committee or simply inquired whether the committee would be inviting anyone to appear.

I've shared this correspondence, this information, with the Deputy Chair. While we appreciate the level of interest in the committee's work, we've agreed that given the narrow scope of the mandate of the committee and the presentation today from Elections B.C., we feel that would be sufficient to allow the committee to form its decision. I just wanted to inform the committee about that discussion that the Deputy Chair and I had.

The first item for discussion today is the information session. We have with us today Anton Boegman, assistant Chief Electoral Officer for electoral operations, and Nola Western, assistant Chief Electoral Officer, funding and disclosure.

Thank you very much for coming this afternoon. We really appreciate you being here. Mr. Craig James, the Chief Electoral Officer, is out of the country at the moment.

Information on Initiative Process

T. Lake (Chair): Just by way of information, the committee members — all committee members — submitted questions to Elections B.C. officials. We received written replies, which committee members have had an opportunity to peruse, and now Mr. Boegman and Ms. Western are here to clarify or further elucidate members' questions today.

[1305]

With that, I will invite members of the committee to ask our delegation any questions they might have pertaining to the information from Elections B.C.

D. Hayer: This is a good response we had to the questions the committee had asked for. I was just wondering, in looking at question 1: is there anything more you can add to it?

T. Lake (Chair): Mr. Hayer, perhaps you can just preface by reading the question, and that will help the public.

D. Hayer: I think the first question was: what are the procedure and the details of conducting an initiative

vote under the Recall and Initiative Act? Then it talks about: "The Recall and Initiative Act does not include detailed procedures on how to conduct an initiative vote. Rather, section 13 of that act establishes that initiative votes are conducted according to the regulations...."

I'm just wondering: under this question-and-answer you have provided to us, is there anything more, or is this the complete information?

A. Boegman: In terms of a response to that question, I think at this point this is as much as we can provide. The second paragraph to the response essentially says that the conduct could range from being very similar in appearance and function and format to a general election, where voting places are established across the province and voters would go there to cast a vote on the initiative question. Or it could be done as a vote by mail, akin to the 2002 treaty negotiation referendum that was conducted.

There's a wide range of ways and methods that it could be conducted, sort of anywhere from that in between, ranging from the full-blown general election-type model to a vote-by-mail scenario.

D. Hayer: I've just got a follow-up.

T. Lake (Chair): Go ahead.

D. Hayer: My follow-up. You talk about the vote-by-mail system. How would you look at the persons who send in the ballot, confirm that those are the persons who voted on it — just to identify? Actually, a person has to be on the voters list. A person has to be a citizen in order to vote on this referendum — right?

A. Boegman: Yes. In terms of technical ways that we would be doing that, because Elections B.C. does not have a signature database, there would be no ability to confirm or compare a signature on a voting package with a signature in a database. Rather, akin to the manner that we verified the initiative petition itself, we would be looking at having exact matches on certain elements of voter information — voter's name, their address, possibly their date of birth, things like that — that we would expect only the voter to know.

Then we could also do a third-party verification through an agency such as B.C. Stats — again, similar to how it was conducted for the initiative petition verification model.

D. Hayer: Just to follow up on that. So if in one house there are four or five voters in there, each person would have to vote themselves. Would it say very clearly on it that you can't have one person sort of voting on behalf of all five members in the house or three members in the house?

A. Boegman: That is correct. Each registered voter would receive a unique voting package for that individual voter to prepare and send back to Elections B.C.

N. Western: Can I just add that they would have signed it, and it would look very much like the current vote-by-mail opportunities that we have in a general election.

M. Farnworth: I guess one of the most key questions prior to us actually getting to an initiative referendum taking place is the question on the ballot that people would be voting on. I see in the answer to the question that it says "Lieutenant-Governor-in-Council" — or cabinet — "in consultation with the Chief Electoral Officer." Consultation is not defined, so consultation could just be cabinet preparing a question asking the Chief Electoral Officer what they thought, and basically that's it. Is that a correct assumption?

[1310]

A. Boegman: Elections B.C.'s position is that the question should be developed by the Chief Electoral Officer to remove any potential questions around partisanship and to ensure neutrality of the question. The question would need to respect the intent of the initiative petition, the question would need to frame the question to all British Columbia voters, and the question would need to ensure clarity of response so that the responses, when they're coming in, can be determined to be clearly in favour of or against.

M. Farnworth: Okay, but the act is silent in this regard, so the act actually doesn't.... I know what Elections B.C. would like, from your answer, but the act is silent in that regard.

A. Boegman: That is correct.

M. Farnworth: So the potential is there, because when you go through the rest of the act, cabinet does determine the regulations around a lot of how the election will be conducted. They determine whether or not it would be a mail-in ballot or a proper referendum such as what we saw in Charlottetown. They determine a lot of those regulations.

Given your answer, then your expectation is that the question would be developed by Elections B.C. without interference from cabinet. Is that correct?

A. Boegman: Yes, our expectation is that the question would be developed by Elections B.C., and subsequent to that, it would be established in regulation.

M. Farnworth: Okay. And that the question clearly should follow the intent of the initiative process, that it clearly should follow the intent of what the initiative is trying to achieve.

A. Boegman: That is correct.

J. Kwan (Deputy Chair): Welcome to our guests from the Chief Electoral Officer's office. I have a question whose answer, I think, is somewhat self-evident. Nonetheless, I want to put it on the public record for clarity.

There seems to be some interest from the government members, arising from our last meeting, that if the committee ends up going the referendum route with respect to this initiative and petition, they might be interested in putting an additional question — or there might be an interest in putting in an additional question — in that referendum.

Now, I know that the referendum in this instance, the initiative act, prescribes that there can only be one initiative question arising from this unless there is another initiative petition that passes and puts forward another question. Having said that, if the government chose to put another question forward through the normal route of a referendum, related to the HST, is it to say, then, that the threshold of that question passing would be the lesser threshold based on the Referendum Act?

A. Boegman: In terms of the threshold that may be established for a second question or a different question that would be conducted under the Referendum Act, then the threshold that's in the Recall and Initiative Act would apply to the initiative vote, and whatever threshold is established by regulation for a referendum question would then apply to a referendum question.

J. Kwan (Deputy Chair): Just to follow up, that's the case even if the government decides to put forward a second question related to the HST? Then the threshold would be that of the lower threshold, based on the Referendum Act? I assume the answer is yes.

A. Boegman: Yes, if a referendum question is posed by government to the people through a referendum, then the threshold for that question would be established in the regulation regarding the conduct of that referendum.

P. Pimm: Thank you very much for coming this afternoon. I know the general public doesn't have the same benefit as we have, of seeing the 28 questions that we have posted to you — 27 questions, actually. Thank you very much for all your answers to those questions.

I think there were a lot of questions that had a lot of legitimacy towards this process. Certainly, it's helped me in coming up with some of the decisions around cost, around how questions would be and some of the different things that we're looking at.

[1315]

I do have a small question, following up on Mr. Farnworth's question a little bit. Question 16 talks about:

what will the referendum questions say? It says that the act is silent in respect to who should frame the question, and section 13 only allows for regulations that address the conduct of the vote. Therefore, it would seem that the framing of the question rests with the Chief Electoral Officer, who would seek to incorporate into the same content the draft bill for approval.

But then on question 20 it goes on to say: "Can you confirm that based on section 13(2), it would be the LG-in-Council, in consultation with the Chief Electoral Officer, who would formulate the question for the initiative vote?"

The answer to that question is yes. So I'm kind of curious. The two don't seem to mesh to me, and I'd like to just hear a little bit around that.

T. Lake (Chair): Before we have a reply, Mr. Pimm, you mentioned that we have these questions that the public may not be aware of. By agreement, this will become a public document, so the public certainly will see the questions that were posed and the answers that were submitted by Elections B.C.

Mr. Boegman, go ahead.

A. Boegman: I believe it's really a two-part process, in that Elections B.C.'s position is that the questions should get developed by the Chief Electoral Officer. But then the question would need to be established in the regulation which governs the conduct of the initiative vote.

So while it would be developed by the Chief Electoral Officer, it would then be established by regulation. If that answers your question....

P. Pimm: Yeah, I think that does, actually.

M. Farnworth: I want to follow up on this point, because I think this is a really important point that we examine, and that is the question. As we have seen in other referendums in this province or in other parts of the country, it's the question that counts.

So when I hear consultation and then the following up of my colleague Mr. Pimm's question.... The Chief Electoral Officer drafts a question. This is his view of how the question should be framed. It goes to cabinet. They look at this, and they go: "It's not quite what we want to see on the ballot."

They want to change the wording. They want to change the way the question is framed. Maybe this is a bit too subjective for you to answer, but the real.... When does consultation become interference? You know, how many...? You're sending the question back and forth before you get a question that the cabinet is happy with when we're establishing.... The answer that you're getting is that the question should be developed by Elections B.C. in keeping with the intent of what is being asked in the initiative petition.

I think we need to be really clear and on the record that it is Elections B.C. that determines the question, and it goes to cabinet for ratification. That would be what Elections B.C. is expecting. My sense is if that's how it's supposed to operate, that would be what the public is expecting — that Elections B.C. develops the question. It goes to cabinet, and then it's approved without interference.

A. Boegman: Could I consult briefly with my colleague on a response to this question, please?

T. Lake (Chair): Certainly.

A. Boegman: Mr. Chair, if I may?

T. Lake (Chair): Go ahead, Mr. Boegman.

A. Boegman: I think it's important to note at this time that it's premature to talk about the question and what it may look like, simply because there may not be a question.

[1320]

It's the responsibility of the committee here to determine whether the initiative will be given back to the Chief Electoral Officer for an initiative vote or whether there will be a recommendation to introduce it into the House.

That being said, I think we need to leave it up to the Chief Electoral Officer to determine if or when such a point would be where there would be interference. And I will repeat my earlier statement that I believe, and Elections B.C.'s position is, that the Chief Electoral Officer should develop the question for the initiative vote, should there be one.

J. Kwan (Deputy Chair): Actually, at first when I heard the answer, I thought the answer was clear. But as we go along, it is less clear to me. Let me just put a simple question, then, to you on this point to clarify.

Would cabinet be able to provide input into the wording of the referendum question arising from this initiative process? The answer that I'm looking for would be a yes or no.

A. Boegman: I would think that whether cabinet is allowed to provide input or not would be dependent on any legal advice that the committee receives on that question and is not a question that Elections B.C. can provide a definitive answer to.

J. Kwan (Deputy Chair): If I'm hearing the answer correctly, then it is: if the committee decides to go through a referendum on the initiative here, then we would have to seek the legal advice of a lawyer to determine whether or not cabinet would be allowed to pro-

vide input in framing the question in the referendum for the electorate. So it would not be Elections B.C.'s decision. It would not be the Chief Electoral Officer's decision, but rather, this committee in seeking the legal advice. Is that correct?

A. Boegman: As was mentioned by Mr. Farnworth and acknowledged, the legislation is silent in terms of the question around an initiative vote. So there is no certainty in legislation which states who writes the question, who approves the question.

It does state that the conduct is established by Lieutenant-Governor-in-Council regulation. As I've said, it's Elections B.C.'s position that Elections B.C. should draft the question, should a question be required, to ensure neutrality and to ensure that the intent of the initiative petition is maintained.

But there is no legal certainty around this. It's new ground. Elections B.C. hasn't gone here before. I don't feel comfortable in making a certainty response.

J. Kwan (Deputy Chair): Theoretically, then I suppose the government could challenge Elections B.C.'s position on this — that is to say, that Elections B.C. would be able to draft and craft the question. That's up to, potentially, a legal challenge if it heads down that road.

This is all hypothetical, and I get that. But establishing what that process is, is critically important, clearly, in terms of that. We're unclear, then, at this point about whether or not cabinet would be able to provide input into the wording of the referendum question, because that's the answer that I'm hearing back. Correct me if I'm wrong on that score.

I'll leave that for a minute, and I'll also ask another question. That is: what other areas would cabinet be able to provide input into related to this initiative arising from today? They would set regulations, as was mentioned, to decide whether or not it's a mail-in ballot or a voting ballot equivalent to that of a general election.

I wonder if you can just walk us through. What are the elements which cabinet would have input into related to this referendum if that's the decision that is chosen? What regulations would they have to set?

[1325]

A. Boegman: Typically, the way this would take place is that the regulation would specify which elements of the Election Act apply in terms of definitions related to the conduct. It would specify whether it was going to be, as you said, the types of processes used to conduct the initiative vote — whether it was going to be a vote-by-mail option or whether it be an in-person voting option.

If it was an in-person voting option, it would specify the types of voting opportunities that are available to the public, who is eligible to vote. Typically, it would walk through and refer to sections of the Election Act in

establishing parallel processes to govern the conduct of the referendum.

Stepping to if it was to be a mail-in process, the regulation would establish some things around dates. It would establish, for instance, when the mail-in package would be issued; how long people had to consider that package; dates by which the package must be returned; how the package could be returned, be it returned via mail or whether there would be established drop-off points throughout the province for people to return packages to; whether or not it had to be received by Elections B.C. by a certain date or whether it just had to be postmarked by a certain date, aspects like that; when the count is to be conducted, whether there is a window for a count or a time by which the count needs to be conducted; how results are reported; whether or not the Chief Electoral Officer is required to publish a report on the proceedings — things like that.

J. Kwan (Deputy Chair): Just to follow up, then, with respect to regulations governing the referendum itself — namely, the application of things like spending limits, advertising authorities and so on, like those which would be in a general election, where those rules and regulations would apply — am I correct in assuming that all of those same rules that apply to a general election would also apply here should a referendum be put to the electorate?

N. Western: The financing rules and the advertising rules for an initiative vote are similar to those for a general election, but they're not the same. They would not need regulating, because they are established in the Recall and Initiative Act.

There are third-party spending limits, and third-party advertisers have to register. There are opponents' and proponents' spending limits and other rules around who can accept the contributions, who can incur initiative vote expenses. It's very much like a general election, but that doesn't need regulating.

J. Kwan (Deputy Chair): Thank you on that. So that would mean that there would be no cabinet interference with respect to those aspects. There could be no changes whatsoever unless, I suppose, an amendment is put in the House with the Recall and Initiative Act itself.

N. Western: There is a spending limit for third-party advertisers. Currently it's \$5,000, but there is a provision in the Recall and Initiative Act that it can be higher if a regulation is passed establishing that that is higher than \$5,000.

J. Kwan (Deputy Chair): Then on that point, the government or the cabinet could put forward a regulation. Is that the only point that there could be changes by regulation from government? I just want to get full

clarity on this in terms of what level and to what extent there could be government interference into this process, how cabinet could affect the referendum process and where they could have their hand related to it. I just want to be absolutely clear, on the public record, where those areas lie.

N. Western: I think that there may be.... In the financing report that proponents and opponents file after the initiative vote, those forms are regulated, so what they'd have to disclose is in the act. But it says that there could be a regulation to require additional information. There are a few places like that that could change due to a regulation.

J. Kwan (Deputy Chair): When you say that there are a few places like that.... You've mentioned one on the advertising limits. What are the other places?

N. Western: I would have to read the act and get back to you on those details. The financing report is one, and what has to be included in it. There could be additional requirements than what is in the regulated forms right now. It's another one that comes to my mind. Other than that, I'll have to get back to the committee.

[1330]

T. Lake (Chair): We have a number of other speakers who would like to go forward.

D. Hayer: Can you, just for the record, tell me when this act was passed — what year?

A. Boegman: The Recall and Initiative Act was passed in 1995.

D. Hayer: Do you know if at that time the NDP government had any other guidelines — what they were thinking when they put in these type of things which Ms. Kwan seems to have some questions about? Do you know if there was anything available that we can see? Maybe that can clarify what the government was thinking at that time about some of the concerns that MLA Kwan has.

A. Boegman: Elections B.C. isn't aware of any other information.

D. Hayer: The other question that I have is: if this was to go to a referendum, would Elections B.C. itself maybe issue any type of guide explaining how to vote on it — like background information or anything at all? This will be the first time something is done under the initiative act. Would there be some sort of mailing to people's homes? I know that on this question you talk

about that you will be advertising to explain how the referendum works.

Any suggestions, if this was to go to that, as to what Elections B.C. will be doing on it? Any thoughts on that?

A. Boegman: Yes. We would definitely ensure that voters are informed about what voting opportunities are available and how they can access those voting opportunities to cast their ballots.

R. Fleming: I just wanted to ask some questions in terms of the scope and conduct of the election and what is determined by regulation — i.e., by cabinet. You've answered some of the questions around the wording of the question. It's a little uncertain, at this point in time, what role cabinet is allowed to have and who ultimately determines the wording of the question.

There are some other areas, too, where, as you remarked earlier, the legislation is silent and therefore falls to regulation by cabinet. My colleague Ms. Kwan was just alluding to third-party groups and spending limits. It was answered, and I appreciate the answer that there are limits referenced in the legislation, but those can be changed by regulation.

If changes were being sought — just to confirm — would those seeking the changes likely come to the Chief Electoral Officer and Elections B.C., or would they likely go to those that actually have the formal power to make such changes, which would be a representative of the government and of cabinet, in your view?

N. Western: I think that would be up to them — who they lobby to try to get such changes. They're not Chief Electoral Officer regulations, so Elections B.C. cannot make those regulations.

R. Fleming: Okay. Another answer that we received from the acting Chief Electoral Officer, Mr. James, was around a question posed by this committee about whether a preamble would be allowed to the question.

We've already dealt with what language and final draft would be approved — what the ballot question would be. I think the answer we've received in part today is that cabinet would have input and maybe have final determination.

There's also this question about what other information is posed to the voter prior to casting their vote, whatever method they're going to use, and specifically around a preamble. Again, the legislation is silent on this, so it is allowed. A preamble leading into the question that is asked can be drafted and can be on the ballot paper, as I understand, or the information that comes with the ballot.

Who drafts that? The electoral agency — yourselves — or, because it's made by regulation, those that are empowered to do that — cabinet?

A. Boegman: You're correct in saying that the act is silent on this. Our impression is that whatever appears on the ballot... So the question of whether there is a short preamble on the ballot should be the responsibility of the Chief Electoral Officer — to draft that. It would then have to get enacted in a regulation.

[1335]

R. Fleming: Who would determine, then, that a preamble would even be desirable — the government or the Chief Electoral Officer?

A. Boegman: In terms of the drafting of the question, the Chief Electoral Officer would need to take into consideration factors to ensure that the question put on the ballot was clear and understandable to the voting public. My assumption is that should we feel that a preamble is necessary in order to provide context to the ballot question, we would then include a preamble in the question. However, at this time whether a preamble is of interest or required has not yet been considered by our office.

R. Fleming: My understanding, from the answer given by the acting Chief Electoral Officer, is that the decision on the preamble is made by regulation, so it's made by cabinet to determine whether there will be a preamble. Then I suppose, from your earlier answer, the Chief Electoral Officer would have a role, perhaps, in humbly submitting and drafting the wording of a preamble, after it's been expressed by government that they would like one.

Then, I think, similar to the final wording of the question itself, there's some toing and froing, but we're not exactly sure how that may work.

A. Boegman: That's correct. Yes.

R. Fleming: Just one other question, Mr. Chair, on a different topic, which was a question about the requirement for enumeration.

Because this vote would fall between general elections, it was Elections B.C.'s response that an enumeration would not be required. I don't know if that means it couldn't be done, but part of the response was that Elections B.C.'s mandate is not to seek to increase voter participation. I understand that, but I also understand that Elections B.C., after every general election, issues a report on the conduct of the election.

While its mandate may not be specifically to increase voter participation, it certainly is its mandate to make recommendations removing barriers to voter participation. They made a number of good recommendations coming out of the last election around proof of address and potential barriers to people being able to exercise their franchise. I'm wondering if any of those recommendations will be able to be acted upon prior to a po-

tential referendum in September 2011, if and when we go that route.

On the enumeration question, I guess it's really... Is it a question of you not being required to have one or that you would not likely have the funds to do one?

A. Boegman: There's no requirement to have an enumeration prior to an initiative vote. Elections B.C. would certainly look at the quality of the list at that time, and we would probably undertake some activities in order to facilitate people registering, should they want to register prior to the conduct of an initiative vote. But we don't believe that an enumeration is necessary at this time.

The current quality of the voters list... Following the general election, we still have in excess of 90 percent of the eligible voters in the province registered on the list. We feel that we are able to maintain a high standard of voters list in between events with the ongoing list maintenance work that we currently conduct.

R. Fleming: Just a question on that, to follow up. Are there activities that you normally do ahead of a general election — in a one- or two-year period leading up to a fixed-date general election, which we now have — that you would likely not do for an initiative referendum? I'm thinking of additional outreach to register voters who migrate and reside in the province between now and September 2011, and also to those whose 18th birthday would fall between now and September 2011.

[1340]

A. Boegman: No. If you'd like more detail on this, I can follow up with our director of voter registration and boundaries to get a more detailed response for you. My understanding is that we would just continue on with our normal voter registration activities, which include, on an ongoing basis, making sure that we have taken deceased persons off the list.

We receive monthly updates from Elections Canada, from their list, so we make those amendments to our list on an ongoing basis. We receive monthly updates from ICBC, from the drivers' licences files. We use those to do an ongoing update of the information.

Depending upon the format that a regulation may establish for the conduct of an initiative vote, there may be the opportunity to do local work in districts, if we're establishing district electoral offices throughout the province. These sorts of things could all take place.

J. Slater: Just to talk about some of the expense limits, one of the questions asked of the CEO was, "Will there be an opportunity to have public input on other possible solutions rather than the HST?" — in other words, higher income tax, higher corporate tax, higher business tax. You said that this could be changed by regulation. But if you read the act, it's pretty clear on the limits that we're

allowed to spend in the last 60 days, I believe it is, before the petition comes out.

I guess the question is.... It says in here that the proponents are allowed \$1.52 per electorate — correct? — and the opponents are allowed \$1.52. Is that cumulative, or is it just...? In other words, if there are six proponents, do they get \$1.52 each for their spending limits, or is it just one per side, and they have to split it up?

N. Western: First, let me go back to my comment about the regulation changing the spending limit. A regulation can change the \$5,000 spending limit for third-party advertisers, not for the proponents or opponents. That spending limit is established in the act. The spending limit is \$1.52, plus or minus changes to the consumer price index.

J. Slater: Right. I'm assuming, since this was originally 25 cents back in 1995, that those indexes have been accounted for in there.

N. Western: The \$1.52 was adjusted in May 2008, when this was updated. I looked at the last CPI that was published this morning, so it would be in the neighbourhood now of about \$1.56 per registered voter.

J. Slater: Okay.

N. Western: Yes, all of the proponents and all of the opponents share. There can be up to six proponents. One of them can be the proponent for the initiative petition, and there can be up to five others, depending on how many apply. It's a very complex application system in section 32. There can be up to six, and they would share the spending limit. The proponent of the initiative petition would have 50 percent of the limit, and the other up to five would share the other 50 percent.

For opponents, there can be up to five opponents, again, and they would share \$1.56 per registered voter between all of them. So the proponent side and the opponent side have the same spending limit in total.

J. Slater: Spending limit, but 50 percent of the proponents' has to go to one proponent.

N. Western: If the initiative petition proponent chooses to be a proponent of the initiative vote, yes.

K. Conroy: One of the questions was on the date that this hypothetical referendum has to be held — September 24, 2011 — but it says that it can be amended. In the act there is the availability of it to be amended. Is there a time frame around...? Could it in fact be amended to be held earlier, or could it be amended to be held, say, in conjunction with municipal elections later in the fall? Is there anything in the act that allows that to happen?

N. Western: I don't see anything in section 14 of the act that talks about changing the date. Obviously, the Legislative Assembly can amend legislation, so they could do that. This answer that you're talking about.... The question was: could the municipal elections be held at the same time, on September 24, 2011? The answer was: not unless the Local Government Act was amended, because that act says local government elections are held on the third Saturday every third November.

[1345]

K. Conroy: So as far as you're concerned, there's nothing that can be done within the legislation.

N. Western: Not within the existing legislation.

K. Conroy: Not within the existing legislation. Okay.

M. Farnworth: The development of the question. What's the time frame for the development of the question? The committee has one of two choices. In that sense it's not hypothetical. It will either be going to the floor of the House, or it will be referred back to Elections B.C. Assuming that it is that option, what's the time frame for developing the question, and when does the question have to be made public?

A. Boegman: I'd have to get back to you on that after consulting with the Chief Electoral Officer.

M. Farnworth: Okay. Does cabinet have a say in the determination of when the question is made public or when the process of developing the question would start? Or is that entirely up to the Chief Electoral Officer?

A. Boegman: If the regulation, in terms of describing the conduct of the election, were to establish dates on which the information is to be made public, then obviously, that would set a timeline in process by which time the question had to be developed and finalized prior to it being made public.

As it stands right now, in the absence of a regulation governing the conduct of a referendum, other than knowing that it would be a priority to do as soon as possible, Elections B.C. doesn't have a defined timeline for framing the question.

M. Farnworth: It would be desirable, though, that the question be framed as early as possible so that the public knows what the question is.

I guess the point I'm getting to is that it is silent. It's one of the key things about this whole process. Whether you're dealing with issues of consultation and what.... Consultation's not defined — the role and the ability of cabinet to have input in it.

How many back-and-forths do you go between the Chief Electoral Officer and cabinet? When does the process for drafting the question start? How long does it take? Does it basically go until cabinet feels that they've got the question that they like?

That is a bit concerning. What I'm trying to understand and get a sense of is that as far as Elections B.C. is concerned, they should be drafting the question and that they would expect that once it has said, "Okay, we want to know what the question is," there not be an undue delay between the development of the question and the public being made aware of exactly what it is they're going to be voting on. Would that be Elections B.C.'s expectation?

A. Boegman: I believe it would be, yes.

J. Kwan (Deputy Chair): Actually, there are quite a number of questions that would potentially have cabinet dictating the course of action that we have raised here. On the question around consultation, it's not clear what would be considered input from cabinet into the framing of the question and to what extent they would be allowed to do that.

Key to that is that on the question itself, it's unclear to me who could actually approve the referendum question. Is it the Chief Electoral Officer, or is it cabinet? Or is it the Chief Electoral Officer in consultation with cabinet?

On the regulation itself, where we talked about the timing of the release of the question to the public, we're uncertain about that as well — and subject, I assume, to potentially the government making the regulations related to that. The government would have the authority to make those regulations and therefore control the timing of that and when that's released.

[1350]

These are actually pretty key aspects to ensuring that the referendum question is conducted in such a way that it is non-partisan and that the electorate would have optimal opportunity to understand what the question is — clarity on what the question is — and the timing of it.

Lastly, in terms of how the vote is conducted, it's also subject to cabinet to make that determination. So all the key principles related to this referendum ultimately could be controlled by cabinet. That's my understanding of it.

A. Boegman: That's correct, yes.

P. Pimm: I just again want to thank you for coming forward with all the answers to these questions. Obviously, the last meeting.... We would have been mighty premature if we didn't get some of these answers before we moved forward with whatever direction we were going to move forward in.

It seems that when the legislation was drafted, there were an awful lot of things missed in the legislation. I'm

not sure just why that happened or under whose guidance and direction that was, but certainly, again, just thank you very much for coming forward and answering some of these questions.

T. Lake (Chair): Any further questions?

J. Kwan (Deputy Chair): No questions, Mr. Chair, but when the appropriate time comes, I'd like to move, on the agenda, to resume debate on the motion that I tabled in the last meeting.

T. Lake (Chair): Well, seeing no further questions.... Mr. Hayer, do you have another question?

D. Hayer: No, I just want to say to our two guests here thank you very much for coming over and trying to do the best you can to explain the questions. It is not your fault that the government of the day, when they designed the act, did not do the job properly so that we wouldn't have these types of problems today.

I am confident that you will do the best you can to make sure that if it goes to referendum, it is fair to all the voters of British Columbia and fair to everybody looking forward to resolving this issue one way or another. I think Elections B.C. has been very clear on that question. They want to make sure that whatever question is done, however it's done, it reflects the initiative that was approved by the voters that we are dealing with.

I just wanted to thank you very much for coming over and doing the best you can under the circumstances, when even the act might be silent. That was silent because it was designed in the 1990s, not with the current government.

T. Lake (Chair): I would hope that we would keep our questions to our guests limited, because I know they have lots of work to do, but I did see a hand go up.

Mr. Fleming, if you wanted to ask a question.

R. Fleming: Just a question from the legislation. The ruling that was made by the Deputy Chief Electoral Officer around the prohibition of governments issuing perfunctory budget mailers that were basically a pro-HST message. Because there was an initiative petition underway, it fell in the wrong time frame. That ruling was made by the former Deputy Chief Electoral Officer. Would there be a similar timeline and scrutiny around government publications in a lead-up to a hypothetical referendum in September 2011?

N. Western: The Recall and Initiative Act establishes the initiative vote period as beginning 60 days before general voting day. During that 60-day period the only individuals or organizations that can conduct initiative

advertising, which is defined as advertising used during that period to promote or oppose the initiative, are proponents, opponents and registered third-party advertising sponsors.

R. Fleming: The government would have to register this time.

N. Western: If advertising was used to promote or oppose the initiative question, the organization would have to be registered, yes.

T. Lake (Chair): I just want to reiterate what my colleagues have said, thanking you for taking the time to come. It's clear from your answers, I think, that in terms of the question and how it's framed, Elections B.C. seeks to have considerable control over the question, to ensure neutrality, to ensure that the intent of the initiative is reflected in the question. I think we heard that loud and clear today. I really appreciate you coming on short notice to help the committee out.

We will take a short recess while our guests leave. Again, thank you very much for coming.

The committee recessed from 1:55 p.m. to 2:03 p.m.

[T. Lake in the chair.]

Referral of Initiative Petition and Draft Bill

T. Lake (Chair): Ms. Kwan, I understand that you would like to resume debate on your motion that is before the committee. So I will ask you if you would like to speak to it and ask members to make me aware of their desire to speak to the motion.

J. Kwan (Deputy Chair): Just to put on the record again what the motion is. People will recall that at the last meeting I put forward a motion. It reads: "Be it resolved that pursuant to s. 11 (2) (a) of the *Recall and Initiative Act*, the Select Standing Committee on Legislative Initiatives table a report recommending that the draft Bill entitled *HST Extinguishment Act* be introduced into the Legislative Assembly at the earliest practicable opportunity."

I put this motion forward for a variety of reasons, one of which, of course, is related to the HST issue. It is my view that we need to expedite the decision and provide certainty around the HST. I would argue that putting this before the Legislature will allow for the MLAs to be held accountable to their electorate.

I fully understand that the committee is not in the position to tell the government that they must call the bill, nor are we in the position that we have to tell the government that there should be a free vote. Having said

that, I think that there are compelling reasons for the government to consider those things. I'll leave those to the government and for another forum for me to talk some more about that.

I think that this option before the committee is the quickest option and is also the cheapest option to put forward for a decision to be made around the HST. As we just heard on the referendum piece, there are many unanswered questions in terms of concerns that we would have related to potential government interference through regulation, even to something as simple as the question itself in terms of what the question would look like for the electorate and potential government cabinet interference into that.

[1405]

There are issues related to that in terms of the regulations set in a variety of different areas. We'll get to that, I'm sure, should that debate arise — if that motion should hit the floor.

In the meantime, this is the motion. It's the preferred motion; it's the quickest option; it is the cheapest option. It's an option that holds every single MLA accountable. It provides for an opportunity for the MLAs to vote on this, I hope.

Most important of all, it is the wish of the people who initiated the petition and initiative itself in the direction in which they wish to see it go.

T. Lake (Chair): Do I have any other speakers on the motion?

D. Hayer: I will speak against this motion. I think this motion is basically more about politics. This motion is not about allowing people to have a say. I think when you look at the initiative that went through.... More than 700,000 people signed on that initiative, and people want to have a say on it. I think to make sure we respect that democratic process we should allow all British Columbians to have their say to see if they want the HST or not.

I think what Ms. Kwan's motion says is basically around the politicians. They have already made up their mind on this motion. The one side of the House supported the HST; the other side of the House didn't support the HST.

On the other hand, there's no doubt the government did a terrible job of explaining why we introduced the harmonization of the tax. We paid a price for that as British Columbia has shown. More than 18 percent of people have signed the petition on that initiative we are voting on.

On the other hand, we have two choices. One is to send it back to the politicians who have already said what their decisions are when the HST was introduced, or we can go back to all British Columbians to say: "What would you like to do? Would you like to have the

HST or not?" So not just 18 percent but allow 100 percent of them to have a choice on it, and then when the choice is made, after the initiative passes, we will all respect that initiative.

I think they will have a difficult choice to make because they have to understand that after there is no HST.... Did you know the 1.2 million people who are getting HST rebates — those will be gone? And they will also have to take a look at: do we bring back the old PST or do we maybe have HST at a lower rate? Do we have some other form of tax increases or do we cut down the expenses of the different programs like health care, education and social programs, worth \$5 billion? The old PST, which was considered very ineffective, brought in \$5 billion in revenue.

My perspective is that it is British Columbians who have to take a look at all the information, and they have to decide. After they vote the way I expect they will vote, I think we might still have the HST. But if we don't have the HST, I think they will also be able to tell us how we try to balance the budget and how we make sure the other \$5 billion is raised, and then we will respect them.

If the initiative does pass and it goes for a referendum, then I think at least all British Columbians will have spoken rather than two sides of the House who already have their opinions made very clear over more than one year. So I oppose this motion.

K. Conroy: Obviously, I support my colleague's motion. I think that, just to clarify, what we're being asked today is to decide whether this initiative should go to referendum or go to the Legislature to be discussed.

Now if we follow through with the comments and the questions that we had answered by Elections B.C., if we were to go for a referendum, we are looking at a process that's going to take over a year to get to, with considerable dollars being spent for advertising on both sides, proponent as well as the opponent. We're talking, potentially, a \$30 million cost to the public — unless, of course, we go with the mail-in ballot.

I'll remind members — they might forget — that when the treaty negotiations ballot was done in 2002, many people who received that mail-in ballot thought of it as, "Oh, here's another Publishers Clearing House piece of junk mail," and threw it away. They really didn't take the time to follow through with that. There was a low turnout then.

So that's a real concern. If there is a mail-in ballot process, it's a concern. Do people look at it as junk mail, and it's not going to be properly followed through on? So then we would need even more advertising.

[1410]

The \$30 million cost has been put out there. Is that what we're looking at? A year away we're looking at \$30 million? And after the initiative.... I feel strongly that this referendum will pass. To have over 700,000 people

sign that petition.... I think that was a message, a true message to the government of how angry people are about this. So we got that message. This initiative will obviously pass. What will happen.... Once again, it'll be referred to the Legislature.

We will be in exactly the same position we are now except that the government, the people of the province.... It'll have cost them over \$30 million, plus the advertising on both sides with the proponent and the opponents. So it would be \$30-plus million more cost to the coffers of this province and the people's pockets, to be in exactly the same position we are now.

If we follow through with Ms. Kwan's motion, this initiative would go to the floor of the Legislature and then we could have true grass-roots democracy, where people could debate in the House what the HST means. You could have the opportunity to take the constituents' views to the floor of the Legislature. We could actually discuss and debate how our constituents feel about this tax. You know, we could be there talking about it and bringing that true democracy to the floor of the Legislature.

I strongly support Ms. Kwan's motion. I think that in light of some of the questions that were answered today and also the fact that a lot of the decision-making obviously would rest with the cabinet....

This is the same cabinet that brought in the HST, minus Mr. Lekstrom. It is the same cabinet that is there that made this decision just a few months ago that would be making decisions again around the question and around, potentially, the preamble. So that raises all kinds of questions.

I definitely am not comfortable with that notion, as I'm sure many people in the province aren't comfortable. In fact, wasn't it just the poll showed 70 percent of the people are not only not comfortable with it? They would actually vote for the referendum to pass in September.

I think that we would be in exactly the same position, at an incredibly exorbitant cost, which I really don't think needs to happen. So I support Ms. Kwan's motion.

T. Lake (Chair): Thank you, Ms. Conroy. That was very eloquent.

J. Kwan (Deputy Chair): I feel that the response that I heard from Mr. Hayer needs responding to. I think it's very important to note that had the government not betrayed British Columbians, this committee wouldn't be sitting here today. Had the government not betrayed British Columbians prior to the election and during the election to say that the HST was not on the government's radar and that it was not something that they would contemplate, we wouldn't be here today.

The issue here is that the government did betray British Columbians. If the government wanted consultation on the HST, they would have told British Columbians the truth around it, and British

Columbians would have been consulted on it through a general election in the last election. That didn't happen, so here we are today.

Mr. Hayer says: "Oh, but we want to give British Columbians a say." Well, I have to say that that should have happened prior to the 2009 election.

Having said that, we have a choice to make. We have two choices. One is to choose to go to the Legislature. This could be done as quickly as this fall sitting, the scheduled sitting of the House, where a calendar has been amended, back in 2001, to ensure that there be a fall sitting of the House. This could be facilitated and have this bill, the HST Extinguishment Act, be referred to the Legislature.

[1415]

The government members, including the committee members, could have enough courage to say right now today to their Premier that they want to have a vote in the Legislature so that they can be accountable to their constituents, so that they could reflect their wishes and save the lengthy delay of a referendum, which is a year's time from now.

It would also save \$30 million of taxpayers' money, \$30 million in the context of a time when British Columbians are taxed extensively and when the government is saying that they don't have enough money and that we have record deficits. We could save that \$30 million and put it to a different use. I could think of a few off the top of my head. Supporting schools would be an aspect of it. We could save \$30 million, and that's significant, to say nothing of....

Then we move on to the option of considering going through a referendum if this motion is not supported by the government members. If we go to a referendum.... We just heard from representatives from the Chief Electoral Officer's office that there are a number of areas in which the government can interfere in the referendum process.

A mail-in ballot is one possibility, and I don't doubt for a moment that the government would have their hand in it, through cabinet, to find means to have the referendum process fail if they could. That would mean choosing options that would not facilitate participation. That would mean putting forward questions that would be convoluted and difficult for the electorate to answer and to understand and very possibly confound the entire process itself by putting additional questions forward.

All of those things potentially could skew the outcome on the referendum, as we already know through the polling that has been done and also by just talking to our constituents in our own ridings in terms of their point of view on the HST. Many of them are saying.... In fact, 70 percent of those who have been polled say that they would actually vote against the referendum.

I think the government members know that. I think the government knows that. So why further delay this

process? Why don't we get on with it and do what we're elected to do, which is to be accountable to our constituents?

The Premier said as much when he debated this bill. He said: "When we talk about being elected, we all have to remember that we're elected to respond first to the needs of our constituents.... I believe accountability is going to be the cornerstone of re-establishing and restoring the trust between our elected representatives and those who elect them."

There is a way to deal with that. Bring this bill to the Legislature. Call on the Premier to allow for a free vote. Put the bill to a vote by every single member of the House, and let there be accountability on that basis.

P. Pimm: First off, I'm certainly glad that we had this opportunity to come back and listen to our folks who came in and explained some of the messages that we had questions to earlier. I think that when the legislation was drafted back in the mid-'90s, obviously, there were two avenues of thought. I'm glad we had the opportunity to debate the two avenues of thought here. I definitely think we were premature the other day to even consider this particular motion.

I just wanted to talk about a couple of things. I heard both the opposition members that have talked so far. They talk about the \$30 million of savings and about that being an awful lot of money. I'd just like to say that the administration savings that we get every year from the HST being implemented is \$30 million, so that's quite neat. One year and we'll have enough to pay for a referendum, if it goes to a full-blown referendum. So that's interesting.

The other thing, like Mr. Hayer said, is that there are extra taxes. Some way or other we have to deal with the question of the deficit and the money that was transferred with this, and whatnot. Somehow or other we have to figure out how we're going to repay that \$1.6 billion that was transferred. That's not revenue-neutral — sorry. That's money that was transferred here, and we have to pay it back somehow if the HST is not.... Okay? So there are lots of issues that are left out there.

[1420]

I for one am not a big fan of higher income taxes or higher business taxes or higher corporate tax. I'm not in favour of any of those sorts of things. I think that it's a good policy.... This government has a great policy on taxation. Certainly, that's what driving the economy as we speak today. That's what British Columbia is going to continue to do over the next little while.

A couple of quotes I'd like to mention here, too, when we talk about this particular motion. Some of the opposition members.... One quote was: "The government may wake up and find that the public have got the signatures, and they're saying that we want a referendum and that we're going to get a referendum." I think that's

very good. I think that's the direction I'd like to take this as well.

Another quote that's very similar from the opposition side is: "If the HST is such a great idea, why don't you put it forward for a referendum? Let the people decide." I think that's exactly what we need to do, to actually let the people decide. Let them have some time to see how the HST is affecting them — so dramatically, as I've heard people say in the past.

I think we definitely want to give them that opportunity, so I'll be voting in opposition to this motion.

M. Farnworth: Well, the legislation is clear. We have two choices: send it to committee or send it to a referendum. What's important is that the people do have a say.

They can have that say through a number of ways, including a referendum. They can have that say in signing a petition, to clear a threshold which no one thought that they would be able to do, and 700,000 people did that — without assistance from the government, without assistance from big business, without assistance from anybody other than ordinary people, frustrated by a government that misled them prior to the election, going out and signing this petition. It succeeded. That's having their say.

The other way that we can do this, once that's done, is we can now send it to a committee. It is important that we look at the costs of a referendum. One of the questions that was asked of Elections B.C. was just that: what would it be? They said that in a vote conducted entirely by mail, similar to the 2002 treaty negotiations referendum, the cost would be about \$12 million. A ballot-box vote, with the same voting opportunities as a general election, would be approximately \$30 million.

Well, we are elected to make decisions. That's what the public expects us to do. If the public felt that the referendum would be binding, that the government would listen and act upon the decision of the referendum, then — you know what? — I think my first choice would be to go to a referendum. But the government has not said that. In fact, on occasions they have made it clear that it is non-binding, which puts us right back to where we are right now.

The public of British Columbia does not want, having crossed one hurdle and ending up here where a decision is being made, to then cross another hurdle successfully and to be told by a government: "Oh, sorry. You've cleared all the hurdles, but you know what? It's still non-binding." We end up right back where we are now, and they introduce a bill into the Legislature and vote it down. That's not what they want.

Absent of that commitment, the right approach is for us to take this to the floor of the Legislature, where each of us, elected by our constituents, can stand and vote and tell our constituents why we are voting the way that we are. That's the right approach to do. That's why I'm

supporting my colleague's motion — and, also, because I do like the member for Surrey-Tynehead.

I don't know if he remembers, but when the legislation was brought in, his party opposed it. They didn't believe in the principles of referendum and initiative. Not just the legislation, they didn't believe in the principles of initiative and referendum. So I'd like to give him the opportunity to at least be able to abide by the principles of his party regarding initiative and referendum when it was brought in. He'd be able to do that by voting on the floor of the House without having to worry about a referendum.

[1425]

That's just secondary. The main point is that we're here to make a decision. We can make that decision, and we can make one that will deal with this issue quickly, that will bring some stability — which is what people expect, not uncertainty delayed out for another year. That's why we should send this to the floor of the House for a vote.

D. Hayer: I think we will be here all day — probably all till next week — just debating this, but I just want to say to all the four members from the opposition that government did make mistakes in how it implemented, how it did not explain properly, the HST initiative. The Premier said that. I think the MLAs from the government side and ministers have said that.

We have seen — and paid the price — where, under the initiative act, more than 700,000 people signed up. We have also paid the price for that in the polling, which shows that politically, we paid the price for that too.

On the other hand, in the same polling that came out Friday, 70 percent of British Columbians also said they would like to have a referendum. We should respect British Columbians.

You know, if we made a mistake once, that doesn't mean we have to make a mistake twice. We should learn from the mistake and try to move forward from that, and we should really try to put it to a referendum so that all British Columbians have a say, not just 18 percent. I do appreciate those 18 percent, because without this vote, we would not be going to referendum and nobody would be talking about this.

At the same time, I believe that if the initiative referendum was to pass, I would personally support it. I would think it's a fairly high threshold on that. If it were to pass, I would personally support that, because I think that British Columbians will have spoken.

On the other hand, I think that when British Columbians take a look... With HST, all the economists have said it will create more than 100,000 jobs, that it's going to \$1.6 billion received for our health and education programs, and then \$11 billion new investments will come into British Columbia — versus losing the jobs, versus having the economy going backward, where the investment will go to Ontario or where the invest-

ment will be moving to other parts of the province. That will be too high a price to pay.

As a matter of fact, I'd like to remind the members of the opposition.... I was on the Select Standing Committee on Finance in November 2008 when unanimously both sides of the House, for the first time, supported that we should look at a cost-benefit analysis of harmonizing PST and GST together.

You know what the sad part is?

Interjection.

T. Lake (Chair): Order.

D. Hayer: If we had an HST initiative when we realize how good this will be for the province, they will be the same ones saying that we should throw this government out because they did not follow the advice of the Select Standing Committee on Finance three or four years from now, when most of the economy would have gone sideways, most of the jobs have moved to Ontario. It's damned if you do, and it's damned if you don't do.

I think I believe in true democracy. I think we should really go back to grass-roots democracy. That is where every British Columbian will have a say on it.

I think we should take a look at holding the referendum in the whole province, rather than allowing the politicians who already have made up their minds which way they are going to vote. They had voted that way last year, and they haven't changed their minds. I haven't heard anything from anybody. Otherwise, you'll end up having the same result, and you'll have basically wasted the time of those 700,000 British Columbians who have signed the initiative.

The only way to move forward is if we vote against the motion in front of us and then, I do believe, try to see if we can get a motion that allows all British Columbians to have a say on it, rather than just politicians who are trying to politicize it rather than trying to find solutions in the long term.

Like I said, if an initiative was to pass, I will say.... I think almost every government will say we should try to support it.

T. Lake (Chair): Just to remind members to listen respectfully. Everyone has an opportunity to speak.

I also want to just remind members, too, of the scope of the committee. While we can't avoid talking about the HST, I don't think this is the forum to debate the merits or not of the HST itself but rather the decision to go to the House or to go to a report to the Chief Electoral Officer.

[1430]

R. Fleming: I wanted to wait and hear from a few of my colleagues on the Liberal side of this committee to

see which way they were leaning, because most of the comments that were made outside of this House were not clear.

I think we can now see that in favouring the referendum option, as opposed to representative democracy taking its course within the next 30 to 60 days.... Instead of us debating this, all 85 members of the House, sometime after the first Monday in October when the regular fall sitting is scheduled, this government wants to buy another year.

We've heard it again. There's not an element of contrition in what I just heard from the member for Surrey-Tynehead in his remarks as to how they created a political crisis and a political uprising in British Columbia that garnered 770,000 signatures — not one element of contrition about that.

In fact, they're now making it sound like it was their idea. "Let's have a referendum. Hey, what a great thing." Well, you know the problem is with that? By the time September 2011 rolls around, people will have been paying this tax for two full years out of their pockets, out of their family budgets. You want to ask them whether it's a good idea then, two years after you've been charging them? That's absurd.

For the better part of the year, the entire mandate of this government has been taken up by the deceit that surrounds the introduction of the HST shortly after the election, after having campaigned against it. Educated voters who wanted to look to see what the B.C. Liberals thought about the HST could have referred to Rick Thorpe, who didn't call it ineffective. He called the provincial sales tax "flexible" and something that we would never give up in this province.

The former Finance Minister said it was something that B.C. should not harmonize with Ottawa. Then during the course of the election, your party campaigned explicitly against seeking to introduce that. So for the better part of the past year, since the real agenda was revealed — and we now have FOI documents that are giving us a clearer picture of how far this goes back and how this was hatched — British Columbians have reacted.

The political nerve has not been touched like this in this province for generations. It's time to stop playing with people. It's time to let representative democracy work. I get the feeling that many MLAs, and some of my colleagues across the way, will do almost anything to avoid a basic element of accountability in our democracy, and that is voting for or against something in a recorded vote.

Let's have a free vote. The governing party doesn't have a mandate or legitimacy to introduce the HST. They never have, having campaigned against it. Let's have them, this fall in the fall session.... By the way, it hasn't been called yet, so this could be a core agenda item, I would think, of a fall sitting.

Let's have all 85 MLAs demonstrate that they are listening to their constituents. Let's have them vote free of party Whips and interference of party leaders, because the government doesn't have a mandate to implement the HST. If members on the other side have been listening to and respecting the 770,000 British Columbians who signed the initiative petition, let's see what that looks like in the Legislative Assembly.

I think there are some other concerns with some of the discussion and some of the questions that we were able to get answers to today from Elections B.C. around the second option, the referendum option. My colleagues have talked about cost. That's a concern. I've talked about delay for a moment here.

There are other costs to the delay, though. The government will probably table a budget this spring that is similar to the three-year service plan that they tabled last spring that will begin spending, again, transition money from Ottawa — perhaps half a billion dollars — while the question looms over whether we're going to extinguish the HST entirely.

That doesn't make any sense. We have the business community — the ones who supported the court case to try and stop where we are here today in this committee — saying that there's a price of uncertainty. Apparently the government isn't even listening to them after the judgment was brought down in court.

We could bring certainty, and we could bring it within a month by introducing debate in the Legislative Assembly. That's the option I support. That's why I support my colleague Ms. Kwan's motion here today.

I think that there are some concerns around all of the arbitrariness and some hints of political trickery, quite frankly, around how this government might devise a ballot question in a referendum process in September 2011.

[1435]

They've talked about other questions that they might layer on the same ballot. We've learned that cabinet, in the final instance, will determine the wording of the question. They will determine the spending limits for third parties. They will determine whether there's preamble. They will be able to spend taxpayer dollars for the better part of a year leading up to that vote. They will do everything they can, and then in the end, as my colleague Mr. Farnworth has said, they have no requirement to respect the outcome of the referendum.

That's very different than what we could do in a fall sitting in the Legislature, where the HST Extinguishment Act could be debated. It could be affirmed, and it would force this government to undo what it did in the political backrooms with Ottawa — sit down with the Prime Minister, who is, I am sure, not very keen to wear responsibility for foisting the HST on the people of British Columbia.

You know, people have talked about penalties and costs of getting out of this agreement. Well, this agreement

was cooked up in the political backrooms. A vote in the House can send the right signal, and this government can start undoing what it illegitimately put in place in the first place, at no cost to the taxpayers. So that's why I favour the most direct access. That's why I favour accountability and MLAs having the courage to participate in a recorded vote in the House and explain to their constituents exactly why they voted on the bill the way they did. That's an option that's here before us today, and that's why I'll be supporting Ms. Kwan's motion.

E. Foster: Most things have been said, but one of the things that I want to say again is that 18 percent to 20 percent, depending on whose numbers you use, of the people signed the petition, which means 80 percent of the people didn't sign the petition. Now, whether they are in favour or not in favour, we have no idea. So when you talk about listening, I want to hear from those other 80 percent of the people. I want them to have an opportunity to vote.

To Mr. Farnworth's comment about it not being binding, and based on the legislation, he is certainly correct.... I would suggest that if the people of this province, through the referendum, supported the HST extinguishment bill, any government — our government today or any other government — would be foolish to ignore that. I mean, I don't think there's any question that it would be suicidal.

Depending on how the whole thing falls down, I cannot imagine the government not paying attention to that. I certainly would have to take a good look at it, because it doesn't make any sense to go to a referendum and, if the referendum is successful, to ignore it. It just doesn't make any sense at all.

I'm speaking against the motion. I think it's an opportunity for all people in British Columbia to act on this initiative. You know, when you take a petition around and get it signed.... Again, you've got 20 percent of the people that signed it; 80 percent of the people did not sign the petition. That's the only thing that's.... Some of these polls or anecdotal evidence.... We have 18½ percent of the people who actually signed the petition.

I see Mr. Fleming finds that humorous, but that's it; 18½ percent of the people signed the petition, so the rest of the province didn't. I'd like to hear from them.

R. Lee: I am speaking against the motion, because if you pass the motion, it means that an option will not be available. As I said, we only have two choices. One is to recommend that the draft bill be introduced in the House or refer the initiative petition and draft bill to the Chief Electoral Officer so that an initiative vote will be held under this act.

Mr. Chair, I'm always a believer in democracy, and although this is not perfect in our democratic system, this is the best system available to us, so to speak. Democracy means that we are responsible. We have responsibility to

the people who elected us to make the best decision for the voters. However, any decision made in the House probably will not be agreeable to all the people. There are people who disagree with the decisions.

[1440]

There's a great mathematician and philosopher, Bertrand Russell, who once said: "Democracy is a process by which the people...choose the man who will get the blame." So in one of those great philosophies around democracy, the parliamentary system naturally is a way for people to express their opinion if they don't agree with the decision, to lobby their MLAs. But there is another route available right now in this case in the House.

In the House, of course, the HST issue has been discussed extensively. Actually, an act was passed to get rid of the PST. So we have discussed the HST in the House already, and we decided to get rid of the PST. So all the discussions around the HST documents — we have made those arguments already.

The PST, the old system — we got rid of that a few months ago in preparation for the introduction of the HST and also the implementation.

Of course we acknowledge the success of this petition. It appears that a lot of British Columbians, around 18 percent to 19 percent, would like to have a direct say on this initiative. Actually, I heard that over 60 percent of people would like to have a referendum.

So I don't know what the opposition is thinking, you know. A survey — if you believe in surveys, if you believe over 80 percent of people are actually against the HST....

Actually, when they ask if you want a referendum, over 60 percent say they would like to have a referendum. So I think, listening to the people, that we should go for a referendum. The referendum question is on whether the government should go back to the old PST system, as the proposed act is proposing.

The question will be put forward to the voters, and they have to decide if they want to go back to the old system or not. I'm also pleased to support a democratic solution to this issue, because we have some disagreement among the legislators on what's the best for British Columbians. As we have only two choices, we're limited by the design of the bill in 1994 under the NDP government. This is your bill. Those choices are available to us — only two choices.

You could have, at that time, said that it's binding. You didn't say that it's binding, so it's not our fault that it's not binding. I take exception to your argument that the government would want it to be non-binding. This is in the act.

I call you in the spirit of.... The hon. Colin Gabelmann, naturally — the Attorney General under the NDP in 1994 — introduced this act. After second reading is the committee stage, and he made some comments around this bill. After that, it became an act. I will quote what he said.

"We're saying through this process that if the public wants to have a new law brought in or a current law rescinded, then half of them have to care enough about doing it to vote that way. It's not 60 percent, two-thirds or 75 percent. It's only half the people who have to live with the consequences of the decision. That's what we say. So half the voters in the province have to say: 'Yes, we want the Legislature to do something that the government won't do.'"

[1445]

He continued, and I'll quote another passage.

"What we are talking about here is the fundamental issue of this bill for us — for me. I speak for myself in particular. We are moving away from a tried-and-true system that works well around the world and in every jurisdiction in the Commonwealth. We are moving away from it to give power to the people — to re-voke Jerry Rubin — but we're doing it in a way that doesn't give power to the people when the people's view is 50-50 or 60-40 on a particular issue. We are doing it when the people's view is overwhelming. The people will be able to access this when the view is overwhelming."

I believe in the spirit of the people who introduced this act in 1994. It was 16 years ago, really, with two amendments along the way over the years. I think this is an option for us, for the people to decide if that's an issue important to them. I'm pleased to support this democratic solution, to go to the people. I would also like to say that it is in the spirit of the act that those options are available.

Mr. Chair, I will vote for going to a referendum or an initiative vote. My only wish to the voters is that all the British Columbians, when they care enough to put forward their votes, are well informed and are making the decision based on accurate information.

J. Slater: I, too, will not be supporting this motion. I look at my riding and what's happened in the last year. A lot of businesses are very pleased with it. The forestry industry is happy. Yes, there are 20 percent of the people that signed the petition in my riding, and as Mr. Lee said, there was a lot of misinformation given out to those people. Bottom line is that people will sign a petition to say: "I don't want any more tax." What they should have had is: "Okay, here's your alternative. We've got to raise \$5 billion in some kind of tax regime."

That was never brought out. Do we have a PST? Do we have an HST? Do we have personal income taxes, business income taxes, corporate income tax? Do we chase people out of the province because they don't want to work here anymore because of our tax regimes? That's what we need to decide.

We cannot do that in 60 days in the Legislature, because we don't have all that information. If we go to the public, if we go to a referendum, and the public gets all the correct information — by then they will have all the tax information — they'll be able to look at their bills every month and say: "Jeez. It wasn't as bad as we were led to believe." That's where we're screwing up. You know, we talk about political trickery. I don't hear any solutions from you guys. Give us the alternatives.

T. Lake (Chair): Member...

J. Slater: Sorry. The press is gone, so it's okay.

T. Lake (Chair): ...if you can confine your comments in a respectful way, please.

J. Slater: Anyway, I think we need to move forward with the referendum and let the people decide. That's when we will be going back to government and making that decision — after we hear the results of the referendum.

T. Lake (Chair): Is there anyone else who would like to speak on the motion?

Seeing none, I will call the vote on the motion, which is to send the initiative and the draft bill to the House.

Motion negated on the following division:

	YEAS — 4	
Fleming	Farnworth	Kwan
	Conroy	
	NAYS — 5	
Hayer	Lee	Foster
Slater		Pimm

T. Lake (Chair): Is there another motion on the floor?

E. Foster: At this time I would like to make a motion. "Be it resolved that pursuant to s. 11 (2) (b) of the *Recall and Initiative Act*, the Select Standing Committee on Legislative Initiatives refer the initiative petition and draft Bill to the chief electoral officer."

[1450]

T. Lake (Chair): We'll just get a signed copy from you, Mr. Foster.

Any discussion on the motion?

M. Farnworth: This is the choice that in essence, by default, by the result of the last motion, is to ensure that it follows the act. To the committee: there is no choice on this. This is now where it goes, which is back to the Chief Electoral Officer for a referendum that under the current, existing legislation would take place on the 24th of September in 2011.

We've heard from the representatives of Elections B.C. that the government now has considerable latitude in the framing of that question, considerable latitude in how that election will be conducted. I think that it's important we have that on the record and that we have an understanding of what we expect in terms of a referen-

dum election. I think it's important that the government — the cabinet, who will be making those decisions — understands where we as a committee are coming from. I think that is extremely important.

The issue of the question should be determined by the Chief Electoral Officer. It should not be done with interference by cabinet. Cabinet should just act to approve the regulation, approve the question that the Chief Electoral Officer has drafted. They should not be engaged in back-and-forth.

I don't want to see.... We all know that referendum questions in other parts of the country.... The one that most obviously comes to mind is Quebec, where the separatists like to try and devise a question to get the result that they want. I think we should be clear that the Chief Electoral Officer is the one who drafts the question, that the question is neutral and that it is one that deals with the initiative petition — a straightforward, simple question. I think that that's something that we need to.... The committee needs to send that message to the cabinet.

We need to deal with some of the issues around how the election will be conducted. Will it be, as some of my colleagues have said, a mail-in ballot? Will it be an Ed McMahon-style Publishers Clearing House mail-in ballot?

The Premier has stated that he wants as many people as possible to be able to vote in that election. Members opposite have all waxed eloquent about how they want every British Columbian to have their say, 100 percent of the people. If that's the case, then they should make it clear and on the record that a ballot-box vote is the way to go, because British Columbia's experience around the mail-in ballot.... Only 20 percent participated, and frankly, that's not acceptable.

As you have all waxed eloquent about, if only 18 percent of the people have signed a petition, then frankly, you should be prepared to reject a method in which only 20 percent of the public participated the last time it was used.

We should be doing a ballot-box vote, and we should send that message. We've had the precedent in this province once before, around the Charlottetown accord. That was an important issue, just like this is an important issue. We got a 70 percent turnout on that — 20 points higher than what we got at the last election — because people were motivated. If, as you all believe, the public supports you, if you believe that the 82 percent who didn't sign the petition are with you, then I think we should make it clear that a ballot-box vote is the way to go, that that's a proper referendum.

This legislation was brought in by a ballot-box vote, and I think it's only appropriate that that is how an initiative conducted under this legislation should be conducted — by a ballot-box vote.

[1455]

In terms of the other regulations that cabinet can put in place — around spending limits, around third-party advertising — we have plenty of precedent already. There are rules that are specified within the act. They should be adhered to, not amended. I think we should be making that clear.

We should be ensuring that regulations — those areas of regulations such as spending limits — are not changed, because people will be asking: "Well, if it's good enough for how it was done the last time" — you know, in the mail-in ballots — "we should be ensuring that those regulations are in place." So if it's the \$5,000 registration limit, then the public should have confidence that friends who last time failed to register because they didn't think it would pass, this time don't say: "Okay, we're going to register, but oh, by the way, why don't you change the spending limit? That way we can spend a lot more money than we were able to."

I think we need to send a strong message that when the referendum takes place, it's with a question that is clear and concise, developed without interference by the Chief Electoral Officer; that it's done by a ballot-box vote and the public has every confidence that the election is being conducted in the same way that a general election is; and to ensure maximum participation.

J. Kwan (Deputy Chair): In terms of the ballot question, it was interesting to note when Mr. Lee spoke that it seems to me that they already have formulated the question. The question that he actually said at the committee was that the question should be asked on whether or not British Columbians want to go back to the old PST system. Already we have in this committee signs of government members exhibiting political interference with respect to the ballot question.

I think that if we were to have a fair process around the referendum, then we need to ensure, as my colleague Mr. Farnworth has said, that the process needs to be one where that decision on what the question is, is determined by the Chief Electoral Officer with no political interference whatsoever. That is to say, there would be no consultation with cabinet or input from cabinet on what that question would be.

Certainly, there should not be the allowance of the cabinet approving that question itself. I would argue that the Chief Electoral Officer's office would formulate that question, then release that question at the earliest opportunity to the public, so the public would be informed of what that question is, and so that it is a concise and clear question, reflecting the spirit of the petition itself that brought us here, that reflects the act itself. That is the HST Extinguishment Act, itself.

It's interesting because committee members from the government side had talked about the percentage of the petition. Notably, they said that only 18 percent of the electorate signed the petition.

I note, though, too — as I was a canvasser on the ground, especially on endless weekends and evenings, canvassing for the petition — that many people actually approached wanting to sign the petition, though were not able to do so because they were not from Vancouver–Mount Pleasant. I did not have the sheets for Powell River–Sunshine Coast, for example, for North Van, from Surrey, from Burnaby and other areas. Actually, people came forward and asked to sign those petitions.

I had to send them away for another day at some other location — I wasn't quite sure exactly where they would be — to sign the petition. To be clear, I would argue that the petition numbers that were received, the 700,000 or so, are probably less than what would otherwise have been, had everybody been able to sign the petition. I actually have no doubt in my mind about that.

Following that logic from the government members — to almost insinuate that 18 percent is illegitimate — I would argue this, and for the government members to keep this in mind. They were elected with 26 percent of the electorate going to the polls. That is to say that 74 percent did not vote for this government. So I would argue that if 18 percent is not quite legitimate, maybe 26 percent is questionable for electing a government. It would follow that logic that the government members have made.

[1500]

I would simply close with this. I think the threshold in terms of the baseline for the referendum should be a clear one for the government, and that is that it should follow the same format, as a baseline measure, of a general election to maximize participation.

Why do I say that? We have to keep in mind that the Recall and Initiative Act was brought in through a referendum process, in a general election baseline format. In fact, it was held at a general election. And so questions that are derived from a successful petition through that act should also be put to the electorate on that basis, using a general election baseline format to get the vote results from the public.

I would argue that — keeping in mind that the voter turnout in the last election was extremely low, and everyone acknowledged that. So to that end, there are provisions in which Elections B.C. would have to ensure voter registration is in place, and I'm sure they'll maximize those opportunities to ensure that people are registered accordingly, because to do us a service in a democratic process, to which the government members on this committee, at least, did not want to go... I suspect that reflects the caucus and the Premier's position, and that is to not send this bill back to the House for debate.

I suspect that part of that reason, through which it was not talked about at this committee, is because the government is very worried that MLAs may very well vote against the government's point of view on this — if they were truly to reflect the wishes of their constituents — and the government can ill afford to do that because that would be a

confidence vote on the Premier, and at this time — my, oh my — lord forbid there should be a confidence vote on the Premier in the Legislature on this matter.

Mr. Chair, the referendum is the other alternative. There is no other way of getting around it.

To make sure that the referendum process is a fair one, I would ask the opinions of the government members to put it on the record, to advise us what their views are and whether or not they agree that the referendum should be put in a similar format as that of a general election; and that there should be no political interference whatsoever from cabinet with respect to the question that's to be crafted, no political interference whatsoever with respect to the timing of the release of that question; and that regulations brought in by government would not interfere with this process, to ensure that it would be a fair process.

I invite the government members of the committee to answer those questions and to put that on the record so that the electorate would know and ascertain to a degree that the process to follow on the referendum would indeed be a fair one.

T. Lake (Chair): I will remind members that while in debate they can express their opinions one way or another on all aspects of the motion in front of them, it is beyond the scope of this committee to direct further than sending a report to the Chief Electoral Officer. It is not this committee's role to tell Elections B.C. or the government how to do its job. It is simply our job to choose to either send a draft bill to the House or to send a report to the Chief Electoral Officer. I just wanted to remind members of that.

E. Foster: It was certainly not my intention when I made this motion to do anything other than give the people in this province — all the people in the province — an opportunity to speak to this issue. I certainly have no intentions of being involved in anything that tries to trick someone or change things. I think this needs to be a very simple, honest process, that the people in the province have an opportunity to make a decision.

I'm speaking for myself here. I'm not speaking for anybody but myself, but my intention in supporting going to referendum is to give an opportunity to vote on a well-defined question that's designed for them to make an informed decision.

[1505]

R. Fleming: We're down to the one option now, and I think that this is a good time just to put some comments on the record, and I'd invite government members to do the same. In defeating the first option, which was to have further debate and vote on a bill in the House, many of them said that they wished to see maximum turnout, voter participation enabled in a referendum, and they

gave other reasons why they supported that option. So fair enough. We're on to that option now.

A number of my colleagues have spoken about how participation can be furthered and how we can conduct a fair and effective election. I think that there's been some information here about the legislation. This is a test for the legislation.

It's the first time it has ever needed to be used. This is a once-in-a-generation opportunity where the people have spoken this strongly and cleared the thresholds to get us to this point here today. It is incumbent upon us here in this committee to at least send on some comments — not direct Elections B.C. how to conduct an election but to send on some comments. As we've learned here today....

T. Lake (Chair): Mr. Fleming, if I could just remind you of my ruling. To use the words "incumbent upon us" I think is misleading. This committee's role is not to do anything more than send a draft bill to the House or to send a report to the Chief Electoral Officer.

R. Fleming: Fair enough. If I can continue. We've learned information here today from questions that were posed by committee members to Elections B.C. officials that the latitude and participation — determining the scope, conduct, wording of the election, the budget for it — falls to cabinet, who have a political conflict of interest in seeing the HST maintained, as we've seen from every action that they've taken since the May 2009 election.

We need to ensure that some of the worst outcomes that we can imagine don't happen, that Elections B.C. be respected and be able to do its job, that it have adequate resources to be able to do that, that the election look and feel like a provincewide election that we have come to know and participate in, that there be polling stations like a general election, that there be regional offices and that people be given every opportunity to vote in this referendum.

I would very much like to hear that that's a sentiment that is strongly shared by government members here this afternoon, because I suspect that we are going to unanimously vote in favour of this motion in a minute, and we will be embarking upon a referendum to determine the next step of the initiative petition.

D. Hayer: I'm happy to hear from the opposition that they will be unanimously supporting this motion. I think that all the members on both sides of the House, both sides of this committee, want to make sure that the election will be held fairly if the question is concise and clear and that we try to follow the system that has the largest number of British Columbians participate in it. I think that's what all the members of the House in British Columbia would like to see, and I think this is

really about democracy. This is where everybody has a chance to say what they feel about this bill.

I also want to say that I really want to thank the people who participated in the last initiative, because if they had not signed that, then we wouldn't be here today. I also want to remind the opposition that we are just following the act they had passed. We are following the regulations — everything in there — except that we are trying to say that the act should be very fair. It should try to use some common sense to make sure that the people have a chance to vote on this.

At the same time, we have to make sure that British Columbians really understand what it is to have HST or no HST or to keep the PST. When I talked to people, right up until this morning, they still don't understand which products you apply the HST to, which products you do not apply HST to. I think we have to make sure....

[1510]

T. Lake (Chair): Sorry, Member. I just want to bring you back to my earlier comments that this is not the venue to debate the HST pros or cons but speak to the motion.

D. Hayer: I'm not going to debate it. Yes, I'm just in favour of the motion. I'm saying that I hope people have to understand what we are asking them to vote on. I support this motion. I hope there is enough information through Elections B.C. to make sure that people understand before they vote yes or no on the referendum that will be going to all of British Columbia to vote on. We want to make sure, before they vote, that they have all the information available.

K. Conroy: I'm incredibly disappointed that we are going this route, but at the same time, I think that people do want a simple, honest process. I think today it hasn't been a simple, honest process. In fact, it's been incredibly complicated and anything but honest.

T. Lake (Chair): I just caution the member about parliamentary language, please.

K. Conroy: I think we all need to respect Elections B.C. and ensure that there is no political interference. We all agree that we do want true democracy. In order to have that, we have to ensure that everybody in B.C. has an opportunity to vote on this — that it's a full, open election; that everybody has the availability of expressing their concerns and their vote on this issue.

There have been some comments about the 18 percent. It was far over 18 percent in my constituency. It was one of the highest, and there were still people who didn't have an opportunity to sign. I was away for most of this initiative. I barely had an opportunity to sign, but I got back in time

to do it. But there were many, many people who didn't have that opportunity because of the complexity. I think that there were many voices that were heard, and I believe that many will be heard, even though it's a year from now that we have to wait for that opportunity.

I don't think it's wrong to invite the opinions of the members on the committee. I think that even the Government House Leader expressed that he was happy to hear what the opinions of the committee were and to act on those opinions. He said that just recently. I think it's important that all members of the committee are invited to share their opinions on how they feel this process should take place, on ensuring that there is true democracy, ensuring that all the registered people have an opportunity to express their concern and vote.

I think it's incumbent on all of us to express how we want to make sure that this is true democracy, that people have an opportunity, that we're not going with a ballot process that gets lost in the multitude of junk mail that we do get and that it is a respected process. I don't think that there's anything out of the ordinary in asking that people express their opinions and ensuring that government does hear the committee's opinions in a fulsome way.

T. Lake (Chair): If I can just point out that I certainly wasn't discouraging people to voice their own opinions, but I was referring to an opinion from the committee as a whole being beyond the scope of the committee's work.

M. Farnworth: I just want to make the remarks.... I think it's important. The public is recognizing the work that we're doing. We've decided on a choice. It is a choice that's clear in legislation. What we have an opportunity to do is to send the public a very strong message, and I think it's the appropriate one to do. Given the answers that we heard from Elections B.C., there is a lot of latitude for the cabinet in the shaping of the question and how the election is to be conducted.

I think it's important that.... The members said that they want to make sure as many people vote as possible, and I believe that. I truly do believe that. I think the best way to do that is to say: "You know what? A ballot-box election vote is the best way to ensure as many people participate as possible, that the question is as clear as possible and determined independently by the Chief Electoral Officer of British Columbia without interference by cabinet, that the regulations that govern it are straightforward in much the same manner as we have had in this province before." If you do that, you'll get a public that will go out, and they'll make their own minds up.

[1515]

One thing that's concerned me.... It's like: "Well, if they just get the right information." I've got a message to

tell members of the committee who are concerned about that. You know what? The public aren't stupid. They will make their minds up. But what they want is a clear question made without political interference. What they want is a ballot-box election, which they're used to, with regulations that are made by what we already have, not with political interference.

That's what they want. If this committee sends that message, that will, I think, send the people a very strong message that government cannot ignore.

J. Kwan (Deputy Chair): To the mover of the motion, Mr. Foster. He said in his comments that he would support a fair referendum, that the question would be concise. So I wonder if Mr. Foster could clarify for me how he would define a fair referendum. Would that mean that it's one without political interference from cabinet into the shaping of the question, for example, related to the referendum?

I wonder if he could confirm for me and clarify for me in terms of ensuring that we have maximum turnout, so that people do have an opportunity to participate in the referendum, and that the referendum — in his opinion, as the mover of the motion of going to the referendum — should be one that reflects the nature of a general election as opposed to a mail-in ballot.

T. Lake (Chair): I appreciate the sentiment, and certainly, members are welcome to make comments about the initiative vote. I just want to remind members that this committee must follow the law, and the law is outlined in the Recall and Initiative Act. Section 11(2)(b) is what we are voting on, and that is to refer the initiative petition and draft bill to the Chief Electoral Officer.

The law, the legislation, does not empower this committee to make other recommendations. I appreciate that you have invited all members of the committee to put on the record their views, but no one is under the obligation to do that in terms of the powers and the scope of the committee's work here today. I just want to make that clear, but I certainly don't want to stifle any debate. Again, just to be clear, the powers of this com-

mittee are very, very prescriptive under section 11 of the Recall and Initiative Act.

Are there any other speakers on the motion?

E. Foster: Just in response, as I said in my earlier comments, I want to see this done in a fair, open, honest manner. I think, with discussion, my hope would be that it'd be whatever method we can use to get the most people involved, whatever that would be. That's what I'd like to see us do. I mean, the reason that I'm supporting this is to give as many people in the province an opportunity to have a vote on this initiative as possible. Whatever method we can use to get that number of people to vote would be the way I would like to see us go.

T. Lake (Chair): Any other speakers on the motion? Seeing none, I will call the vote on the motion before us.

Motion approved.

T. Lake (Chair): Further business.

Mr. Foster, you have a motion.

E. Foster: I do. "I move that the motion adopted earlier today, pursuant to section 11(2)(b) of the *Recall and Initiative Act*, be transmitted by way of an official letter of referral to the Chief Electoral Officer, thereby fulfilling the statutory mandate of the Select Standing Committee on Legislative Initiatives with respect to the initiative petition and draft bill received August 23, 2010."

Motion approved.

T. Lake (Chair): Seeing no further business, I would now invite a motion to adjourn.

Motion approved.

T. Lake (Chair): Thank you very much, ladies and gentlemen, for your great work on the first-ever committee.

The committee adjourned at 3:20 p.m.

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