



3rd Session, 37th Parliament

OFFICIAL REPORT OF

DEBATES OF THE  
LEGISLATIVE ASSEMBLY

(HANSARD)

Wednesday, October 23, 2002

Afternoon Sitting

Volume 9, Number 5

THE HONOURABLE CLAUDE RICHMOND, SPEAKER

ISSN 0709-1281

**PROVINCE OF BRITISH COLUMBIA**  
(Entered Confederation July 20, 1871)

LIEUTENANT-GOVERNOR  
Honourable Iona Campagnolo

**3RD SESSION, 37TH PARLIAMENT**

SPEAKER OF THE LEGISLATIVE ASSEMBLY  
Honourable Claude Richmond

**EXECUTIVE COUNCIL**

|  |                         |
|--|-------------------------|
| Premier and President of the Executive Council.....                    | Hon. Gordon Campbell    |
| Minister of State for Intergovernmental Relations.....                 | Hon. Greg Halsey-Brandt |
| Deputy Premier and Minister of Education .....                         | Hon. Christy Clark      |
| Minister of Advanced Education.....                                    | Hon. Shirley Bond       |
| Minister of Agriculture, Food and Fisheries.....                       | Hon. John van Dongen    |
| Attorney General and Minister Responsible for Treaty Negotiations..... | Hon. Geoff Plant        |
| Minister of Children and Family Development.....                       | Hon. Gordon Hogg        |
| Minister of State for Early Childhood Development.....                 | Hon. Linda Reid         |
| Minister of Community, Aboriginal and Women's Services.....            | Hon. George Abbott      |
| Minister of State for Community Charter.....                           | Hon. Ted Neibling       |
| Minister of State for Women's Equality .....                           | Hon. Lynn Stephens      |
| Minister of Competition, Science and Enterprise .....                  | Hon. Rick Thorpe        |
| Minister of State for Deregulation .....                               | Hon. Kevin Falcon       |
| Minister of Energy and Mines.....                                      | Hon. Richard Neufeld    |
| Minister of Finance .....  | Hon. Gary Collins       |
| Minister of Forests .....  | Hon. Michael de Jong    |
| Minister of Health Planning.....                                       | Hon. Sindi Hawkins      |
| Minister of Health Services.....                                       | Hon. Colin Hansen       |
| Minister of State for Mental Health.....                               | Hon. Gulzar S. Cheema   |
| Minister of State for Intermediate, Long Term and Home Care.....       | Hon. Katherine Whittred |
| Minister of Human Resources.....                                       | Hon. Murray Coell       |
| Minister of Management Services.....                                   | Hon. Sandy Santori      |
| Minister of Provincial Revenue.....                                    | Hon. Bill Barisoff      |
| Minister of Public Safety and Solicitor General .....                  | Hon. Rich Coleman       |
| Minister of Skills Development and Labour.....                         | Hon. Graham P. Bruce    |
| Minister of Sustainable Resource Management.....                       | Hon. Stan Hagen         |
| Minister of Transportation.....  | Hon. Judith Reid        |
| Minister of Water, Land and Air Protection.....                        | Hon. Joyce Murray       |

**LEGISLATIVE ASSEMBLY**

|  |                     |
|--|---------------------|
| Deputy Speaker.....                          | John Weisbeck       |
| Leader of the Opposition .....               | Joy MacPhail        |
| Deputy Chair, Committee of the Whole .....   | Harold Long         |
| Clerk of the Legislative Assembly .....      | E. George MacMinn   |
| Clerk Assistant .....                        | Robert Vaive        |
| Clerk Assistant and Law Clerk .....          | Ian D. Izard        |
| Clerk Assistant and Clerk of Committees..... | Craig H. James      |
| Clerk Assistant/Committee Clerk.....         | Kate Ryan-Lloyd     |
| Sergeant-at-Arms.....                        | A.A. Humphreys      |
| Director, Hansard Services .....             | Anthony Dambrauskas |
| Legislative Librarian.....                   | Joan A. Barton      |
| Legislative Comptroller .....                | Peter Bray          |

Published by British Columbia Hansard Services, and printed under the authority of the Speaker by the Queen's Printer, Victoria. Rates: single issue, \$2.85; per calendar year, mailed daily, \$298. GST extra. Agent: Crown Publications Inc., 521 Fort St., Victoria, B.C. V8W 1E7. Telephone: (250) 386-4636. Fax: 386-0221.

**[www.legis.gov.bc.ca/hansard](http://www.legis.gov.bc.ca/hansard)**

In addition to printed transcripts, Hansard Services publishes transcripts on the Internet and broadcasts Chamber debates on television.

ALPHABETICAL LIST OF MEMBERS

|                              |                               |
|------------------------------|-------------------------------|
| Abbott, Hon. George (L)      | Shuswap                       |
| Anderson, Val J. (L)         | Vancouver-Langara             |
| Barisoff, Hon. Bill (L)      | Penticton-Okanagan Valley     |
| Bell, Pat (L)                | Prince George North           |
| Belsey, Bill (L)             | North Coast                   |
| Bennett, Bill (L)            | East Kootenay                 |
| Bhullar, Tony (Ind L)        | Surrey-Newton                 |
| Bloy, Harry (L)              | Burquitlam                    |
| Bond, Hon. Shirley (L)       | Prince George-Mount Robson    |
| Bray, Jeff (L)               | Victoria-Beacon Hill          |
| Brenzinger, Elayne (L)       | Surrey-Whalley                |
| Brice, Susan (L)             | Saanich South                 |
| Bruce, Hon. Graham P. (L)    | Cowichan-Ladysmith            |
| Campbell, Hon. Gordon (L)    | Vancouver-Point Grey          |
| Cheema, Hon. Gulzar S. (L)   | Surrey-Panorama Ridge         |
| Chong, Ida (L)               | Oak Bay-Gordon Head           |
| Christensen, Tom (L)         | Okanagan-Vernon               |
| Chutter, Dave (L)            | Yale-Lillooet                 |
| Clark, Hon. Christy (L)      | Port Moody-Westwood           |
| Cobb, Walt (L)               | Cariboo South                 |
| Coell, Hon. Murray (L)       | Saanich North and the Islands |
| Coleman, Hon. Rich (L)       | Fort Langley-Aldergrove       |
| Collins, Hon. Gary (L)       | Vancouver-Fairview            |
| de Jong, Hon. Michael (L)    | Abbotsford-Mount Lehman       |
| Falcon, Hon. Kevin (L)       | Surrey-Cloverdale             |
| Hagen, Hon. Stan (L)         | Comox Valley                  |
| Halsey-Brandt, Hon. Greg (L) | Richmond Centre               |
| Hamilton, Arnie (L)          | Esquimalt-Metchosin           |
| Hansen, Hon. Colin (L)       | Vancouver-Quilchena           |
| Harris, Roger (L)            | Skeena                        |
| Hawes, Randy (L)             | Maple Ridge-Mission           |
| Hawkins, Hon. Sindi (L)      | Kelowna-Mission               |
| Hayer, Dave S. (L)           | Surrey-Tynehead               |
| Hogg, Hon. Gordon (L)        | Surrey-White Rock             |
| Hunter, Mike (L)             | Nanaimo                       |
| Jarvis, Daniel (L)           | North Vancouver-Seymour       |
| Johnston, Ken (L)            | Vancouver-Fraserview          |
| Kerr, Brian J. (L)           | Malahat-Juan de Fuca          |
| Krueger, Kevin (L)           | Kamloops-North Thompson       |
| Kwan, Jenny Wai Ching (NDP)  | Vancouver-Mount Pleasant      |
| Lee, Richard T. (L)          | Burnaby North                 |
| Lekstrom, Blair (L)          | Peace River South             |
| Les, John (L)                | Chilliwack-Sumas              |
| Locke, Brenda (L)            | Surrey-Green Timbers          |
| Long, Harold (L)             | Powell River-Sunshine Coast   |
| MacKay, Dennis (L)           | Bulkley Valley-Stikine        |
| McMahon, Wendy (L)           | Columbia River-Revelstoke     |
| MacPhail, Joy (NDP)          | Vancouver-Hastings            |
| Manhas, Karn (L)             | Port Coquitlam-Burke Mountain |
| Masi, Reni (L)               | Delta North                   |
| Mayencourt, Lorne (L)        | Vancouver-Burrard             |
| Murray, Hon. Joyce (L)       | New Westminster               |
| Nebbeling, Hon. Ted (L)      | West Vancouver-Garibaldi      |
| Nettleton, Paul (L)          | Prince George-Omineca         |
| Neufeld, Hon. Richard (L)    | Peace River North             |
| Nijjar, Rob (L)              | Vancouver-Kingsway            |
| Nuraney, John (L)            | Burnaby-Willingdon            |
| Orr, Sheila (L)              | Victoria-Hillside             |
| Penner, Barry (L)            | Chilliwack-Kent               |
| Plant, Hon. Geoff (L)        | Richmond-Steveston            |
| Reid, Hon. Judith (L)        | Nanaimo-Parksville            |
| Reid, Hon. Linda (L)         | Richmond East                 |
| Richmond, Hon. Claude (L)    | Kamloops                      |
| Roddick, Valerie (L)         | Delta South                   |
| Sahota, Patty (L)            | Burnaby-Edmonds               |
| Santori, Hon. Sandy (L)      | West Kootenay-Boundary        |
| Stephens, Hon. Lynn (L)      | Langley                       |
| Stewart, Ken (L)             | Maple Ridge-Pitt Meadows      |
| Stewart, Richard (L)         | Coquitlam-Maillardville       |
| Suffredine, Blair F. (L)     | Nelson-Creston                |
| Sultan, Ralph (L)            | West Vancouver-Capilano       |
| Thorpe, Hon. Rick (L)        | Okanagan-Westside             |
| Trumper, Gillian (L)         | Alberni-Qualicum              |
| van Dongen, Hon. John (L)    | Abbotsford-Clayburn           |
| Visser, Rod (L)              | North Island                  |
| Weisbeck, John (L)           | Kelowna-Lake Country          |
| Whitred, Hon. Katherine (L)  | North Vancouver-Lonsdale      |
| Wilson, John (L)             | Cariboo North                 |
| Wong, Patrick (L)            | Vancouver-Kensington          |

LIST OF MEMBERS BY RIDING

|                               |                         |
|-------------------------------|-------------------------|
| Abbotsford-Clayburn           | Hon. John van Dongen    |
| Abbotsford-Mount Lehman       | Hon. Michael de Jong    |
| Alberni-Qualicum              | Gillian Trumper         |
| Bulkley Valley-Stikine        | Dennis MacKay           |
| Burnaby North                 | Richard T. Lee          |
| Burnaby-Edmonds               | Patty Sahota            |
| Burnaby-Willingdon            | John Nuraney            |
| Burquitlam                    | Harry Bloy              |
| Cariboo North                 | John Wilson             |
| Cariboo South                 | Walt Cobb               |
| Chilliwack-Kent               | Barry Penner            |
| Chilliwack-Sumas              | John Les                |
| Columbia River-Revelstoke     | Wendy McMahon           |
| Comox Valley                  | Hon. Stan Hagen         |
| Coquitlam-Maillardville       | Richard Stewart         |
| Cowichan-Ladysmith            | Hon. Graham P. Bruce    |
| Delta North                   | Reni Masi               |
| Delta South                   | Valerie Roddick         |
| East Kootenay                 | Bill Bennett            |
| Esquimalt-Metchosin           | Arnie Hamilton          |
| Fort Langley-Aldergrove       | Hon. Rich Coleman       |
| Kamloops                      | Hon. Claude Richmond    |
| Kamloops-North Thompson       | Kevin Krueger           |
| Kelowna-Lake Country          | John Weisbeck           |
| Kelowna-Mission               | Hon. Sindi Hawkins      |
| Langley                       | Hon. Lynn Stephens      |
| Malahat-Juan de Fuca          | Brian J. Kerr           |
| Maple Ridge-Mission           | Randy Hawes             |
| Maple Ridge-Pitt Meadows      | Ken Stewart             |
| Nanaimo                       | Mike Hunter             |
| Nanaimo-Parksville            | Hon. Judith Reid        |
| Nelson-Creston                | Blair F. Suffredine     |
| New Westminster               | Hon. Joyce Murray       |
| North Coast                   | Bill Belsey             |
| North Island                  | Rod Visser              |
| North Vancouver-Lonsdale      | Hon. Katherine Whitred  |
| North Vancouver-Seymour       | Daniel Jarvis           |
| Oak Bay-Gordon Head           | Ida Chong               |
| Okanagan-Vernon               | Tom Christensen         |
| Okanagan-Westside             | Hon. Rick Thorpe        |
| Peace River North             | Hon. Richard Neufeld    |
| Peace River South             | Blair Lekstrom          |
| Penticton-Okanagan Valley     | Hon. Bill Barisoff      |
| Port Coquitlam-Burke Mountain | Karn Manhas             |
| Port Moody-Westwood           | Hon. Christy Clark      |
| Powell River-Sunshine Coast   | Harold Long             |
| Prince George North           | Pat Bell                |
| Prince George-Mount Robson    | Hon. Shirley Bond       |
| Prince George-Omineca         | Paul Nettleton          |
| Richmond Centre               | Hon. Greg Halsey-Brandt |
| Richmond East                 | Hon. Linda Reid         |
| Richmond-Steveston            | Hon. Geoff Plant        |
| Saanich North and the Islands | Hon. Murray Coell       |
| Saanich South                 | Susan Brice             |
| Shuswap                       | Hon. George Abbott      |
| Skeena                        | Roger Harris            |
| Surrey-Cloverdale             | Hon. Kevin Falcon       |
| Surrey-Green Timbers          | Brenda Locke            |
| Surrey-Newton                 | Tony Bhullar            |
| Surrey-Panorama Ridge         | Hon. Gulzar S. Cheema   |
| Surrey-Tynehead               | Dave S. Hayer           |
| Surrey-Whalley                | Elayne Brenzinger       |
| Surrey-White Rock             | Hon. Gordon Hogg        |
| Vancouver-Burrard             | Lorne Mayencourt        |
| Vancouver-Fairview            | Hon. Gary Collins       |
| Vancouver-Fraserview          | Ken Johnston            |
| Vancouver-Hastings            | Joy MacPhail            |
| Vancouver-Kensington          | Patrick Wong            |
| Vancouver-Kingsway            | Rob Nijjar              |
| Vancouver-Langara             | Val J. Anderson         |
| Vancouver-Mount Pleasant      | Jenny Wai Ching Kwan    |
| Vancouver-Point Grey          | Hon. Gordon Campbell    |
| Vancouver-Quilchena           | Hon. Colin Hansen       |
| Victoria-Beacon Hill          | Jeff Bray               |
| Victoria-Hillside             | Sheila Orr              |
| West Kootenay-Boundary        | Hon. Sandy Santori      |
| West Vancouver-Capilano       | Ralph Sultan            |
| West Vancouver-Garibaldi      | Hon. Ted Nebbeling      |
| Yale-Lillooet                 | Dave Chutter            |



## CONTENTS

Wednesday, October 23, 2002  
Afternoon Sitting

### Routine Proceedings

|  | <b>Page</b> |
|--|-------------|
| Introductions by Members.....                        | 3981        |
| Statements (Standing Order 25B).....                 | 3981        |
| Tri-City community awards                            |             |
| H. Bloy  |             |
| Kalamalka campus of Okanagan College                 |             |
| T. Christensen                                       |             |
| Coquitlam festivals                                  |             |
| R. Stewart   |             |
| Oral Questions.....                                  | 3982        |
| Kyoto accord   |             |
| J. Kwan  |             |
| Hon. G. Campbell                                     |             |
| Affordable housing and Woodward's building           |             |
| V. Anderson  |             |
| Hon. G. Abbott                                       |             |
| Zero-tolerance policy on spousal abuse               |             |
| J. Kwan  |             |
| Hon. G. Plant  |             |
| Hon. L. Stephens                                     |             |
| Sumas Energy 2 project                               |             |
| B. Penner  |             |
| Hon. J. Murray                                       |             |
| Second Reading of Bills.....                         | 3985        |
| Human Rights Code Amendment Act, 2002 (Bill 64)      |             |
| Hon. G. Plant  |             |
| J. Kwan  |             |
| V. Anderson  |             |
| L. Mayencourt  |             |
| Community Services Interim Authorities Act (Bill 65) |             |
| Hon. G. Hogg   |             |



WEDNESDAY, OCTOBER 23, 2002

The House met at 2:04 p.m.

Prayers.

[1405]

### Introductions by Members

**Hon. G. Campbell:** It's a pleasure to welcome to the Legislature today Preston Manning, who's visiting us. Mr. Manning is a Canadian who understood the importance of our democracy, the importance of participation, the importance of leadership and the importance of being willing to share his ideas with his fellow Canadians and let them decide on the direction that they would like to take. He has recently decided that it was much easier to be a commentator than an elected official and has written a new book called *Think Big: My Life in Politics*. I can tell Mr. Manning, as a former Leader of the Opposition, that we all have to be careful about what we wish for, but I want to make him welcome.

*Monsieur le Président, il me fait grand plaisir cet après-midi, d'accueillir soixante-trois étudiants de l'École secondaire Kitsilano, leur professeur Monsieur Gagnon et deux adultes, aux édifices parlementaire.*

How's that? It gives me great pleasure to introduce 63 French immersion students from Kitsilano Secondary — in case you didn't know that's what I did.

**An Hon. Member:** In case they didn't know. [Laughter.]

**Hon. G. Campbell:** They're all sitting there perplexed: "What did he say?"

It is a pleasure to have them here. They're joined by their teacher, Mr. Gagnon, and two accompanying adults. I hope the House will make them welcome as they watch us make decisions on behalf of all British Columbians.

### Statements (Standing Order 25B)

#### TRI-CITY COMMUNITY AWARDS

**H. Bloy:** I would like to talk about the Spirit of Community Awards for the Tri-Cities. The winners were announced last week, and I would like to tell you who the winners were.

The B.C. Gas Environment Award went to Ms. Nancy Aichberger. The SHARE Family and Community Services Society Youth Award, for those who inspire other youth to take ownership, went to Ms. Melinda Mennie. The VanCity Cultural Harmony Award went to Ms. Bahareh Hosseinpour. The Community Ventures Society Ability Awareness Award went to Ms. Merle Smith. The NOW newspaper-Community Action Award went to Ms. Nicole Whitney. The Society for Community Development Together Against Violence Award went to Ms. Joni Mitchell. The Westminster Savings and Credit Union and Community Volunteer Connections Com-

munity Volunteerism Award went to Ms. Betty Riley. The Encore Dance Academy Arts and Culture Award went to Mr. Bill Greenland. The *Tri-City News* Neighbour to Neighbour Award went to the group Women Organizing Activities for Women. The Douglas College Myrna Popove Lifetime of Leadership Award went to Ms. Wendy Cooper. The Wesbild Holding Ltd. Workplace Leadership Award went to Ms. Maureen Dockendorf.

I would like to thank the Society for Community Development for honouring these great individuals in the Tri-Cities.

#### KALAMALKA CAMPUS OF OKANAGAN COLLEGE

**T. Christensen:** Last Sunday I was pleased to attend the twentieth anniversary of the opening of the Kalamalka campus of Okanagan University College and the grand opening of the Student Bodies Fitness Centre. The new cardio and weight-training facility is the realization of a longstanding goal of the Kalamalka Campus Students Association and was made possible by the contributions of students attending the Kalamalka campus over the last decade.

[1410]

Through a special student fee levy, the Kalamalka campus students collected over \$100,000 to finance the establishment of their new fitness facility. It's through the dedication and long-term vision of the students at the Kal campus that they now have a fine facility and can stay on campus to exercise their bodies as well as their minds.

In order to free up space for the fitness area, two continuing education classrooms needed to be relocated. That move has been accommodated by the construction of new classrooms at the Kalamalka campus that will be home to the many job-preparation, job-upgrading and other opportunities offered through OUC's continuing education programs.

The construction of this new classroom space was made possible by the creativity of the administration of OUC's Kalamalka campus and the willingness of the Ministry of Advanced Education to be flexible. We often come to expect in our public post-secondary institutions that they're going to come to government, cap in hand, to get funding for new facilities. At the Kalamalka campus, they looked at what they were paying in lease costs, figured out what that payment stream could finance and then figured out a way to move the project forward.

I want to thank the Minister of Advanced Education for her assistance in ensuring that this worthwhile project could move forward. As we all know, worthwhile projects often take time. I commend in particular the students, both past and present, and the administration at the Kalamalka campus for their can-do attitude and their commitment to providing better infrastructure for students in ensuring that the fitness facility and continuing education space became a reality at OUC in Vernon.

## COQUITLAM FESTIVALS

**R. Stewart:** Following up on what my colleague from Burquitlam had to say about Coquitlam's community spirit, I want to mention two festivals. A couple of weeks ago, Coquitlam hosted the first annual West Coast Chocolate Festival. This tremendous festival, organized by a great team headed by Linda Baker and Sharon Tokar, included chocolate tasting, arts and crafts, chocolate sculptures, a bake sale, chocolate-inspired poetry and even an enlightening sermon on chocolate by Rev. David Spence of St. Andrew's United Church in Port Moody.

With deference to my colleague from Port Coquitlam-Burke Mountain, it was I who was named the MLA responsible for chocolate. Coquitlam is truly a community of festivals, and along that vein, this coming weekend Coquitlam is celebrating our Salmon Come Home event. On Sunday, October 27, hundreds of residents will gather at the Hoy Creek hatchery to celebrate the annual return of salmon to their spawning grounds. The Hoy and Scott Creek Streamkeepers Society hosts this tremendous event every year to focus our attention on our local streams and the tremendous values of our salmon and other wildlife that inhabit and depend upon these ecosystems.

This annual festival features exhibits from many other societies and environmental groups that support our streams and wilderness areas, including groups like the Burke Mountain Naturalists, Centennial High School, the Port Coquitlam and District Hunting and Fishing Club, the Riverview Horticultural Society, the city of Coquitlam, the streamkeepers groups for Maple Creek, Hyde Creek, Como, River Springs, Coquitlam River and others.

I want to congratulate the volunteers and community groups that work so hard to put together the successful festivals that make Coquitlam such a great place to live. Festivals like these serve to keep our community together, educate our citizens and provide us with lots of fun. I ask the House to recognize such volunteers and community groups across the province.

**Mr. Speaker:** That concludes members' statements.

## Oral Questions

## KYOTO ACCORD

**J. Kwan:** Yesterday the Premier took sides on the Kyoto accord. He took the side of Ralph Klein. He took the side of big oil, and he took the side of big polluters who gave him over \$1.2 million in contributions leading up to the last election. My question is to the Premier. The vast majority of British Columbians support the Kyoto accord. Why did he not take their side?

**Hon. G. Campbell:** What the province has done is take the side of British Columbia and the people who live here and the people whose jobs are here. I am surprised the member opposite doesn't understand that

the province has spent a generation, in fact, leading the country in terms of climate change. We are second- or third-best in terms of greenhouse gas emissions. What we have said to the federal government is that British Columbians deserve to know. What is their implementation plan? What are the targets they expect to have? Is the federal government planning to give British Columbians, the people who live here and the people who work here, credit for the investments they've made in cleaning up this environment for a generation?

**Mr. Speaker:** The member for Vancouver-Mount Pleasant has a supplementary question.

[1415]

**J. Kwan:** If the Premier supported British Columbians, he would support the Kyoto accord. The majority of British Columbians support the Kyoto accord.

The Premier would have us believe the sky is falling. It's the same argument that big oil used to fight unleaded gas. It's the same argument that polluters use to fight against acid rain reduction.

In the twenty-first century the new economy will be driven by those who lead in developing new environmental technologies, and the environmental dinosaurs like the Premier will only simply be left behind. Why isn't he speaking for the future generations instead of speaking for Ralph Klein and big oil? Is it because big oil simply supports his campaign, and that's all that's important for this Premier?

**Hon. G. Campbell:** I guess I have to ask the member opposite: do the member opposite and her party believe that British Columbians should not get credit for their forest sink? Do you believe and does the party believe that we should not get credit for five billion trees being planted in our province? Do you believe that the investments that have been made in Ballard Power and alternative energy, and that the works being done on Power Smart and conservation by B.C. Hydro should not be credited to the people of British Columbia?

Interjection.

**Mr. Speaker:** Order, please, so that we may hear the answer.

**Hon. G. Campbell:** The member opposite has a responsibility, as does the government, to understand what the implementation plan is that the federal government is bringing forward. Right now all we know is that B.C. will lose more jobs than its share, that B.C. will face greater costs than its share, and that, indeed, we — our people, the people of this province, the workers of this province — may not get the credit for the investments they have made in making sure that we are progressive and moving forward on climate change in this province. We want the federal government to work with provinces, and I'm surprised the member opposite doesn't.

AFFORDABLE HOUSING  
AND WOODWARDS BUILDING

**V. Anderson:** My question is to the Minister of Community, Aboriginal and Women's Services. The availability of affordable housing is important to our constituents. However, many of them are concerned that not enough is being done to help individuals and families on low income, especially in Vancouver's downtown east side. Can the Minister of Community, Aboriginal and Women's Services tell us what the ministry is doing to address the housing needs of British Columbians?

**Hon. G. Abbott:** The member is right. Affordable housing is a huge challenge for this province. It's particularly a huge challenge in some of the metropolitan areas. In greater Vancouver the vacancy rate is less than 1 percent.

While it's a huge challenge, I'm happy to say, in response to the question, that housing is also a majority priority for this government. We have the largest budget for housing ever in British Columbia at \$128 million. That having been said, we believe this is not something that government can do alone, so we work in partnership. We work in partnership with the federal government, with local governments, with non-profits, with the private sector to try to find affordable, sustainable solutions to the housing problems facing some British Columbians.

We've entered into projects, for example, and some of them are in the member's area. We've got projects with the Salvation Army, the Portland Hotel Society and the YWCA. In every case, unlike the former NDP government, what we are committed to doing is receiving the maximum value for every taxpayer dollar that we expend in housing.

**Mr. Speaker:** The member for Vancouver-Langara has a supplementary question.

**V. Anderson:** Last night Vancouver city council approved in principle a plan....

Interjection.

**Mr. Speaker:** Hon. member, we will wait until we have order in the House, please. Then we will hear your question. Please proceed.

[1420]

**V. Anderson:** Last night the Vancouver city council approved in principle a revitalization plan for the east side by converting the old Woodward's department store into mixed residential, commercial and retail units. I understand that the potential developer for the Woodward's site will be applying to B.C. Housing to have a hundred units subsidized for individuals and families on low income. Can the Minister of Community, Aboriginal and Women's Services tell us the next steps involved in getting this undertaking underway?

**Hon. G. Abbott:** In response to the member's question, we are in discussions through B.C. Housing with a potential purchaser for the Woodward's Building. It is a complex commercial transaction, and as is typical in such transactions, we have a non-disclosure agreement in place around those discussions.

However, I can say this about the project: Woodward's clearly is pivotal to the revitalization of one of the more troubled neighbourhoods in Vancouver and, indeed, in Canada, but I'm confident that the mix of residential, commercial and retail uses that is currently a part of the development permit will produce the results of revitalization of that part of downtown Vancouver. One thing we will not be doing, however, is expending \$90 million on a project which undoubtedly would have become our fast ferries of affordable housing in British Columbia.

ZERO-TOLERANCE POLICY  
ON SPOUSAL ABUSE

**J. Kwan:** It must be a proud record for this government to cancel over a thousand units of affordable housing, to cancel Affordable Housing Week and to say: "Oh, guess what. By the way, we're selling off Woodward's as well."

In the spring of last year we asked the Attorney General to reconsider his plans to change the zero-tolerance policy towards spousal abuse. The Attorney General blew off our concerns and those of the women's groups around the province. The Vancouver police board now says that changing this policy will increase the risk that women face in abusive relationships. Given the concerns raised by the police board, will the Attorney General now pay attention and back off on this regressive policy?

**Hon. G. Plant:** Some time ago we initiated a public discussion of this particular part of the Crown counsel policy by circulating a discussion paper. We've been receiving input. I think the time for input is nearly at an end, and I certainly look forward to reading the responses that we have received to the suggestions for reform. What we did know going into this is that the status quo in terms of the application of that policy was not working. Too many cases were being stayed, and the end result of that is women are put at risk when they should not be. It's time for change. It's time for constructive change, and that is where we intend to move with this policy reform.

**Mr. Speaker:** The member for Vancouver-Mount Pleasant has a supplementary question.

**J. Kwan:** Isn't that interesting, because even the police board disagrees with the Attorney General. B.C. has one of the highest rates of domestic violence in the country. In the year 2000 over 10,000 spousal cases were reported. Women's groups are pleading with the government not to change its zero-tolerance policy. The Vancouver police board says it's a huge step

backwards for women in British Columbia. They can't get anywhere with the Attorney General.

Maybe the minister responsible for women's services would do her job. Does she support changing B.C.'s zero-tolerance policy on spousal abuse, or does she agree with the women's groups and the police board that we should maintain a get-tough approach on domestic violence? The Minister of State for Women's Equality.

**Hon. L. Stephens:** This government is committed to making sure that we have in place policies that protect women, that we protect women who are suffering violence. The Attorney General is making sure the policies he implements do that. This government supports the policies that will make sure that women in this province are protected from violence.

[1425]

Part of the service plan this ministry is going to be implementing is a safer community strategy for women. I have been meeting extensively with women's groups and organizations around the province, and we will be bringing forward a policy...

Interjection.

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

**Hon. L. Stephens:** ...that does in fact protect women from violence in this province.

#### SUMAS ENERGY 2 PROJECT

**B. Penner:** My question is for the Minister of Water, Land, and Air Protection. As I've said before in the House, air quality in the Fraser Valley is a significant issue for my constituents. You know, it was pretty hard to take, listening to the lecture from the member for Vancouver-Mount Pleasant a few moments ago about air pollution, when her failed government sat on its hands and failed to seek intervener status in Washington State.

Governor Locke's decision in late August to approve construction of SE2 could mean that my constituents in Chilliwack-Kent are faced with an additional 1,000 tonnes of emissions per year pouring into the very air they breathe. For the benefit of the House, can the minister tell us what steps the B.C. government is taking to continue our fight against this threat to Fraser Valley air quality?

**Hon. J. Murray:** There's a number of actions we're taking. As the member is probably aware, the United States Environmental Protection Agency made a decision to approve the permits for SE2, and we have launched an appeal of that decision. The Premier is continuing to talk to Governor Locke of Washington. He met with the Governor again just last Friday to reiterate our opposition to the Sumas 2 power plant. The province supports an expanded scope of the review by

the National Energy Board of an application by Sumas Energy to connect to the B.C. power grid.

Our hope is that the National Energy Board will look at the overall environmental impacts of the Sumas 2 proposal. I would like to point out that the very vocal member from Vancouver-Mount Pleasant, who's been very vocal about the environment, was a member of a government that did not look at the environmental impacts of SE2 and failed to apply for intervener status.

Interjections.

**Mr. Speaker:** Order, please. The member for Chilliwack-Kent has a supplementary question.

**B. Penner:** Most members will know there was a large rally last week in Abbotsford in opposition to SE2. Despite being invited, neither of the NDP MLAs bothered to show up.

As the minister noted, the National Energy Board's approval is required in order for SE2 to access B.C.'s transmission grid. So far, five B.C. Liberal MLAs — myself, the Minister of Agriculture...

Interjections.

**Mr. Speaker:** Order.

**B. Penner:** ...the Minister of Forests, the MLA for Chilliwack-Sumas and the MLA for Maple Ridge-Mission — have all made presentations to the NEB since last Friday, speaking on behalf of their constituents. Can the Minister of Water, Land and Air Protection shed any light on the NEB's time line for a decision on this application by SE2?

**Hon. J. Murray:** We don't know when that process will wrap up. It may take some time. It's a two-phase process. One of the reasons it may take some time is that there are hundreds and hundreds of interveners, not including the member opposite or any of the NDP representatives. The hundreds of interveners is a testament to the deep interest that residents of the Fraser Valley have in this. We had argued that the NEB should actually postpone their hearings until all appeals had been done. That was, unfortunately, turned down. This will take some time. We will continue to make every effort...

Interjections.

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

**Hon. J. Murray:** ...to make sure the National Energy Board denies the Sumas 2 application.

[End of question period.]

#### Orders of the Day

**Hon. G. Collins:** I call second reading of Bill 64.

## Second Reading of Bills

### HUMAN RIGHTS CODE AMENDMENT ACT, 2002

**Hon. G. Plant:** I move second reading of Bill 64, the Human Rights Code Amendment Act, 2002.

[1430]

In this chamber we make laws that create rights and responsibilities across a wide spectrum of human activity. We also create the institutions through which those laws become real in the lives of the people we are elected to serve. Among our obligations, therefore, is the duty to ensure that these institutions are designed and administered so they achieve the purposes they are intended to fulfil. When the design is faulty or the administration fails, then we should act. If we do not act, if we ignore our obligation to repair that which is obviously broken, then we risk undermining public confidence in our institutions and public respect for the very rights we seek to nourish.

Nowhere is this more true than in the area of human rights. Our Human Rights Code makes strong statements about the rights of British Columbians to live in a society in which there are no impediments to full and free participation in our economic, social, political and cultural life. The code also expresses our collective obligation to promote a climate of understanding and mutual respect where all are equal in dignity and rights.

But the law alone will not make us free. There must also be a place and a way to enforce it. That is what this bill is about. The common-law lawyer has an old expression: where someone has a right, the law should give a remedy. The bill before us is concerned not with the substance of human rights, but its processes — that is, with the place and the way in which victims of discrimination can have a remedy.

This bill is here before us for a reason. The existing institutional structure for the protection of human rights in British Columbia has failed. There is an urgent need for change. It's time for a new approach.

It was Mahatma Gandhi who said that freedom is at the root of all progress. Gandhi's words still resonate. Our goal, therefore, is to protect those freedoms that allow us, as a society, to move forward. With this bill, we are moving forward. To prove this point, Mr. Speaker, I intend to spend some time talking about the history of human rights protection and the failings of the current system, but first I want to say something about the immediate history of this bill and its predecessor, Bill 53.

The issues dealt with in this legislation engage a broad cross-section of British Columbians who are committed to the recognition and protection of human rights. These issues are of particular concern to the community of those who have had experience with the existing institutional framework. All of these people have been included in the processes that led to this bill. Their input has been invited and welcomed.

On May 30 of this year I introduced a bill, Bill 53, that set out elements of a new framework for human rights protection. The introduction of that bill represented one of a number of stages of public consultation on human rights reform that began in July 2001. Bill 53 was introduced as an exposure bill. That is, it was introduced with the intention of encouraging public debate and inviting comments and suggestions.

[1435]

As the old expression puts it, freedom is when the people can speak; democracy is when government listens. Well, we listened. We have made some changes because of what we have heard.

The bill now before the House reflects the careful consideration of the advice and the suggestions we received. I believe it is a better bill because of that input. But the broad purposes of this project have not changed, so I want to be clear about our ambitions. I believe this bill will strengthen the protection of human rights in British Columbia. It will do this by replacing a structure that is unreasonably complex, structurally flawed, burdensomely expensive and unnecessarily adversarial with a structure that is straightforward, accessible, efficient and fair. In so doing, it will put British Columbia at the forefront of human rights in Canada.

The current institutional framework includes three agencies: the Human Rights Commission, the Human Rights Tribunal and the Human Rights Advisory Council. That's not all. The commission itself has three separate but interrelated parts: a chief commissioner, a deputy chief commissioner and a commissioner of investigation and mediation. This highly elaborate framework represents the latest stage in a half-century of evolution of human rights protection — the latest stage, but not the last word.

I intend to spend a few minutes summarizing that evolution, because I want to make two points. First, there has been a remarkable amount of progress in protecting human rights in a relatively short time, although there is much work yet to be done. Second, the institutional framework for protecting human rights has undergone a series of radical restructurings whenever it has become clear to the members of this House that the existing structure is not meeting public needs and expectations.

As recently as the Second World War, there was little attention paid to the notion of formal human rights in Canada or elsewhere. Human rights was not a widespread topic of public policy debate or political writings with, of course, a few notable exceptions including the long struggle to achieve universal suffrage. I think most students of history would agree that discriminatory attitudes and beliefs were pervasive. Discrimination was not confined to the private sphere of social and economic relations but was also reflected in legislation and public policy, including acts passed here in this very chamber.

All of this began to change with the Second World War, when the guarantee of human rights was one of the purposes for which the allied powers fought. Hu-

man rights legislation as we now know it started to develop in the postwar period, largely in response to the concepts introduced into international law that were designed to prevent the recurrence of the atrocities and human rights violations committed during the war.

In the Universal Declaration of Human Rights adopted by the UN General Assembly in 1948 and in a series of multilateral treaties, sovereign states both recognized and consented to be bound by the obligation to respect and secure the human rights specified in those documents within their own territories. These instruments provided international standards or norms against which the domestic laws and the conduct of member states could be measured, as well as minimum standards for respecting basic human dignity and freedom.

As a country, Canada made a commitment to protect fundamental human rights, and legislation became the vehicle through which these commitments were and continue to be fulfilled. Early human rights legislation in Canada, such as the Ontario Racial Discrimination Act in 1944 and the 1947 Saskatchewan Bill of Rights Act, approached discrimination as a crime to be dealt with by the police and the courts. As a consequence, victims were often reluctant to initiate proceedings, and cases were difficult to prove. The penal offences ultimately proved ineffective because of the attendant procedural safeguards of a criminal process, and they were soon replaced with models that emphasized civil remedies.

[1440]

That brings us to British Columbia. The first piece of human rights legislation in British Columbia can be traced back to 1953 and the passage of an act to ensure fair remuneration to female employees, an act designed to fight wage discrimination against women. This act set out a system to investigate and adjudicate claims, essentially referring these cases to an existing administrative tribunal, the board of industrial relations.

There were various revisions and additions to human rights law in B.C. over the next 15 years, and in 1969 the government of the day passed an omnibus Human Rights Act. This act continued the existing wage discrimination provisions and detailed other types of prohibited employment discrimination. A director appointed under the act had the power to investigate claims and to try to effect a settlement. Failing that, the case went to the Human Rights Commission, an organization that followed an investigative model set out in 1953.

That was 1969. Four years later, in 1973, the government conducted a thorough review of B.C.'s human rights legislation. A new Human Rights Code was enacted. The areas of coverage were expanded. In addition, the supporting system grew more complicated and prescriptive, detailing a list of remedial orders that could be made and imposing time limits on complaints and damages. Most significantly, the 1973 code established a Human Rights Commission aimed at promoting the principles of the act and an understanding of

and compliance with it. The commission also had a role in educating the public and coordinating programs and activities designed to promote human rights and fundamental freedoms.

That was 1973. The next major revision of the legislation occurred in 1984. This revised act continued to prohibit other forms of discrimination but was designed to narrow the legislation and restrict enforcement powers. For example, under the previous act, discrimination "without reasonable cause" — that's the phrase from the act — had been prohibited, but under the 1984 act specific grounds of discrimination were enumerated. As well, responsibility for carriage of the complaint was transferred from the commission to the complainant. Staff levels were reduced, and the council was required to use the investigative services provided by industrial relations officers employed and managed by the government's employment standards branch. This latter requirement contributed significantly to delay problems associated with the complaint investigation process.

In 1984 the government also created a five-person human rights council responsible for acceptance, screening, investigation, mediation and adjudication of complaints. Following the investigation of a complaint, the council could submit a report to the minister, although this power was never exercised. Instead, when a decision was made to refer a complaint to a hearing, it was conducted by a council member.

That was 1984. The next significant amendments were made in 1992 when the remedial powers of the council were expanded to allow it to deal with complaints arising from allegations of systemic discrimination. The revised act also allowed the council to set up special programs, including employment equity programs.

That was 1992. The most recent changes to the human rights legislation occurred four years later, in 1996. Those changes were based on a report done in 1993 by UBC law professor Bill Black. They resulted in the government enacting our current Human Rights Code and the administrative system that supports it.

[1445]

I will have more to say about the current structure in a moment, but I want to pause here to observe that while all of these changes were taking place — that is, changes to both the substance of the code and the institutional framework for protecting human rights — other changes occurred that are also an important part of the overall context for human rights protection.

Most importantly, the Charter of Rights and Freedoms came into force in 1982, and of course section 15 of the Charter, the equality rights provision, came into force in 1985. The Charter and judicial decisions interpreting it have had a significant impact on the development of our understanding of human rights. Over time, courts interpreting provincial human rights legislation have also made important decisions that, together with all of the legislative changes I have described, are all part of the evolution over half a century and more of human rights protection.

The purpose of drawing the attention of the House to all of this history is to demonstrate the two points I made at the outset of this part of the discussion. One, our understanding of human rights, our understanding of the nature and effect of discrimination, has developed over time. Second and for the purposes of this debate more importantly, the institutional framework for protecting human rights has over the same period undergone something that would less accurately be described as evolution and more accurately be described as repeated radical change.

These two strands of history — the substance, the content of a code, and the process and the system by which it is enforced — are, I suggest, different in some respects from each other. At the heart of the first strand, the strand that deals with the substance of human rights, are core ideas and principles that I believe may be immutable, but the second strand, the institutions that make those rights real, are not. The structures and processes for protecting human rights have been continuously reinvented as we have gained experience from watching them work.

Our predecessors in this chamber have studied and learned from the successes and the failures of each of these structures. At every step of this path, this path that is now more than half a century long, legislators have stepped in where needed to reform the institutions, build on their successes and, where necessary, to repair their failures. This bill represents the next step forward along that road.

I want to turn now to an explanation of why government believes it's time to change the current structure.

I was first elected an opposition MLA in 1996, and at that time I was given critic responsibilities in the area of human rights. I took those responsibilities seriously. I spent time at the commission and with the chief commissioner. I met with stakeholder groups and others. I watched; I learned.

Here is what I saw. The new structure, which was implemented on January 1, 1997, had growing pains, to say the least. From the outset, there were concerns about delay in the investigation process. More funds were provided by government to clean up backlogs, but the larger concerns about the fairness and effectiveness of the process did not diminish. In fact, these concerns grew over time. At the heart of the emerging problems was the way in which the statutory structure and its administration tended, whether deliberately or by omission, to create the perception that human rights claims were causes to be championed rather than, as is most often the case, problems to be solved.

Human rights complaints arise in many contexts, although the majority occur in the workplace. Many, by no means all, of these complaints are the incidents of a moment's or an hour's or a week's stupidity or indiscretion. Some spring from a simple although inexcusable failure to understand the way in which our conduct or our policies may fail to respect the right of employees or customers to be treated with equal dignity and respect. These incidents cause real harm. They

cause real hurt, but many of them can be dealt with, and dealt with most effectively, if there is early and constructive intervention. In some cases an early apology may be a better path to a reconstructed relationship built on mutual respect than an award of compensation that is not made until years and years and years have passed.

[1450]

However, the current structure did little to encourage this approach. Instead of a focus on early problem-solving, the complainant and the respondent were subject to investigations processes that in too many cases polarized the situation, allowed positions to harden because of the delay in moving towards resolution and led all too often to long-drawn-out litigation where, on the one hand, respondents were forced to pay expensive legal bills and wait for years for the matter to be resolved, while on the other hand, complainants were equally frustrated in their desire to address the issues and get on with their lives.

Compounding these very real and practical difficulties was the confusing separation and interconnection of responsibilities between and among the various statutory actors — the chief commissioner, deputy chief commissioner and commissioner of investigation and mediation. They all played distinct but overlapping roles — advocate, investigator, conciliator, mediator, educator, intervener, neutral, partisan. It was difficult to keep track. There were some modest attempts to address these problems, but they did not succeed. Instead of a structure that built respect for human rights, we had a structure that undermined it. That is the structure we inherited as government.

Here is what we have done about it. In July 2001 government initiated the administrative justice project. I have spoken about that project in this chamber before, and I hope to have the chance to speak about it again. As you know, Mr. Speaker, the goal of this very broad review of our system of administrative justice is to ensure that administrative justice is accessible, efficient and fair while at the same time ensuring that it takes into account equity and social justice concerns. The terms of reference for this broad project, which encompasses all of the adjudicative agencies of government, included a special review of human rights agencies.

The initiation of the administrative justice project a year ago July marked the commencement of an extensive, formal public examination of human rights in British Columbia. In December 2001, as part of that examination, government released the comprehensive 180-odd-page background paper entitled *Human Rights Review*, prepared by Deborah Lovett and Angela Westmacott. This review paper became a touchstone for a vigorous debate and further public consultation about the future of our human rights system. The clear and consistent message from legal experts, from human rights advocates, from members of the public and, most importantly, from the users of the system — both complainants and respondents — was that the status quo wasn't working.

Here are examples of the specific complaints we have heard. We have heard about delays in intake and investigation. We have learned about unevenness and inconsistency between decisions. We have heard about duration and complexity and costs of the process. We have heard about the inadequacy of appeal mechanisms. We have heard over and over again about the rigidity of the complaint investigation process. We have heard a concern that there is, from time to time, a perceived — at least perceived — emphasis on dismissal statistics rather than on the proper disposition of complaints. We've heard questions about the knowledge and training of investigators, and we have heard, most fundamentally, concerns about an investigation process that did not generally add value to or assist in the resolution of complaints. These are the problems. It's time to talk about solutions.

[1455]

What, then, are we proposing? Well, we are moving from an approach based on multiple agencies with confusingly intersecting mandates to an approach with one statutory agency. The new model will remove the duplication and delays by making the Human Rights Tribunal directly responsible for receiving, mediating and adjudicating all human rights complaints. Let's be clear about something. Under this new system, the substantive protections afforded by the Human Rights Code will not change. What will change is the method of protecting those rights.

Complaints will no longer be lost in the dark void of endless and inconclusive investigations. Instead, victims of discrimination will have direct access to a tribunal that can resolve their complaints, and the tribunal will be given enhanced powers to handle all aspects of complaints filed under the code. The tribunal will emphasize mediation and the early resolution of disputes rather than adjudication as the preferred means of resolving complaints, and it will adjudicate the complaints that require adjudication.

This is the heart of the new system. It is simple; it is straightforward. It is comprehensible, and I believe it will work. But government recognizes that there is more to human rights protection than complaint resolution. A successful system for complaint resolution is the precondition to a successful human rights system, but it is not the only element. Public information and understanding are also key components of a successful human rights system. The statute in its current form mandates the commission to develop and conduct a program of public education and information designed to promote an understanding and acceptance of the code.

In the new model, the education function will be carried out by three organizations: the Ministry of Attorney General, the Human Rights Tribunal and a publicly funded, independent legal clinic. Basic information on the code, its purposes, its areas of coverage and protected grounds will be developed and provided to the public by the Ministry of Attorney General. Government clearly has the responsibility to promote human rights and to inform the public about their rights.

There is, however, no reason to situate this responsibility in an organization at arm's length from government. In this respect, Bill 64 differs from Bill 53. We heard questions about this issue of education, and as a result of the public consultation, we have come forward with a bill that states the education responsibility clearly in the face of the legislation and makes it the responsibility of the Ministry of Attorney General.

But there is more to education. The Human Rights Tribunal, like all independent administrative tribunals, will be responsible for informing people about the rules and procedures of the tribunal. The tribunal will ensure that public information is accessible throughout the province so that people are given information on the complaint process in an accessible format. The tribunal will also ensure that people understand the processes in which they are involved.

Education and training on human rights law will be the responsibility of a publicly funded, independent legal clinic. The B.C. Human Rights Coalition, an independent society, will be mandated by the ministry to develop and deliver a program of preventive education and training to promote the purposes of the code and encourage compliance. This coalition has in fact been delivering such a program for a number of years, and it is well respected in this field. The additional resources that the government will provide will enhance the coalition's ability to carry out this important work and will assist the government in meeting its responsibility to promote an understanding and acceptance of human rights.

[1500]

I want to speak for a moment about systemic discrimination. The ability to address systemic discrimination has also been strengthened in the new model. Systemic complaints are those which raise issues about prohibited discrimination that is built into a system. Like all discrimination, it is experienced by individuals, but by definition, systemic discrimination affects a class or a group of individuals. Sometimes it does so even though the system does not intend to discriminate on that basis. But if it has that effect, it may nonetheless be found to be systemic discrimination.

Let me say something about the current structure in the current system, which is, of course, what we're here today to begin to change. In the current system the deputy chief commissioner has three ways to raise systemic issues in a complaint. One, under section 21(2) of the current code, if the deputy chief commissioner believes that a person has contravened the code, he can file a complaint. Two, under section 21(3) the deputy chief commissioner can require the commissioner of investigation and mediation to add him as a party to the complaint. Three, in addition, under section 36(1) the deputy chief commissioner can require the tribunal to add him as a party to a hearing. That's the statutory framework as it now exists.

Let me say something about that framework. The deputy chief commissioner has had the power to initiate complaints for more than five years. He did not do so. Actually, this experience is not atypical. The re-

search that we've done says that of the 13 jurisdictions in Canada, only eight of those jurisdictions have addressed whether the commission can initiate a complaint in their human rights statutes. Five statutes are silent on this point. Two provinces specifically prohibit the filing of a complaint by the commission, and six allow it. Although six Human Rights Commissions in Canada do have the power to initiate complaints, only three have ever done so. Saskatchewan, Ontario and the federal Human Rights Commission have each initiated one complaint.

With respect to the powers under sections 21(3) and 36(1), the second and third avenues under the existing code for participating in systemic complaints, we're told by the deputy chief commissioner that he became a party to complaints initiated by individuals or groups, either at the commission stage or at the tribunal stage, to ensure that any settlement reached prior to hearing or remedy imposed by the tribunal addressed any systemic issues that may have arisen in the context of that complaint.

The experience, however, was this. Complainants frequently resisted the involvement of the deputy chief commissioner, since the involvement of the deputy chief commissioner resulted in the complainants having less control over the progress of their own complaint. Taking all of this into account, government has concluded that these powers of the deputy chief commissioner are not a cost-effective way of ensuring that systemic discrimination issues can be addressed.

So how will systemic complaints be raised in the new model? Individuals or groups, including non-governmental organizations, will continue to have the ability to initiate complaints of a systemic nature, including complaints in which government is named as the respondent. That's all you need. Any complaint raised has the potential to include within it systemic issues, but it has to be a complaint in order for a process to get started. Once it is a complaint, if there are systemic issues, they can be addressed.

[1505]

In addition to that, the changes that we're proposing in this legislation will allow a tribunal member or panel hearing a case to invite any person or group of persons to intervene in the complaint, whether or not that person or group would be directly affected by an order made by the member or panel. This is a new power.

These proposed changes will actually increase the opportunities for non-governmental organizations to intervene in cases which have systemic elements. Finally, the human rights clinic will also ensure that systemic factors are addressed in any complaints, starting by assisting individuals or groups in framing the complaint and ensuring that if there are systemic issues or factors, they are addressed either in mediation discussions or through the counsel that will be provided to some parties at hearings.

I spoke about the clinic. Let me say something about legal support under the new system. Unlike all other jurisdictions in Canada, British Columbia's cur-

rent system does not call on the commission to take carriage of the complaint. Rather, complainants under the current system are in control of the progress of their complaint. They decide what remedy best meets their needs, and they decide whether, when and how they pursue their allegation. That is, in my view, as it should be. It is, after all, their complaint.

For this process to be fair, this approach does require that legal support be provided to parties involved in complaints. Until recently, the Human Rights Commission had a contractual relationship with the Legal Services Society to provide legal counsel to some parties to complaints. This arrangement was unsatisfactory. It was unfair. It was unfair because all complainants were automatically eligible for legal aid, but respondents needed to pass a means test to qualify. It was a very expensive program.

I believe the new clinic model, which will be implemented along with the introduction and implementation of this legislation, is an improvement over these arrangements. There will be a publicly funded legal clinic. It will assist parties throughout the progress of their complaints.

The ministry will mandate the B.C. Human Rights Coalition to provide parties with advice and assistance beginning prior to the submission of a complaint and, in the event that a complaint is accepted by the tribunal, extending throughout mediation and settlement discussions at the tribunal. This assistance will be available as needed by either complainants or respondents. The ministry will also provide resources to the Community Legal Assistance Society to provide legal counsel to parties when a lawyer is needed at a tribunal hearing.

In developing this new system, we listened carefully throughout the administrative justice project work that has been done to date and throughout the public consultation process. In particular, we listened after we introduced Bill 53. We analyzed each suggestion, and we have taken action whenever it was practical and appropriate. That action is reflected in the bill that is now before the House.

For example, as I said earlier, we have included an educational mandate in the legislation, responding to questions that were raised about education, but we're going further. We're also retaining the research and consultation portion of the old system to allow the minister to conduct and encourage research and carry out consultations in human rights.

On another point, the exposure bill, Bill 53, said that the tribunal would be able to dismiss a complaint if a complainant did not accept a reasonable offer of settlement. The responses on this point suggested that this proposal did not serve the best interests of British Columbians. Again we listened. We have removed this condition from the amendments contained in the bill now before the House.

[1510]

We also had suggested, in order to give the tribunal greater power to case-manage complaints, that the tribunal had the power to order costs. The way that

power was expressed in Bill 53 was not modified by any limits or guidance as to when costs should be awarded. Some groups pointed out that this could mean that people whose complaints were dismissed could be ordered to pay costs to the respondent even though there may have been a reasonable basis to file the complaint. These groups said this wasn't fair and that it would discourage people from seeking justice through the tribunal. I respect that argument.

I also know, however, that the sanction of costs has been and continues to be a useful, if not necessary, tool in civil litigation to ensure that parties who bring cases forward, who engage defendants in litigation that may cause them to spend thousands of dollars or to put their lives on hold for months, if not years.... To ensure that parties who begin litigation think about the possibility that at the end of the day, if their case is dismissed, they may have to bear the costs associated with defending the case that probably should never have been brought in the first place.... That is the practice in civil litigation.

It is an old and honourable practice, but the argument here is that it does not belong in human rights litigation. I thought long and hard about this one. In the end, I have accepted the argument made — that the introduction of a broad costs discretion would create a risk that people might be unreasonably deterred from filing complaints. So this bill now provides that the tribunal can only order costs against the party who has engaged in improper conduct during the course of the complaint or who disobeys a rule or order of the tribunal.

The first of those provisions, the improper conduct rule, is already in the current Human Rights Code. In effect, Bill 64 returns to the status quo. The disobedience of a rule or order power is essentially a mild form of contempt power and, I think, will give the tribunal the muscle it needs to ensure that its rules and orders are obeyed.

There was more to the consultation, and there was more that we learned and more that we have done. Another area of interest was our proposal to grant the tribunal a special power to reconsider its own decisions to dismiss complaints that had been dealt with through a summary procedure. We heard the concern that this would not be a very effective process, so we have changed it in the bill before the House. Now challenges to decisions of the tribunal will be subject to or subject of judicial review proceedings in court.

Likewise, there was some concern over the proposal that would make the minister responsible for approving special programs designed to improve working and other conditions for disadvantaged people. Many of the submissions we received suggested that there was a real possibility of a conflict of interest if the minister had the power to approve special programs, which would include programs proposed by government, so the bill now before the House gives the tribunal the authority over special programs.

Mr. Speaker, I went through these changes in some detail so that you and all members could see that this

bill is the result of a process that may fairly and accurately be described as collaborative. We asked for input. We received it. We listened, and we acted.

[1515]

Let me turn to a conclusion. Discrimination is real. It hurts its victims, and it demeans all of us. Discrimination often hurts most those who are most vulnerable. We have a strong code, but it has been rendered ineffective by a flawed structure. The rights in the code will not change. What will change is how those rights are protected by a system that will be more accessible, more affordable and much less confrontational.

The model set out in this bill complies with international law requirements, including the Paris principles, by continuing a human rights tribunal that is independent and autonomous from government and that has a diverse membership, a broad mandate, adequate powers to deal with complaints and sufficient resources. This bill will enable government to put in place a human rights complaint system that meets the needs of the twenty-first century.

It was the economist E. F. Schumacher, famous as the author of *Small is Beautiful*, who said any fool can make things bigger, more complex and more violent. It takes a touch of genius, he said, and a lot of courage to move in the opposite direction. Well, I don't know about genius, but I can say that it has taken some courage on the part of people in our community to move forward together to participate constructively in looking for ideas and solutions for how we can move forward together to reform the system that administers human rights — to implement reforms that will ensure everyone has an equal opportunity to seek a timely, fair and affordable remedy for their concerns.

Let me conclude by thanking all of those around the province who have helped in this vital reform process and by saying that I look forward to the debate that follows.

**J. Kwan:** I just want to touch on some of the basic principles around human rights before I get into the discussion around the bill that is before us.

There are some fundamental principles that guide the direction of where human rights should go. It's one that many people have been involved in, in trying to craft these principles and bring them forward. In fact, one institution that we all look to in advancing a variety of rights across our nation is, of course, the United Nations.

In October of 1991 the Centre for Human Rights convened an international workshop to review and update information on existing national human rights institutions. Participants included representatives of national institutions, states, the United Nations, specialized agencies, intergovernmental and non-governmental agencies.

From this conference a list of principles were established. These are now known as the Paris principles. There's a long list of them, but I only want to highlight a few that I think are central to the debate because they are what is at risk before us under Bill 64.

"Any legislative or administrative provisions, as well as provisions relating to judicial organization, intended to preserve and extend the protection of human rights, in that connection the national institutions shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights. It shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures."

One of the principles that were highlighted.

[1520]

Another one. "To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education, and by making use of all press organs."

Another principle. Government departments, if they are included, should participate in the deliberations only in an advisory capacity. The national institutions shall have an infrastructure which is suited to the smooth conduct of its activities — in particular, adequate funding. The purpose of this funding should be to enable it to have its own staff and premises in order to be independent of the government and not be subject to financial control, which might affect this independence.

Another principle. In order to ensure a stable mandate for the members of the institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable provided that the pluralism of the institution's membership is ensured.

Basic principles around independence, the need for independence for it to be a watchdog of human rights, for it to advocate for human rights — one may argue those are essentially the essence of the Paris principles.

In Canada we enjoy some of the best human rights protections in the world. Perhaps it's because we have these protections that we've begun to take these rights for granted. We tend to forget that the best human rights laws on the books are meaningless unless ordinary people can have their complaints fully investigated and human rights laws properly enforced.

On May 30 the government of British Columbia introduced legislation to repeal British Columbians' independent voice of human rights, the B.C. Human Rights Commission. If passed — and I anticipate this bill will pass — the legislation will make B.C. unlike any other jurisdiction in Canada. We'll become the only province that does not fulfil Canada's international obligation to provide an independent government agency with the ability to act as a watchdog over the fundamental rights of all people to be treated with dignity and without discrimination. The dismantling of the commission also means that there will be no public agency to inform and educate British Columbians about their human rights and responsibilities.

The former version, Bill 53, disregards the public dimension of human rights, which has been repeatedly recognized by the Supreme Court of Canada and by our international commitments. Bill 64 makes some adjustments, but it does not institute the changes that need to be brought back into place for a full advocacy and educational role on human rights, not just on an individual basis but broader than that — across the communities — to look at systematic discrimination that happens in our communities and to take that as a challenge to move forward in advancing human rights.

In 1994 the United Nations general assembly endorsed what I call the Paris principles, which I mentioned stemmed from the conference that was held and which provided minimum standards on the status and advisory role of human rights commissions. Canada made a significant contribution to that document and urged the UN to adopt it. Bill 53 certainly did not meet those minimum standards, and I would argue that Bill 64 does not either.

By abolishing the commission, B.C. will fail to meet the criteria of the Paris principles, which require that human rights agencies have independence guaranteed by statute or constitution, autonomy from government, diverse membership, a broad mandate based on universal human rights standards, adequate powers of investigation and sufficient resources.

The provincial government says the bill will create an efficient, streamlined process for human rights complaints. The fact is that it won't. It will leave the Human Rights Tribunal, which will only adjudicate complaints, as the only human rights agency in existence. By doing away with the current Human Rights Commission, which receives complaints of discrimination, investigates them and then either dismisses them, resolves them through mediation or refers them to tribunal for adjudication, all complaints will be adjudicated whether they have any merit or not.

[1525]

The government says that the proposed changes will create a more affordable system. It won't. The new process will be more expensive for complainants, respondents and taxpayers. Over the last five years only 15 percent of human rights complaints have been referred to the tribunal. With a 600 percent increase in the caseload, borne solely by the tribunal, the result will be inordinate delays, increased costs and greater resource requirements.

The government also says that the bill will create a more accessible system. It won't do that either. Human rights complaints will be investigated, and the new system will impose a six-month time limit for filing a complaint. The current rule states that the complaints must be filed within a year. Complaints filed by individuals but which have an impact on other individuals in similar situations — in other words, complaints of systematic discrimination — would be nearly impossible to deal with.

Under the current legislation, the commission has a mandate to speak out on important human rights issues, and it is entitled to become a party to human

rights complaints that may have brought societal consequences. The commission can seek remedies to systematic discrimination and isn't confined to dealing with case-by-case complaints as is being proposed under Bill 64. Citizens will be expected to rely solely on their own resources to pursue complaints, and cases will be resolved solely on the basis of the personal agendas of the parties involved. These are some of the issues that one must pay attention to as we debate Bill 64.

The Attorney General says that change, evolution, has advanced human rights over time. What the Attorney General has brought forward to us today, in fact, does not forward or advance the fight for human rights. What it does is regress us back in time in the area of human rights. That's what it is. It is not a step forward; it is a step backward.

Other jurisdictions, you might want to argue, who have direct access to tribunals in the area of dealing with human rights — in Europe, perhaps, as an example — have an independence attached to it. They have watchdogs assigned to it. We don't. It's a principle that was established in 1994. We Canadians, all of us, were signatories to that, advocated for it, wanted to move forward on it. Now, in the year 2002, what have we got? We've regressed back in time to take away one of the most significant pillars required to enshrine human rights and to advance human rights. That is the independence role and the watchdog role.

The government's actions in firing the commission's chief commissioner and deputy chief commissioner are in my view a serious violation of the principle of ensuring the independence and autonomy of the provincial human rights mechanism. It is important to note that in our research there have been few, if any, firings of human rights commissioners in Canadian history, other than the firing of the chief commissioner by the B.C. Socred government — a regression back in time.

The changes proposed in Bill 53 and now in Bill 64, the Human Rights Code Amendment Act, have prompted much activity within the human rights community. Interestingly, many of the comments made by those organizations and individuals address similar areas of concern — namely, that the elimination of the Human Rights Commission, with all of its powers, authority, and capacity, is extremely problematic if the province of B.C. is to be a province that protects human rights and promotes justice and equality.

[1530]

[J. Weisbeck in the chair.]

The response to Bill 53, now Bill 64, by the human rights community has been remarkable. Not only did organizations and individuals get together to discuss the problems that were being proposed under Bill 53.... I recall over the summer attending a couple of public forums in that regard, but they were unsuccessful, I think, in persuading the government. There were some achievements, but there were some key principles that they were unsuccessful in persuading the government

to change. What they were successful in was finding the time during the busy summer months to research and write submissions to the Attorney General. The consultation period was very short — over a summer period — another indication of this government's appreciation for consultation. They say they're open and consultative, but the reality is they make it extremely difficult for people to participate.

In spite of that, because the bill that was first proposed, Bill 53, and now 64 are so objectionable, groups have felt compelled to come together to speak out. The organizations that have made formal submissions include but are not limited to the Greater Vancouver Japanese Canadian Citizens Association; the Canadian Centre for Policy Alternatives; Amnesty International; the B.C. Association of Social Workers; the BCGEU; the West Coast LEAF Association; the Canadian Association of Statutory Human Rights Agencies, CASHRA; and the B.C. Coalition of People with Disabilities. These are just some of the submissions that were made. In addition, dozens of individuals and organizations have written letters objecting to the changes being proposed in Bill 53. And I'm sure, had the public been given time to respond to Bill 64, which was only introduced two days ago, you would have had more letters addressing the problems and concerns that exist in Bill 64.

Our researchers and I went back to look at some of the submissions that were put forward under Bill 53 and cross-referenced the changes government brought forward under Bill 64. We found there were many points the government did not address from the submissions from the public — the consultation the government had engaged in. Some of the primary concerns in Bill 53 which were not addressed in the changes made to Bill 64 can be summarized as follows: (1) the wholesale elimination of an independent statutory body as is currently embodied through the Human Rights Commission; (2) the elimination of the ability to address issues of systematic discrimination; (3) the cohesive and punitive nature for complainants; (4) the complete lack of a meaningful, open and transparent public consultation process in the creation of Bill 53; (5) the role and mandate of the proposed independent legal human rights clinic; and (6) the changes outlined in Bill 53 and in Bill 64 are in violation of the UN Paris principle.

While I presume the introduction of Bill 64 was meant to address the concerns that were raised by Bill 53, it is very disappointing to note that the recommendations made in the submissions as outlined in the above six points fell on deaf ears. In the context of Bill 64, I'll examine these points as they were addressed in the submissions made to the Attorney General in order to impress upon this House the importance of engaging in further discussion, negotiation and consultation before any bill changes are made to the Human Rights Code and before anything can be passed.

Government, though, would have you believe that the Human Rights Commission was inefficient and costly and that the new model would provide better

access. I would like to actually just bring to the House's attention some myths and facts — facts on human rights. The Human Rights Code was introduced by the Attorney General on May 30. The new code replaces the current commission-tribunal structure with a tribunal-only structure.

The Attorney General has made a number of statements rationalizing the tribunal-only structure. No. 1: there's a huge amount of duplication in the current human rights process, which has both a commission and a tribunal. That's the myth. Fact: there's some duplication but not a lot. Over the past five years, 15 percent of the cases filed with the commission have been referred to the tribunal. At least two-thirds of those cases settle before there is a hearing. This means the real duplication really took place in only 5 percent of the cases, and that duplication was required because you wanted to go through the process of determining what needs to go to tribunal and what's not and go through the process of elimination. Is it really duplication? I would argue that as well.

[1535]

Myth 2: going to the tribunal-only model will lower the average cost per case. Fact: to date, the tribunal process has been made much more expensive. The tribunal cost per case was \$8,871 while the combined tribunal-commission cost per case was \$6,423 for the 2000 and 2002 budget years.

Myth 3: the use of modern dispute resolution mechanisms will make the tribunal-only approach faster, less expensive and less confrontational than the combined commission-tribunal process. Fact: the tribunal and commission have been employing an array of dispute resolution mechanisms. The commission offers mediation throughout the case management process, based on the characteristics of the case. This has resulted in 30 percent of the cases being settled or withdrawn. The commission has just completed an early mediation pilot project where 67 percent of mediation attempts resulted in settlement or withdrawal of the case. The merits of the project are clear. As a result of the commission's investigation process, the tribunal has been able to settle 70 percent of the cases.

There are consequences for the respondent, complainant and society if too much emphasis is put on settling cases. Justice is not necessarily served if a respondent settles a false case. It is also not served if a complainant settles for substantially less than a tribunal would award. Society is not served if cases are settled without a remedy that deters future discrimination.

Since the tribunal and commission are already offering a substantial amount of mediation, there is only room for a small increase in the rate of settlement before there are negative consequences for everyone.

Myth 4: the tribunal process is faster than the investigative process. Fact: last year the commission's average investigation took nine months, while the tribunal's average decision took 19 months. The primary factors for determining the speed of the process are the size of the tribunal members' or the human rights officer's

caseloads and the availability of the parties and their lawyers.

Myth 5: a legal clinic with a budget of \$300,000 can provide adequate legal advice to persons who have filed a human rights complaint with the tribunal. Fact: last year the bill for 120 cases at the tribunal stage was \$500,000. The Ontario Human Rights Commission has seven lawyers plus support staff to handle 100 cases a year in front of its tribunal. A legal clinic that is supposed to handle the current 19,000 inquiries plus 300 cases will require funding many times the amount suggested by the Attorney General.

Myth 6: there were many submissions to the human rights review discussion paper, and they overwhelmingly chose the tribunal-only structure. Fact: there were only 11 submissions to the human rights review. Three of them suggested a tribunal-only structure.

These are just some of the points that I want to bring forward, because I think they're essential. Government will have you believe what they want you to believe. What I have just listed are the facts before you. I ask British Columbians to assess for themselves what is true. Is it the spin of what the government tells you, or is it factual information that was derived from the historical patterns of human rights commissions not just in British Columbia but in other jurisdictions as well?

There were many official submissions, as I mentioned, by groups and individuals. People have come forward who shared their opinions with the opposition caucus, with letters and statements describing what the loss of the Human Rights Commission would mean for them.

I'd like to actually just take a moment now and put some of these letters on the record. I think it's worthwhile for us in this Legislature to hear the voices of British Columbians, the people who put us here, and what they really think about the changes that are being proposed by the Attorney General.

[1540]

I won't mention the names of the individuals to protect their identities. This is from an individual in Vancouver: "We're writing to express our concerns about the proposed Bill 53." Now, this of course references Bill 53, and I've sorted out the letters to only put onto the record — some of the letters, I should say — those that are now relevant to the debate before us on Bill 64. But these letters were received when Bill 53 was tabled. Since it's only been two days since Bill 64 has been introduced, not that many letters have come in, although I've received some that directly address Bill 64.

"We're writing to express our concerns about the proposed Bill 53. The proposed legislation will serve to dismantle the B.C. Human Rights Commission. Its effects will be to prevent and discourage people with legitimate complaints from pursuing them. This is a huge step backwards, as the commission was established in 1997 to create a fairer process to address human rights issues. How does eliminating human rights mechanisms and processes serve to promote the Olympic values your government purports to support?"

"People of colour and other disadvantaged groups face discrimination daily and continue to be targeted by your government. You will notice that there are many complaints filed on the grounds of racial discrimination. With legal aid cutbacks, people on limited incomes will be hard-pressed to bring forward a human rights complaint without financial assistance.

"The B.C. Human Rights Commission does have significant value to our society. It has the mandate to provide education, conduct research, hold consultations and public hearings and ensure that complainants receive legal representation at hearings and appeals in matters relevant to human rights. The new legislation serves to eliminate all of this. We believe that this will increase systematic discrimination in society. We urge you to withdraw this bill and work to improve our human rights in British Columbia."

In fact, actually — my apologies, Mr. Speaker — it's not just from an individual. This is actually from the Vancouver Association of Chinese Canadians, the society who has put forward this letter.

Another letter. This one is from an HEU disability rights standing committee member and its working group, the CLC disability rights working group:

"I'm writing to express my concern about the proposed Bill 53. In my view, dismantling the B.C. Human Rights Commission will prevent people with legitimate complaints from pursuing them, largely due to financial considerations. This is also taking a huge step backwards, as the commission was established in 1997 to create a fairer process to address human rights issues.

"People with disabilities, who face discrimination every day, are again being targeted by this government. More than one-third of all complainants are people with disabilities. With legal aid cutbacks and the new disability act that could reduce an already limited income, people with disabilities would be hard-pressed to bring forward a human rights complaint.

"The B.C. Human Rights Commission has significant value to our society, as it has the mandate to provide education, conduct research, hold consultations and public hearings and ensure complaints receive legal representation at hearings and appeals in matters relevant to human rights. The legislation will mean that this has to be done on an individual basis without assistance available. Complainants will not be able to bring their complaint forward. It is my belief that this will increase systematic discrimination."

I just want to pause for one moment. Yesterday we were engaging in debate with the Minister of Human Resources. Part of the debate brought forward yesterday was that the Minister of Human Resources has now brought forward retroactive legislation that will penalize people who are applying for income assistance if various conditions are applicable to them, such as if they had to quit a job. It might well be because of discrimination issues in the workplace such that they were unable to accept a job, and penalties would then be brought in place. When I asked the minister, "How does one prove or establish that a person quit a job because that person was faced with discrimination in the workplace?" the minister's simple answer was: "Well, go file a complaint."

Well, the only problem is that the Human Rights Commission no longer exists. The legal aid support

that used to be there to help people go through administrative injustices by filing complaints and going through it with advocacy and support.... That, too, is now gone. How does one expect individuals who are faced with disability challenges in life to be able to prove that point to the ministry in order that they be eligible for support? This applies even for people with disabilities.

Other groups have sent forward letters around concerns on the changes around human rights — the Vancouver Committee for Domestic Workers and Caregivers Rights. I'll just read a part of their letter into the record.

[1545]

"The Vancouver Committee for Domestic Workers and Caregivers Rights would like to express our opposition to the B.C. provincial government's plan to abolish the Human Rights Commission in the province. This abolition, for one, and there would be many more, would mean less protection for the most vulnerable workers and members of the society, including the domestic workers and caregivers."

To add some information to the background around the domestic workers and caregivers, we know that the domestic care workers are often from a different country. Some may face language barriers or cultural barriers, and they often live in isolation. Their work and their existence very much depend on the employer. Employers very often take advantage of that, because of the isolation and because of their dependence on the employer to be able to stay in this country, hoping to build a better life for themselves.

Oftentimes people are faced with discrimination. What to do without a place that they can go to and file a complaint? You know, it's not just on an individual basis but to look at it from a broad-based basis, from a societal standards basis, to see how you can advance human rights for this group of workers in our community. That opportunity is now gone under Bill 64.

From the CAW:

"I'm writing on behalf of thousands of CAW members and their families living in British Columbia about your government's decision to eliminate B.C.'s Human Rights Commission. Human rights commissions across this country have played a major role in shaping the kind of society we're privileged to live in.

"The most vulnerable people in our society will have no help in taking up their cause with justice. Victims of sexual harassment, gender discrimination, racial discrimination and discrimination on the grounds of disability will have to accept subjugation without meaningful access to justice, and systematic discrimination will continue unchallenged.

"Since your government's election, we have seen vicious attacks on ordinary people and marginalized groups in British Columbia. The government has steadily taken away services for people with disabilities, visible minorities and other disadvantaged groups. By eliminating the commission, your government will eliminate one of the last lines of defence for the victims of discrimination.

"I'm appealing to your government to reverse its decision. If the commission is eliminated, the only recourse for victims of discrimination would be the

Human Rights Tribunal. Many individuals find it difficult to proceed in that forum because of the government's cuts in legal aid and the intimidating nature of the adjudication process."

The North Shore Women's Centre also write to express their concerns over the proposed changes in the Human Rights Code. They're concerned because, very simply, it would adversely affect the women who use their services. To take a paragraph from their letter:

"Without the Human Rights Commission, there is no public body to represent the public interest in the elimination of discrimination in this province. Your legislation has attempted to fill this gap by allowing the tribunal to ask outside parties for an opinion on the matter before them, but this assumes their organization is able to fill this role. This organization does not have the resources to advocate for women making a complaint nor to adequately present an opinion before a tribunal. With the cutbacks and restructuring that the present provincial government has forced on women's organizations, we're in no way equipped to intervene in cases before the Human Rights Tribunal."

As these letters are being put on the record, it becomes clearer and clearer that this one decision, combined with many of the other decisions from this government, centres on attacking individuals' rights in British Columbia. They accumulate and have a compounding effect. That is the message that I think is also essential for this government to understand. Each bill in and of itself has one component of it, and when you add all the other pieces of legislation, all the budgetary cutbacks, it's a cumulative effect that's changing the face of British Columbia and the rights that were enjoyed in British Columbia as we know it.

[1550]

The government would like to say we're advancing into the future. Many would disagree. This is a regression back in time for the rights that were fought for so hard by so many people, people preceding me. They see those rights eroding before them, before their very own eyes, just crumbling away in less than a year and a half.

A letter from a strong advocate on the issues around human rights:

"I am dismayed that you plan to proceed with amendments to the Human Rights Code of British Columbia. Let me address this question entirely from the point of view of your government. In a democratic society, one of the functions of a human rights process is to divert protest into a benign dispute resolution system. This prevents a build-up of potentially explosive anger among those parts of society who feel wronged, disaffected for whatever reason.

"The B.C. Human Rights Commission received and processed 19,000 inquiries last year, of which only 766 became formal human rights complaints. The other 18,000-plus are people who believe that they have been wronged, treated badly, suffered an injustice, and who have been counselled effectively — from the point of view of the government.

"For so long as those 19,000 people and others like them believe that they have a place which listens to and addresses their complaints, government is insulated from more radical forms of complaint by those 19,000 people. It is hard to imagine a more efficient process, from a government's point of view, than one which eliminates

80 percent of complainants before their grievance even becomes a formal complaint.

"Mary-Woo Sims, the commissioner of human rights during the reported period, has been successful in reducing the median processing times for human rights complaints, from initial call to resolution, including referral to the B.C. Human Rights Tribunal, to about eight months — far better than the time it takes to reach a case settlement conference in small claims court and, I venture to suggest, better than the resolution times of family and criminal courts as well.

"Ah, but critics say that is only the preliminary stage. Then people have to go through the tribunal — true, but true only of 16 percent of the complaints. Of the 19,000 complaints that it received, the B.C. Human Rights Commission successfully resolved all but 125 or so, which were then referred to the tribunal.

"This is the body you want to get rid of? From the point of view of your government's natural constituents, the gatekeeping function performed by the B.C. Human Rights Commission was an invaluable one. The new system opens up that community to human rights complaints by every one of those 19,000 people. For these reasons, Mr. Attorney, I respectfully suggest that it is worth rethinking the thrust of Bill 53."

I have quite a number of more letters. I'd like to just put this last one, though, on the record. It doesn't mean that there aren't more, but I think we're starting to get the gist of the points from some of the folks who have a point of view they want to share with the members of this House. This is from the December 9 Coalition.

"I'm writing on behalf of the December 9 Coalition, a working coalition on issues affecting the lesbian, gay, bisexual and transgendered communities in British Columbia. For our organization the death of the B.C. Human Rights Commission will have a devastating impact.

"Queers have won major advances throughout the human rights system in B.C. The first decision after sexual orientation was included in the code in 1992 was a decision that lesbians were entitled to sperm from a doctor who was the only provider of assisted insemination in the city and who was refusing to inseminate lesbians.

"We have won advances for trans people, which puts B.C. at the head of the country in transgendered rights. Decisions establish that transwomen have the full right to participate equally as women in B.C., including in women's washrooms and women's organizations.

"And we have continued to win rights for lesbian families. Lesbian co-parents can have the names of both of them recorded on their newly born child's birth certificate.

"And we cannot forget the issue of gay pride proclamations, a battle which sees one mayor after another confronted with the consequences of their bigotry and intolerance across the province.

[1555]

"The decisions themselves, of course, are decisions of the tribunal, but what the commission offers is an indispensable part of what our community needs. The commission is a safe place for queers to phone to talk about whether they have a complaint. Their complaint is investigated without cost to them, and the evidence they will need to win their case is gathered by the investigator.

"Taking the first step to complain about discriminatory treatment is an enormous step for anyone who does it. Without the support of the commission, I have no doubt that the number of complaints from the most marginalized communities will fall off."

The letter has more components to it, but these are just a sampling of how the community feels. I have presented these letters for the information of the House, though, through the voice of the people. I hope they are being heard in this House.

While Bill 53 was totally unacceptable, Bill 64 does not go anywhere near far enough to addressing the many concerns that were raised. Essentially, Bill 64 is a return to the pre-1997 human rights system, where the human rights body in this province was the Human Rights Council. We fought hard for the creation of the Human Rights Commission. It should not be abolished after only five years.

The letters I've read onto the record today all agree that the proposed human rights legislation is insufficient and unacceptable. Bill 64 will not only be an embarrassment for the province of British Columbia at the international level, but it will mean that the citizens of this province will suffer an increase in human rights abuse. Citizens will suffer.

Currently, the protection and promotion of human rights are understood to be beneficial for all citizens of this province. It is understood that human rights complaints not only serve to rectify individual circumstances but are also a public service, insofar as human rights complaints work to eliminate discrimination in our society.

The changes proposed in Bill 64 dramatically change that understanding. Bill 64 will see the creation of a human rights system that is a private matter before individuals.

In addition to the letters, I've also received petitions. The community, again over the summer period, worked hard to call on people who support the advancement, the protection, of human rights to come forward and say no. In a short period of time the community — the defenders of human rights, if you will — have gathered 1,235 signatures. That was as of October 21, 2002.

The petition was addressed around Bill 53, but I think now it appropriately applies to Bill 64 as well, because the principles of what this group is advocating for and petitioning about remain the same. The petition reads as follows:

"We, the undersigned residents of British Columbia, draw the attention of the Legislature to the following.

"Canada is a signatory to both the UN convention on human rights and a sponsor of the Paris principles. By abolishing the Human Rights Commission, B.C. will not meet its obligations under the Paris principles to provide a human rights agency which has independence guaranteed by statute or constitution, autonomy from government, diverse membership, a broad mandate based on universal human rights standards, adequate powers of investigation and sufficient resources.

"Therefore, we request that the Legislature maintain a separate and independent human rights office; that the provincial government meet its obligations to provide

human rights education; that a separate and independent human rights office have the powers and resources to investigate human rights complaints; that legal aid funding be restored to assist victims of human rights discrimination."

There are 1,235 signatories across the province, collected in a short period of time.

I mentioned that Bill 64 was only introduced a couple of days ago. There weren't a lot of letters that came forward in terms of what people thought about Bill 64 because there was inadequate time, too short a time for people to really respond, but there are some very dedicated people who have taken the time and done a brief analysis on some of this. In addition to what I've said, they've also brought forward their opinions to be shared in this House through me.

I'll now read an analysis by Mary-Woo Sims, a former chief commissioner for the Human Rights Commission, who has worked on and prepared an analysis on Bill 64. She has worked tirelessly to promote a strong, responsible and fair human rights system in B.C. I think that given the extremely short time frame in preparation for the debate and analysis of Bill 64, it is a demonstration of her dedication to the protection of human rights in this province that she was able to respond so quickly.

[1600]

Here's what Mary-Woo Sims has to say:

"First, Bill 64 is a vast improvement over Bill 53..."

I have to just pause here for one moment and say that improvement came from the community advocating for those changes. She continues on to say:

"...but unfortunately, that's not saying much about Bill 64 either. Under Bill 64 disclosure in mediation is now protected. Assignment of inquiry act powers to the tribunal will give tribunal powers more of an opportunity to access information outside of the tribunal process. However, the ability of the tribunal to access information outside of the tribunal process presents other problems, such as an argument — that of an apprehension of bias. How can the same entity that investigates a complaint subsequently make a finding in a complaint and order a remedy?

"Education is now dealt with in the statute, but there are problems with this, as education is now the responsibility of the minister, and it is only to promote an understanding of the code. There is no discussion about education that promotes the purposes of the code and helps eliminate discrimination. There is a difference about information and education about the code and information and education that is proactive and designed to create a discrimination-free society.

"Another big problem with making the minister in charge of information and education about human rights is that this is the same minister that defends government discrimination. It's like putting the fox [in the henhouse] in charge of educating other foxes about how to guard the henhouse.

"The cost provisions are not as open-ended and onerous as in Bill 53. However, there are some other problems with the section which enables costs to be awarded that I will discuss later on.

"Now, to the ongoing and new problems with Bill 64. Bill 64 still does not meet with the guidelines set out in the Paris principles concerning the operation of human

rights regimes. Bill 64 still does not establish an independent human rights agency other than the tribunal to administer human rights in the province. It is questionable whether or not, given the tribunal's status as an adjudicator of complaints, whether it would be B.C. who would be eligible for membership in organizations such as the Canadian Association of Statutory Human Rights Agencies or the International Association of Official Human Rights Agencies. Ineligibility to join these organizations would isolate B.C. from the rest of the Canadian and international human rights community.

"Another general comment is that with Bill 64, B.C. is essentially reverting back to the human rights administrative structure pre-1997, when human rights was administered by the B.C. Human Rights Council. This administrative structure resulted in an average complaint-processing time of two years plus and a backlog of 1,500 cases, which the commission eliminated in two years. There is no discussion of budget, but in my view, in order to prevent the backlog from recurring, the tribunal would have to be provided with all of the budget of the former Human Rights Commission. I frankly doubt that will happen.

"Bill 64 still does not provide for legislated legal assistance for victims of discrimination. There is reference still, in the AG's press release on Bill 64, that a legal clinic will be set up, but we have yet to learn the details of this, such as: what is the budget to be provided to the clinic? Will there be a bidding procedure to ensure that those delivering the services to be provided through the legal clinic are not only cost-effective but the best service available? How will those who run the legal clinic be held accountable to the taxpayer and to the community?

"Bill 64 still does not provide for an independent investigation into a complaint of discrimination. Individuals are still not guaranteed a hearing before the tribunal, as the tribunal can still perform the gatekeeping functions of the former commission.

"Bill 64 does not provide for a public role in advising the tribunal on its work, as the citizens Human Rights Advisory Council is still gone. Under Bill 64 systemic and representative complaints have completely fallen off the radar, and of course, the government is the big winner here. The government proportionately has the highest number of systemic complaints filed against it.

[1605]

"Under section 6 of Bill 64 it will be the minister who 'may conduct or encourage research into matters relevant to this code.' It will be very interesting to see what types of research he'll request. Will he conduct research into the human rights performance of government like the commission did with respect to the lack of accessibility of government services and information to persons with disabilities? Will he conduct research into the employment equity performance of government? Will he be critical of his cabinet colleagues if they are human rights violators?

"Also, how will he encourage human rights research? Will there be money made available to NGOs? Will the Fraser Institute get the research dollars?

"This same section says the minister may carry out consultations relevant to this code. Well, with our experience with the way in which consultations have been carried out with respect to Bill 53 and now Bill 64, need I say more? There has been no change in the time within which a person has to file their complaint. It is still six months instead of a year. Section 22.1 talks about

interveners to a complaint. What resources will be made available to NGOs to carry out this work?

"Section 27(1) concerns the dismissal of the complaint. The entire section is a gatekeeping section. The tribunal can still dismiss all or part of a complaint with or without a hearing. This gatekeeping function previously performed by the commission through intake and investigation staff now will be performed, at far greater expense, by a tribunal member. Compare the pay of intake and investigation staff and a tribunal member.

"A new addition in the powers to dismiss a complaint is that 'there is no reasonable prospect that the complaint will succeed.' The provision is akin to no probable cause. This probable cause test is greater than usual human rights case-law test, which is balance of probabilities. The probable cause provision is normally used by the police to ask for warrants from a judge or to charge a suspect with a crime. A probable cause test is a much higher test, which will likely result in more complaints being dismissed early in the process than later. The colleagues I have discussed this provision with believe that dismissals under this provision of Bill 64 will result in many legal arguments about whether or not there is reasonable prospect of success and what 'reasonable prospect that the complaint will succeed' actually means.

"Section 27 expands the ability of the tribunal to make rules respecting practice and procedure to facilitate just and timely resolution of complaints. The whole section is extremely legalistic, and costs can be awarded if you do not comply with the rules. Also, the tribunal is in a position to make these rules without any prior consultation or public input. There should be public consultations on the development of these rules to ensure they are not unduly onerous for the parties.

"Section 27.6, new, says that 'a member or a person appointed, engaged or retained' can now assist parties to a complaint, through mediation or any other dispute resolution process, to achieve a settlement. This does not necessarily mean legal assistance. Or does it? Why only refer to assistance during the mediation process? Why not include assistance throughout the process" — if justice is to be served?

"While the specific reference to the number of tribunal members has been struck, the new wording contains no commitment to the size of tribunal, which means they can have a free hand to starve the system and parties to the point that they give up. While previous critiques of Bill 53 have not included a discussion of the term and independence of the tribunal and its members, past experience holds that even when the legislation says the term is five years, as it does now in section 31 of Bill 64, what prevents the government from dismissing the tribunal or its chair or its members prior to the end of their term? The government thought nothing of ending the terms of the chief commissioner and deputy chief commissioners prior to their legislated terms. How will the government ensure the independence of the tribunal from government interference?

"Although the Bill 53 provisions around costs have been modified, there is still the ability of the tribunal to award costs if a rule under section 27.3(2) is breached. Section 27.3 is so legalistic, one can imagine an unrepresented party being ordered to pay costs because they were late in filing a response to a letter.

"Under Bill 64, section 30, terms of settlement that can be enforced are limited to those that could have been ordered by a tribunal. This will remove one of the

incentives to settle, which was the prospect of getting creative. This also will provide respondents with an opportunity to settle, and then go back to the tribunal and get the settlement pared back.

[1610]

"And of course, there is the litigation that will flow from trying to sort out what a tribunal would have agreed to. Section 38 talks about the tribunal being able to modify an order made under section 37, which is the remedies section of the code. Under the old code any party could apply for a modification. Bill 64 now says that any party or person can apply to modify the order. Why was that change necessary? What is the change meant to address?

"Bill 64 enables the tribunal to approve special programs. Although this is a change from Bill 53, when it was the minister who could approve special programs, it is still a problem. What resources will the tribunal have to assess whether a special program will, in fact, ameliorate the condition of disadvantaged individuals or groups? The Bill 64 provision, which now allows the tribunal to approve these programs with or without notice to any other person, can exclude the proper role of bargaining agents to be consulted and have a say in the special program that an employer wishes to engage in. Is this a way around collective agreements? Is this a way to shut out unions?

"And finally, with regard to this section, the same tribunal that approves a special program could be the same tribunal which receives a complaint about the special program."

It would be useful if the minister would hold off proceeding with Bill 64 until the public has had a chance to look at this new bill and have a proper debate on it.

Mr. Speaker, a lot of the people in the community, in fact, have asked me to raise this question in the House. If what the government purports to be true — that under this new system, this new model, it could still advance and protect human rights in British Columbia; that it is a more cost-efficient system; and that it allows better access to justice for British Columbians — well, then let's have an independent review on this. Have the auditor general review this and make a decision independent of government. If the goals which the Attorney General says could be achieved under this new bill relative to the old Human Rights Commission model.... Then let someone else evaluate that — not the spin that's being brought forward by the Attorney General and the government. Let someone else evaluate that. I certainly would support such a request and for the auditor general to do such a review on the changes around the Human Rights Code.

The submission that has been brought forward, as I mentioned earlier, points to some of the issues, but there were six points I wanted to touch on when I began this debate that are important around Bill 64. What are they? The elimination of the Human Rights Commission, which I've touched on. The elimination of the ability to address issues of systematic discrimination. The tight time limitations for complainants, which I believe will prevent access to human rights for people. The complete lack of a meaningful, open and transparent public consultation process. The role and mandate of the proposed individual legal human rights clinic.

Also, the violation of the UN Paris principles, which, again, I've touched on.

Before I go on to talk a little bit more about some of the submissions and the issues they raise, I want to just say this as well. Perhaps the Attorney General is sitting there thinking, "Well, she's only citing the people who don't agree with the changes," but you know, I actually spoke with people who agree with some of the changes as well.

I don't want to name the person because everybody's afraid of retribution from this government, quite frankly. People are very afraid that they will be penalized, so I won't mention the name of the organization or the individual who actually spoke with me about this.

Here's what the individual had to say, amongst criticisms of the changes that were brought forward and amongst recognition of the community who worked hard to fight for changes first proposed under Bill 53, and now some of those have been remedied under Bill 64. To sum it all up without repeating some of the arguments, here's what the person had to say: "I suppose this is the best within a bad lot."

That's what people had to say: "It is the best within the bad lot." Not to say that we're the best within the best lot, but rather to say that we are the best within the bad lot. So that is to say out of the worst things that could actually happen, what could you look to see? Well, it's not the worst "worst" within the bad lot, but it certainly is not the best within the good lot. It's like sort of reaching down into a barrel and picking up an apple and seeing how many worms you want to see within it.

[1615]

That's what the people who support the changes had to say to me, and those are their thoughts. I quote that directly from the individual with whom I spoke about what they have to say.

**W. Cobb:** Or what they meant to say.

**J. Kwan:** No, actually. The member for Cariboo South said: "Or what they meant to say." If the member for Cariboo South took the time to talk to the people, he will know very well what it is they meant to say. I'm not putting words into the individual's mouth. The individual said point blank.... I said: "Is this what you think the division and the direction that the human rights should go?" The answer was: "This is the best within the bad lot. That's all that we could do. That's all that we could have."

Please, do not interpret for yourself what you wish to be true and the reality of what the community had to say about what this government is doing in dismantling human rights and the advancement of human rights.

I want to now turn back to some of the issues that were brought back from community groups around these changes, things that are still applicable for Bill 64. I've spoken a lot about the elimination of the Human Rights Commission. One of the associations that perhaps brought forward one of — I shouldn't say one of,

because there were so many — the strong submissions against the proposal to eliminate the B.C. Human Rights Commission is a group called the Canadian Association of Statutory Human Rights Agencies, CASHRA. I will only quote certain parts of this very detailed, excellent submission onto the record.

What the submission from CASHRA had to say is this:

"Neither a human rights tribunal nor an organization not founded in law are to be considered institutions envisioned by the Paris principles related to the status and role of domestic human rights commissions.

"Both the ordinary courts and the human rights commissions offer adjudication on individual complaints regarding human rights violations as well as various judicially enforceable remedies where violations are made out. However, in theory at least, the human rights commissions model offers a number of advantages over the traditional courts. Typically, human rights commissions (1) are composed of people with expertise in human rights; (2) have a broader institutional mandate, which includes promotion of and public education about human rights; (3) are more accessible to complainants — they have less formal procedures, and more importantly, if they accept a complaint, the commissions will usually investigate and pursue it on behalf of the complainant; (4) can initiate their own reviews of policies and practices even where no complaint has been filed and can issue public reports accordingly; (5) are obliged to report regularly to parliament or to the provincial or territorial Legislature, as the case may be, not only on their own operations but also on the state of human rights in their respective jurisdictions.

"Under B.C.'s proposed amendments the following functions currently residing within the B.C. Human Rights Code and the mandate to its commission will be eliminated from the purview of statutory and public interest: to monitor progress in achieving equality in British Columbia; to create mechanisms for providing the information, educating and advice necessary to achieve the purposes of the code; developing and conducting a program of public education and information designed to promote an understanding and acceptance of the code; conduct and encourage research into matters relevant to this code; and to hold public hearings and consultations regarding matters relevant to this code.

"Instead, the B.C. government suggests the government itself, along with the legal clinic, would offer preventative education and training. As well, the clinic would offer legal advice and support to parties involved in complaints. Again, the independent nature of this clinic and its educative role are not clear as there is no legislative guarantee with respect to its existence, funding, representative composition and public accountability.

[1620]

"Though the Paris principles acknowledge that not all human rights commissions have the power to hear and consider complaints concerning individual situations, they state that such a power should be entrusted, whether a commission or another body, without the prejudice to the principles concerning the only powers of the commissions that should exist.

"The abolishment of the B.C. commission along with the powers described above would mean that an independent, neutral, pluralist and adequately funded

institution established under the law would no longer exist in that province to carry out the following responsibilities and powers for the promotion of human rights espoused by the Paris principles.

"Finally, under B.C.'s proposed changes, section 42(3) of the Human Rights Code would permit the minister responsible for the code to approve any program or activity that has as its objective the amelioration of conditions of disadvantaged individuals or groups. Section 42(4) of the revised code would deem any such special program or activity approved by the minister under section 42(3) not to be in contravention of the code. This proposed amendment appears to give the B.C. government, a non-neutral body, an interpretive power in defence of itself and of any of its programs or activities that purport to assist disadvantaged groups against the claim of discrimination. The amendment would thus insulate the government from scrutiny and review of a matter that would normally be, and should properly be, the purview of an independent and neutral administrative agency or a quasi-judicial tribunal.

"In essence, B.C.'s proposals to abolish its Human Rights Commission would leave the province with virtually none of the standards set out in the Paris principles intact.

"Another important example of why human rights commissions should exist and have a dual compliance and promotion mandate is that commissions combine a multifaceted ability to monitor the status of human rights; inquire into matters; potentially make use of the powers of investigation; draw attention to and publicize particular situations or potential violations of rights; address the reaction of and hold accountable those who are responsible, governments in particular; enjoin in or initiate complaints or intervene in cases on behalf of particular vulnerable and marginalized groups.

"Even if commissions do not routinely exercise their ability to initiate complaints, this power can act as a deterrent while commissions first and most appropriately take steps into inquiring into matters and hold out a carrot incentive by encouraging others to be more educated, cooperative, and freely take up their responsibility to respect, protect, promote and fulfil human rights obligations.

"A human rights tribunal, by design as a quasi-judicial entity, does not have a particular and broad capacity to promote and advance understanding of human rights in this manner. Though non-government organizations play a vital role in this respect, the capacity they engage in all these functions in a combined and multifaceted fashion is limited by their status as entities whose existence, scope of mandate, representative composition and access to financial resources are not guaranteed by law.

"Far from abolishing the existence of human rights commissions, more and more countries around the world, including Canada's newest territory, Nunavut, have been or are in the process of establishing new commissions in keeping with Canada's historic example. Canada is recognized internationally as a leader in this area and continues to play a supporting role abroad.

"CASHRA strongly exhorts the government of British Columbia to maintain its Human Rights Commission and specifically to respect its obligations under international law with respect to national and international standards, to apply these standards in its review and revision of human rights legislation, and choose strategies and mechanisms that will mean that an

independent and neutral Human Rights Commission, one that is effective and efficient, will be at the core of a system of human rights in British Columbia."

That's one submission — another one.

[1625]

The Greater Vancouver Japanese Canadian Citizens Association wrote a small paragraph that I quote from their submission.

"Many writers expressing concern about the bill are alarmed about the loss of government watchdogs or monitoring to ensure human rights protections are functioning effectively. The Greater Vancouver Japanese Canadian Citizens Association's human rights committee shares in this concern. It is essential to maintain an independent statutory body that will review the effectiveness of the human rights service system and ensure that human rights standards will be upheld in B.C. Further to monitoring, this institution should be mandated to perform other functions, such as protecting and promoting public interest priorities in human rights and addressing, researching and reporting on equality and other social development concerns in human rights."

The B.C. Association of Social Workers:

"Perhaps the most obvious change to human rights protection envisioned under the bill is the elimination of the Human Rights Commission. In statements made since this move, the Attorney General has suggested that the elimination of the commission and sending complaints directly to tribunal will result in more timely resolution of complaints. While timely handling of complaints is a laudable goal, we believe that this change reflects a fundamental misunderstanding on the part of the government of the scope of a credible human rights system.

"Human rights commissions have traditionally carried out functions other than simply processing human rights complaints. They're expected to do research on issues affecting equality-seeking groups, to conduct hearings on issues affecting those groups and to develop reports to the Legislature on these issues. They're also expected to develop educational programs and materials which further the goals of equality and inform the public about their rights and responsibilities under the human rights legislation.

"They've also served as a body that ensured that complaints were settled in a way that not only served the interests of the two parties but also met the interests of the general public as well. As one example, if a complainant complaining about a poisoned work environment agreed to a settlement that dealt with his or her hurt feelings but not the underlying issue, the commission was expected to ensure that the underlying environment issue was dealt with as well. With the elimination of the Human Rights Commission, it appears the government will limit the new human rights mechanism's role to merely being an arbiter of private disputes between two parties."

The BCASW submission goes on to say: "With the elimination of the commission's role as the provider of educational programs, advocate for human rights and representative of the public interest in human rights proceedings, it is difficult to understand how the new mechanism will be able to fulfil many of the purposes identified in section 3 of the new act."

In particular, it's difficult to understand how the new mechanism will be able to "promote a climate of

understanding and mutual respect where all are equal in dignity and rights and identify and eliminate persistent patterns of inequality associated with discrimination prohibited by this code."

From West Coast LEAF:

"The Paris principles clearly describe the role of a human rights body as one that advises government and other bodies through the production of opinions, recommendations, proposals and reports. Under Bill 53 no public body will have that role. Under this bill, it is also silent on the issue of sufficient resources. While we understand that budgets are the purview of annual budget processes, the question must be answered unequivocally by the Attorney General: will the tribunal be able to manage close to 2,000 inquiries and complaints on the current budget? How will the tribunal do this and with what staff?"

On the second point, the elimination of the ability to address issues of systematic discrimination, here's what the Greater Vancouver Japanese Canadian Citizens Association has to say:

"Also within the commission, the deputy chief commissioner is empowered to process systemic discrimination violations and represent the public interest in human rights matters. The loss of the commission means the extinguishment of this important function under Bill 53. There is no reference to another body with mandated responsibility to process public interest cases. This is unacceptable."

On the same issue, from the B.C. Association of Social Workers:

"Virtually all experts in human rights agree that systemic discrimination in Canadian society poses perhaps the most important barrier to fostering a society in which there are no impediments to full and free participation. Under sections 21.2 and 21.3 of the present Human Rights Code, the commission has the authority to deal with systemic discrimination, to initiate complaints or to join complaints as a party in order to argue on behalf of the broader public interest.

"An example of such a case is the human rights tribunal's ruling in Gill and Maher, Popoff and Murray v. Vital Statistics Agency, in which the deputy chief commissioner became a party. In this landmark case the tribunal ruled that the failure to allow the registration of same-sex parents on their child's birth certificate is discriminatory and cannot be justified.

[1630]

"The present Human Rights Code envisions a commission which actively involves itself in ensuring that systemic issues were dealt with by tribunals. With the elimination of the commission, there will be no body or mechanism which can intervene with regards to systemic issues not brought forward directly by the complainant.

"It is also important to know that systemic discrimination investigations are often complex and require a great deal of resources. With the elimination of the commission, there is now no body which will have the resources to pursue such complaints."

West Coast LEAF also provided a superb submission to the government on this issue.

"West Coast LEAF and our parent organization, LEAF, have been intervening in cases to make broad equality rights arguments for the last 17 years. While the proposal of section 36(2) is laudable in allowing the

tribunal to ask outside parties for an opinion on the matter before them, our experience has established a number of advantages and disadvantages in relying on an intervention model. While we are happy to discuss the advantages with you, for the purpose of this submission, we would like to point out some of the disadvantages....

"Interveners have no control over the timing of the cases, even if there is a pressing matter at hand that should be considered. Any genuine submission by a non-profit agency may require extensive consultation in order to be well grounded in the needs of their constituents, a process that can be outside the timing needs of the tribunal and case at hand.

"The facts in the particular case may not provide the best basis for making an argument relevant to the NGO's constituents. A reliance on interveners may undermine the importance of a case by bringing political debate into a legal arena. What credentials will an organization be required to have before the tribunal can ask them to intervene? The success and ultimately the value of any given intervention will depend on how well the work is carried out, which in turn depends on resources, access to information and the history of the non-profit involved.

"It is important to note that very few organizations in British Columbia have the mandate to intervene in cases before tribunals or courts. It is even more vital to point out that intervention of non-profit agencies, NGOs and public interest organizations may be impossible in the current atmosphere of cutbacks and restructuring.

"This is particularly true of women-serving organizations. The actions of this government in cutting funding and services to anti-violence, women's, immigrant and anti-poverty organizations; the slashing of access to income assistance; disrespect for the experiences of single mothers; and the dismantling of civil legal aid have profoundly undermined the ability of women in this province to assert their basic human rights. Those of us who advocate for women are left with very little ability to intervene in cases before the human rights tribunal when faced with the urgent and pressing survival needs of the women of British Columbia."

That was a submission from West Coast LEAF.

On the third point, the coercive and punitive nature of Bill 53 for complainants, there was much discussion — and I touched on some of those earlier — around potential costs that could apply. It's true that Bill 64 has changed to make it a little bit better than what was proposed under Bill 53. That is to say, when it was Bill 53, complainants might be ordered to pay costs. In fact, they were urged to pay costs under Bill 53. Under Bill 64 that possibility still exists. With that possibility still existing, it would curtail many people, perhaps, from even going forward with the bill. These are some of the concerns that were brought forward by various organizations: CASHRA, the B.C. Association of Social Workers and West Coast LEAF, amongst others. There's also the issue around the time limitations that were in Bill 53 and that still exist now. Complainants will now only have six months to file a complaint, as opposed to 12.

The shortened time period. From the Attorney General's point of view, perhaps, and from the government's point of view, they may think that it's efficiency, but from a complainant's point of view, that is denied access. That's what it means. As you're going through an issue of discrimination, sometimes it takes

a while to gather your wits and your resources together to determine how to move forward. If you limit the time limitation to file a complaint, then access to justice is denied.

[1635]

Let me just quote, then, from the Greater Vancouver Japanese Canadian Citizens Association:

"The time limit for filing complaints has been reduced from one year to six months. There is an additional provision under Bill 53" — and now Bill 64 — "for the tribunal to accept a complaint which has been filed after the expiration of the six-month limit, if it is in the public interest to accept the complaint. The complainant who files after the expiry of the time limit is subjected to meeting a much higher standard than that which exists under current legislation."

West Coast LEAF also has numerous concerns regarding the changes on the coercive nature as well as on the time-limitation issue. The code, as it stands today, allows the commission to consider a complaint even if it's outside the time limits, if the delay was incurred in good faith and if no one would be prejudiced by the delay. Under this bill, not only has the time limit been reduced from one year to six months, but the tribunal can accept a complaint after the time limit only if it is in the public interest to accept it.

The language implies that the onus will be on the complainant to establish the public interest if her or his complaint is to be accepted late. The evidence and argument necessary to establish such a public interest is beyond the resources of most British Columbians. It is an unrealistic expectation and will result in legitimate complaints being put aside. These two amendments will severely undermine a complainant's ability to bring a human rights complaint forward.

On the fourth point — the complete lack of meaningful, open and transparent public consultation process in the creation of, first, Bill 53 and now Bill 64 — from the Greater Vancouver Japanese Canadian Citizens Association:

"Bill 53" — now Bill 64 — "was tabled in May with minimum input from the community, and the window of opportunity to deliver public submissions in response to the bill will close on September 15, 2002. Although Minister Plant indicated community consultation will take place, an open and public process to encourage citizen feedback and dialogue about Bill 53 has yet to happen. The government of B.C. has not made genuine effort to seriously address the public's questions and concerns about Bill 53.

"It's easy to conclude that for fiscal and other reasons, this government's final agenda is to implement the radical changes to the British Columbia human rights system proposed by Bill 53, regardless of public interest concerns and the possibility of compromised human rights standards.

"A further question refers to the selection process resulting in the contract relationship which now exists with the coalition and the Community Legal Assistance Society.

"How did the government determine that the Human Rights Coalition and the Community Legal Assistance Society were the best organizations to deliver Bill 53-related services" — now Bill 64? "We question why the government did not ask for proposals from

other respected communities and human rights organizations for setting up its proposed legal clinic. Why did government not apply an open, accountable process for establishing contracted legal and human rights support services?"

From the B.C. Association of Social Workers on the issue around meaningful, open and transparent public consultation:

"Aside from the content of Bill 53, we are extremely concerned with the process which the government of B.C. employed in developing this proposed legislation, particularly given its quasi-constitutional status. As social workers, we have always advocated for open, transparent policy development processes that actively solicit and take into account the concerns of society's most vulnerable. The process of developing Bill 53 has been particularly problematic from this perspective.

"Earlier this year the government had indicated that they would be reviewing human rights legislation and that this review would follow the usual course of such exercises, including the production of a background paper, production of a White Paper, open consultations with concerned groups and individuals and, finally, the introduction of legislation. Instead, the government produced a background paper which described various models for administering human rights law with no recommendations. This paper was not widely publicized and was not widely responded to.

"Suddenly, the Attorney General tabled legislation on May 30, closed down the commission and set September 15 as the deadline for submissions for the bill. We have been unable to find any rationale for the sudden need to change the legislation and mechanism before completing a proper consultation process on this very important legislation."

Of course, now Bill 64 is before us, as mentioned earlier. It's only been out in the public for two days, and it's now before us for second reading. I would anticipate that before the week is over, the bill will have been passed with this large majority of government ramming through what they desire to be the right thing to do, irrespective of what the public thinks and irrespective of the risk this government will now put British Columbia in by actually moving backwards in time in the areas of advancing human rights.

[1640]

The BCGEU also made a submission. The government tabled Bill 53 on May 30. Submissions were expected by the deadline of September 15, providing an extremely short time span for input over summer recess when many interested parties have been away on vacation and, I might add, when many interested parties were needing a break from this government on many of its attacks. Obtaining the full text of Bill 53 has been difficult for all but those with Internet access to government websites and the skills to uncover information buried deep within the ministry website.

From my own community, a lot of people don't have access to a website. In fact, in my community a lot of people are very marginalized, people who actually face human rights violations perhaps every day. Without access to the website, they were unable to partici-

pate. I venture to say some of my constituents don't even have a telephone.

The government made no provision to ensure that there's full participation, made no provision to ensure that even after they received the submission there's a dialogue amongst various groups who have very strong concerns.

I know, as one example, that West Coast LEAF never got a meeting with the Attorney General. Why not? They're an important legitimate group in our community who serve the larger societal needs around advancing rights. They have done this for a long time with a strong history behind them, particularly taking on cases with intervener status. Yet not just that, they also brought forward cases to advance rights for women, for single moms, for all of us in terms of wanting to see our society move forward in a positive way. They didn't even get a courtesy meeting with the Attorney General. Why not? Where is the consultation from this government?

On the fifth point, the role and mandate of the proposed independent legal human rights clinic, from CASHRA:

"The B.C. government proposes that an independent legal clinic would offer legal advice and support to parties involved in complaints. Nonetheless, the independent nature of such a clinic, the scope of its mandate and powers, its public accessibility and representative composition, its cooperation with other institutions, its operational efficiency and public accountability and its funding would no longer be guaranteed by statute."

That's what people are talking about around the need for an independent human rights commission. All of this could be gone if the government feels like it tomorrow when they wake up and say: "Hey, you know what? It's no longer a priority. Tax breaks are more important." All of those fundamental issues and the work that the clinic would be providing in a reduced manner from that of a human rights commission could be eroded, erased just like that. That's the reality of it.

The Greater Vancouver Japanese Canadian Citizens Association:

"Finally, how will an expanded coalition-legal clinic function within this new human rights model? At this stage, only time will tell, but there are some challenges to consider. A primary one will be whether the coalition will have the means to respond effectively to the numbers of citizens who will seek their human rights services."

As I mentioned earlier, by just putting forward some stats on the basis of last year's statistics, with the funding that the clinic is going to receive, would they be able to process 19,000 cases with the small amount? The original amount being proposed, I believe, was about \$200,000 to \$300,000. How could they? They could not. What would happen to those cases? Perhaps that's the role.

Is it the government's agenda, by providing the mechanism to actually eliminate the case to begin with, to expect a gatekeeper to prevent the case from moving forward? Is that the approach in reducing costs so that those cases would not be investigated, so that those

cases would not actually have the opportunity to see justice?

[1645]

The B.C. Association of Social Workers shared the same concern:

"In its press releases, the Ministry of Attorney General points to the establishment of a legal clinic as fulfilling the role of an independent voice on human rights issues traditionally played by a human rights commission. Legal clinics are established to provide legal advice, assistance to clients, and are not given the type of legislated independence that human rights commissions enjoy. The fact that Bill 53 does not even include a reference to the existence or role of this legal clinic puts into question the government's commitment to ensure the independence of the new human rights mechanism."

From BCGEU:

"Some services provided by the commission are in the process of being contracted out. Mediation requests and the investigation of human rights complaints filed at the commission are already being referred to a human rights coalition, which is setting up an independent legal clinic to provide some of the important services currently provided by the commission.

"Funds are likely to be unequal to the task. After all, the B.C. government is not taking this course because it expects it to be more expensive, and the clinic has no legal status. It will be run as just another ministry contract for services. Funding a human rights clinic does not fulfil the state's obligation to maintain an independent watchdog over human rights in British Columbia.

"In addition, the clinic may end up deciding some cases will receive assistance and counsel and some won't. In other words, the clinic will be predetermining which cases are likely to succeed at the tribunal, since those without representation are likely to fail."

This brings us to the sixth point, the point that I started this debate with: the UN Paris principle. Perhaps the principle and its underlying importance can be summarized by a submission from CASHRA, perhaps more eloquently than I first put forward when I began this debate.

"The Paris principles call for independent human rights commissions established under law to be vested with broad mandates and competence, including adequate resources and pluralist representation, to promote and protect human rights. Functions and powers are to include an ability to monitor and hear any human rights matter, promote research and examine legislation, advise government, publicize findings, work with other organizations responsible for human rights and engage in human rights education.

"Pursuant to the Paris principles and informed by the experience gained by the UN Centre for Human Rights in providing technical assistance to governments in this area, the UN Office of the High Commissioner for Human Rights has prepared a handbook on the establishment and strengthening of national institutions for the promotion and protection of human rights" — what is known as the guidelines.

"Under the background and overview section of the guidelines, the UN formulates a definition of a human rights commission or institution as: 'a body which is established by government under the constitution or by law or decree, the functions of which are especially defined in terms of the promotion and protection of

human rights.' Such institutions would perform particular common functions, including educational and promotional activities, the provision of advice to government on human rights matters and the investigation and resolution of complaints of violations committed by public and/or private entities.

"The UN guidelines stipulate that this definition, along with the functions and powers outlined in the Paris principles, operates to exclude — and sets out a human rights commission or institution as distinct and separate from — the judiciary, the Legislature, social welfare structures and other governmental instrumentalities, including and, most important to the analysis of this commission, administrative tribunals as well as organizations not founded in law.

"In other words, neither a human rights tribunal nor an organization not founded in law are to be considered institutions envisioned by the Paris principles relating to the status and role of domestic human rights commissions."

CASHRA has actually put forward a submission with many, many very good points. A lot of it does centre on some basic principles — principles that were fought for and achieved. Now, backwards in time, even in 2002, we see an erosion of those hard-fought principles.

[1650]

I failed to understand when the Attorney General rose in this House earlier and said: "Evolution does take place, and we're moving forward. It's now time for change again in the area of human rights." I would agree if the proposals brought forward by the Attorney General actually assisted in advancing human rights achievements, assisted in providing stronger advocacy and stronger independence, more resources in education, more preventative actions on violations of human rights. Instead, we find before us a piece of legislation that sets us back in time. It does not advance in any way, shape or form where we want to go.

Even if you were an advocate for direct access — that is to say, you want to see every case proceed to a tribunal — there is no reason whatsoever for the government to not incorporate the principles of independence, the UN Paris principles, in that process, in that model. Other jurisdictions have done it. Surely if this Attorney General believes in advancing human rights, he could adopt that within this new model. Then I will sit down and say: "Okay, let's take a look at it and see how it works. Maybe it will be more cost-efficient." I suspect not. But let's not jeopardize the principles that have set the foundation for Canadians of what is important in advancing human rights.

[H. Long in the chair.]

Let us not embarrass ourselves as Canadians, who went forward to advocate for this independent principle with other jurisdictions. Because if we ourselves do not look amongst our own actions, how then can we criticize others? How can we, with a straight face, say, "By the way, you should do better on human rights advancement," when we ourselves are not and we're moving backwards in time?

How can we stand in the international arena and advocate for such change? Is it because we have moved so far that we have taken for granted what we now enjoy, so that we can afford to go backwards in time? Is that the logic behind the government to say that there should be time limitations, there will no longer be an independent role, and education may well be compromised in terms of its mandate?

It's not just individual cases that we're fighting for. It is the societal good that we want to fight for as well, and the mandate to do education on the broader level is now gone under Bill 64. How in the world, with the elimination of that, advance human rights...? It's not just about educating people about the code. It's more than that, if we want to advance human rights. It is confounding, to say the least, of this government.

Is it that the only thing that matters with this Attorney General, who I know belittles the public often on issues around consultation...? He thinks it's a waste of time and doesn't need to engage in that. He said it in estimates last year: "Why bother doing that? I'm the Attorney General. I get to decide. The public doesn't." I nearly fell off my chair. But that's the case. I think that's his belief, unless he's having an off day. But let me tell you, it's consistent so far with everything that he's done.

Is the only thing that this government cares about the bottom line, irrespective of the cost, irrespective of what the costs might be for us as a society, for us as individuals but, more importantly, for us as a community, as a network of people who exist, who are related to one another across the globe? Is that the only thing that drives this government — how much money they can give to the rich, how much money they can take away from the poor, how many rights they can deny people because they want to save money? Is that the only thing that they think is relevant in the year 2002 under this so-called new era with the Liberals?

[1655]

I'd like to know how many backbench MLAs thought when they ran for office that this is what they were going to be debating. I'd like to know that. I'd like to know how many backbench MLAs actually think that eroding human rights authorities, resources and mandate would help those who are marginalized; would help the ethnic minority community; would help those who are faced with discrimination in the workplace; would help those who have disabilities; would advance women, who are still fighting long and hard for equality and justice; would help the poorest of the poor to not be further taken advantage of. How many people in this House believe that?

I would ask you to challenge your government and to stand up, perhaps not just for your constituents, but for your own beliefs as an individual, as a human being. I challenge the MLAs to do that, and I hope.... I hope. Some days I wonder why I hope, but I still do. Perhaps I am just silly. I do hope that somewhere in there amongst the 76 MLAs there is at least one, if not more, who will stand up and say no to this government

and say to the government: "This simply isn't the right thing to do."

I as an immigrant, as an example, have felt and experienced discrimination. I've felt it and experienced it as an individual. I didn't like it. Especially when I was younger, I didn't know what to do with it, actually. It was only over the years, as I learned and became more confident about myself, that I realized it wasn't right. It wasn't right not just for me but for so many others who experience that now. I know, because they do.

For us to work together as a collective to advance human rights... I know there are MLAs who come from different countries, who have experienced atrocious violations of human rights. Perhaps some of those MLAs might have left their very countries because of that. That's perhaps why they're here. You have a chance now, an opportunity as an elected official in this House representing your constituents, your beliefs and your principles, to stand up and say no to the Attorney General, to say no to the Liberal government — that you cannot and must not erode basic, fundamental rights of what's important to all of us, what defines us as Canadians. I would make that argument.

I have said much today in terms of the importance of human rights. I've tried not to be argumentative about it, because I want us to have a good debate about it. I hope we will reflect on what was said — not just the spin from the government but also reflect on what others have to say around the criticisms of it. I hope that MLAs who may speak, who will say, "Well, gee, this is so much better, though" — Bill 64 than Bill 53 — and that we can't achieve justice and equality all in one day, so let's just take it one step at a time.... I would urge the MLAs not to do that, and I'll tell you why, Mr. Speaker.

It's because the starting point to advance things is not to move us back five steps and start from there and say: "Gee, but we moved two steps forward." Rather, it's to start five steps ahead of where we were and to look forward to say where we need to go now, and then to move us forward. Otherwise, if you keep moving steps backwards and then only moving small steps forward, you will never achieve the goals that need to be achieved. It will take more than a lifetime, centuries perhaps, to advance it, and that's not the purpose of what we're here to do in the year 2002.

I hope we don't start to bring ourselves back to the place where people, predecessors before me, who fought for their rights, who have died fighting for those rights, generations of fighting for those rights to finally see a glimpse of what changes could be.... I hope we've moved beyond the stone ages of those times to take advantage of where we are now and to feel blessed that we have advanced and then to say, "Where do we go from here for the future?" and not regress back in time.

[1700]

I urge MLAs to reflect deeply on this — those with integrity, which I know some do have in this House. I know some of them personally as individuals, who I

actually like as people. Stand up and be counted, because the time is now. Stand up and be counted, and maybe history books will say, and you can perhaps show your grandchildren one day, that you were there, and you wanted to make a difference, and you wanted to move it forward.

The opportunity is there for all MLAs. I hope they'll rise up and speak and challenge their government. The government needn't be embarrassed about it. It's not a hard thing, I don't think, to simply say: "Hey, you know what? That was a mistake, and I acknowledge that mistake, so I want to do the right thing." Do the right thing for once, because human rights are too important to us to waste and to minimize as a fundamental goal that we all share as British Columbians and as Canadians and, quite frankly, as human beings.

**V. Anderson:** I rise to share in this House some thoughts on the Human Rights Code Amendment Act, 2002, Bill 64, which is now being discussed. Today in the Legislature we have heard two very impassioned and thoughtful presentations from the Attorney General and from the member for Vancouver-Mount Pleasant. In those presentations we have heard both refer to the Paris principles as founding base-points from which to start. They have both referred to the kind of historical development over the generations of a concern for human rights that every person in every community should have as a right, as part of their opportunity to live in a democratic, civilized society.

I've heard from both of those persons the extreme importance that we as a Legislature place upon these principles as we have discussed them, in my hearing, over the last 11 years. We have gone through many modes of presentation and responding to the concerns of the people in our community, and we have evaluated them, and we have brought forth change.

In both the presentations I heard the strong conviction put forward that we wanted to move into the future, building on the past and increasing our responsibility to each other. I've heard both reflect upon the great responsibility that we have as legislators in that process. In both cases I have heard that the rights and the privileges and the responsibilities of the present Human Rights Code have been affirmed and acknowledged and a desire and a promise to maintain them.

[1705]

The discussion, then, seems not to be on the rights of the code itself, on the principles of human rights or on the necessity of these opportunities being there so that all people can depend upon them. In this amendment, which is not a rewriting of the whole code but is really rewriting the portion of the code, which talks about how we undertake to deliver those rights to make them available to and responsive to the needs of our changing community.... And I'm not too glib in trying to say that what we're discussing, in one sense, is the transportation system by which the goods of human rights are delivered. We're not discussing the goods themselves. We're in agreement on the validity of the goods, and all the correspondence and letters

today have affirmed the goods. But we are concerned that in the transportation or the provision of these goods, rights might be impeded, rights might be taken away from persons, or persons might be hindered in arriving at the rights which they desire.

I don't think anyone would say that in the present Human Rights Code we have developed so far, we have come to the perfect transportation or delivery system. I myself, over the years, have continued to hear and talk with and be part of persons who have found that the present system, although it has given them some opportunities and some rights they did not have before, also has prevented them from receiving the rights and the opportunities that rightly should have been available to them.

I don't hear anyone saying or proclaiming that there is no need for some change. Nor do I hear them saying that the principles we have raised today do not need to be debated and discussed and reviewed. I think the member from Mount Pleasant has done a task which she has committed to do: to raise, in second reading, the questions and uncertainties that need to be answered in many cases as we go through third reading. That's the process in which we're engaged.

Wherever there is change, there is uncertainty, and there is that question: what if? The what-ifs are great and many and need to be reviewed. It's partly because of those what-ifs, as I understand Bill 64, that in its previous presentation as Bill 53, which went out for consultation to the community, many of those what-ifs were confronted and responded to. So the legislation was changed and comes back again. I have no doubt that in future years the legislation will come back again and be changed and altered as it is tested and proves itself either to succeed in every area or to be weak in some — and, particularly, to meet changing circumstances. The kind of legislation that was written in 1948 or 1953 or 1973 or 1984 or 1996 is not, without change, suitable for our present time.

Part of the change is to say: do we try to simplify the process? And in simplifying the process and making it more accessible and less complicated and less involved, will we have a better result? The present Bill 64 is working on that supposition. Those who are challenging that supposition are suggesting that if we try to simplify it, we will take away from others their opportunities and their rights. If we make it more available to some people who were not able to access it before, we might inadvertently make it unavailable to those for whom it had great potential.

[1710]

One of the realities that I think has been overlooked is that the essence of those aspects which were good and strong in the commission have been transferred to the tribunal. They have not been done away with. They have not been erased. They have been transferred to the tribunal in a way that gives more public clarity to what they are, more public visibility to what they are and more flexibility in how they can be used.

Now, being human, there is always the possibility that they can be misused. That was true before. It will

be true after this act is acted upon, and there will always be that possibility there when you're dealing with human beings. I think it is part of the reality of this change that we've had the consultations in the community, and the very issues of importance have been raised, and properly so, as we move forward.

Hon. Speaker, independence is also in the mind of the beholder. We have attempted to have many different systems of independence in our Legislature. We have independent officers of the Legislature. Part of the difficulty with independent officers of the Legislature was that they had the same problem relating to the system, because the system of relationships was not always there. Here in this act we're trying to build those relationships in such a way that they're acceptable and accessible to the community in an affordable way, in an efficient way, with resources to help persons who will have need of them.

I might say quite honestly that it's my experience that anyone who approaches any aspect of government on their own is bound to be in difficulty. We all need a person to help with the communication between ourselves and another person when there are great issues at stake. It's so easy to misunderstand each other or to come to different conclusions from the same facts.

I want to say that having reviewed this bill and having had some experience with the struggles for human rights of men, of women, of children, of new immigrants, of persons with special characteristics, of persons with different cultural and language backgrounds, I believe that this is a step forward. I don't believe it's the last step forward. I believe that it will help us to solve some of our problems but, at the same time, will highlight other difficulties which at the current time we're totally overlooking.

We really have just begun to deal intensely and wholeheartedly with the human rights which all of us should have. There are systemic barriers. There are different cultural realities. What is a human right in one culture is not a human right in another culture. What is a human responsibility in one culture is not a human responsibility in another culture.

[1715]

I remember that early in my career, one of the things I mentioned 11 years ago when I came into this Legislature was the philosophy professor reminding us in first-year philosophy at university: "A text without a context is a pretext."

A human right without a context can also be a pretext. That's part of the struggle we work through: how to establish relationships that depend on acceptance, understanding, empathy and caring, while at the same time trying to put that in a legal, black and white, right and wrong system. Part of what this act attempts to do is say that there are many formats in which resolutions may be found. They may be found in formats of mediation. They may be found in new formats of dispute resolution that we're developing. They are free within this legislation for those opportunities to take place.

Also, one of the uniquenesses I find in this legislation, which the member for Vancouver–Mount Pleasant

had some concerns about, as I understand it on both sides, is that there will be the opportunity for persons who are concerned in this mediation or an understanding of the situation to have what we call intervener status — or what I might call, in another term, advocate status — to come into the process and provide information and understanding that have not been available from any other source and that suddenly give a new clarity.

In brief, I would like to commend the hard work of the Attorney General in putting out to the community a new approach, an integrated approach, an efficient approach to enable us in our community to resolve our discrimination activities against one another and to come out to a manner in which we can respect our differences, respect our errors and can overcome them, acknowledge them and go forward. I would like to say, in supporting this bill, that I appreciate both presentations today and the thoughts they have brought forward. I hope, as we go forward in the debates of third reading, that we will come to clearer understanding between us.

**L. Mayencourt:** I'll begin by thanking the member for Vancouver–Langara for his eloquence. I have a lot to learn from him, and I appreciate his comments. Also, to the member for Vancouver–Mount Pleasant, I appreciate her job and what she's doing. I think that what we're learning here today is that everyone in British Columbia, everyone in this chamber, recognizes the need for good, solid legislation to protect people's human rights.

I'd just like to read a letter I saw in my local newspaper. This legislation is very important in my community, and it's very important to me as well. There was an article in our local paper in which there were some statements made about the dismantling of the human rights, changes to the Human Rights Commission and what have you. This letter is from the B.C. Human Rights Coalition. It's written by their executive director, and I'm just going to start with this:

"The B.C. Human Rights Coalition is a participant in the current changes to the human rights system. In partnership with the Community Legal Assistance Society, we are developing a human rights legal clinic to provide representation before the tribunals. We anticipate that this will ensure that all parties to a complaint are properly represented. Additionally, training will be offered throughout the province to service providers, assisting them and their clients in accessing the new system.

[1720]

"While the B.C. Human Rights Tribunal has traditionally been viewed as the body that adjudicates complaints only, the proposed direct access model will expand its authority. The direct access tribunal will have the power to receive and resolve complaints by using a variety of mechanisms that emphasize early resolution. Our experience in representing people before the B.C. Human Rights Commission shows that the investigation model, as it exists, does not work for parties to a complaint. The process is too lengthy, making

appropriate and timely remedies almost impossible to achieve."

The B.C. Human Rights Coalition has developed a question-and-answer sheet regarding Bill 53, and I believe they will be doing the same for this current bill that's before us now. That will be posted on their website.

We sit in this chamber, we come to this chamber, and we make law. We put forward legislation, and we try to address very important issues in our communities and in our province. All of the laws and all of the legislation in the world don't mean anything if people can't turn it into something that works for them.

In all of my conversations in my community with constituents and interested parties, we all share the values of protecting human rights in this province, just as the member for Vancouver-Mount Pleasant and the member for Vancouver-Langara have spoken about. We continue to do that. I think the vehicle we use to get there is simply being improved by this act, so I am very happy to support this bill, and I'm happy to engage with the Attorney General in conversations during committee stage to address people's concerns.

We're here doing serious business, and we take it very seriously. We care about the people of this province that have need of this type of legislation, but we also care about their ability to access it in a timely way so that they can find justice for themselves and for those that follow them.

**Deputy Speaker:** The minister closes debate.

**Hon. G. Plant:** I've listened and learned and welcomed the input that has been offered during the course of the debate this afternoon on this important piece of legislation. I know from listening to the member for Vancouver-Mount Pleasant that she will have many questions to ask about the details of this legislation when we get to committee stage debate. I certainly look forward to that stage of the debate.

There are one or two points that I want to make before we move to the end of this debate and the resolution of the issue by vote. First, I heard the member for Vancouver-Mount Pleasant during the course of the extensive reading she offered from letters and correspondence, the majority of which I know predated the introduction of Bill 64. I heard a theme repeated. I heard the theme that we really did not have the public consultation process that some of her correspondents had hoped we would have — that it was too short.

I have to say, with respect, I disagree. In saying I disagree, I suppose I could observe in passing that when someone is opposed to something, consultation is almost never long enough. When you're opposed, you're opposed. But in this case, I think it can hardly be suggested that there was an inadequate consultation period.

We began public discussion of this issue in July of 2001. The discussion paper that was issued in December of 2001, a 181-page discussion paper, was there on the Internet. Its existence was widely flagged. Stake-

holders who had or have an interest in human rights issues were, I believe, given all kinds of opportunity to know of its existence. In a technological age, when government puts information on the Internet, that is a major step forward in ensuring that the public has access to information about what government is doing, and we did that here. The publication of that paper on the Internet stimulated more input and more feedback.

[1725]

Yes, we had talked at one point about a White Paper. I acknowledge that. In fact, when the outlines of reform became clear to us as government, we thought the next practical step, rather than to delay unnecessarily, would be to put the outlines of the proposed reform before the public in the form of an exposure bill, which we did almost five and a half months ago.

Five and a half months is a long time for people to look at a piece of legislation. If I may say in a rare moment of partisanship, at least for the purposes of this debate, it's certainly a lot longer than I usually had to look at the legislation of the former government when it was brought forward during the sessions in which I served in opposition. Five and a half months is a long time for people to look at these issues. And they didn't just look at them. They looked, and they offered comment. We listened, and we responded. We responded by changing the bill to improve it in a way that gave effect to many of the comments that were made.

Yes, there were people who said, "Do not eliminate the commission," but frankly, I think the case for preserving the commission had failed. It had failed because of a five-year track record of the operation of that commission. With great respect to those who hold a different view, including the people who were the administrators of the commission and who are now advocates against its demise, I think that five-year track record is enough in itself to warrant the very radical reform. In fact, I can say it's less radical reform than some proposed.

This is actually, in my view, a balanced and moderate step. It is definitely a step forward. It's a step away from the past, a past that has failed, towards a future where I think there is a promise for a process and a structure that will work efficiently and fairly.

There are some aspects of that process which we heard criticized in the course of the contribution to this debate by the member for Vancouver-Mount Pleasant. I think most of the correspondence she read to those points was correspondence written before we had introduced Bill 64. I think, with respect, that fair-minded and objective observers of what we have done will see that in fact we have listened.

People talked about the need to ensure there were mechanisms in place to permit the adjudication and the investigation into complaints of systemic discrimination, for example. In my second reading remarks, the first part of my remarks, I tried to identify as clearly as I could the opportunities the new bill provides that will in fact facilitate just that very thing.

Among them is what will become the new section 22.1, a section that's not in the act as it exists now, a

section that is called "Interveners." It's a section that will allow a member or a panel to permit an intervention by a person who is interested, even if they will not be affected directly by the order. That's all about allowing interveners. In this context interveners are all about ensuring that systemic issues can be brought to the attention of the panel or the tribunal member that hears one of these matters.

Those issues go on. The member spoke for a time about myths and facts. That's a good rhetorical device. I know I've used it myself from time to time. But on this particular occasion I must say, with respect, I had the feeling her facts were myths more than her myths were myths. In fact, there are a lot of things about this process which I think people who have concerns will see are going to improve the way in which human rights are dealt with.

I heard the member's concern about the time limit for bringing complaints, and I'm sure we'll get a chance to pursue that issue. Six months is a long time in the life of people in the workforce or outside the workforce. Six months is the time within which people are required by law to bring complaints for a violation of their employment standards. Six months is the time required by law for prosecution of summary convictions offences under the Criminal Code. Six months, I think, is a reasonable time, particularly if the focus is on problem-solving, if the focus is on ensuring that where something that amounts to discrimination has taken place, the institution we are talking about here — the tribunal — has an opportunity to act early to ensure that the issue can be dealt with, rather than allowing the problem to fester month after month. We have to find a way to grapple with these issues and these situations when they arise more quickly than has been the case in the past.

[1730]

Mention has been made repeatedly of the Paris principles. I'm sure we're not here to debate the finer points of international law, but the member did take the time and the trouble to point out and to make the argument about independence. The Human Rights Tribunal meets every criterion for independence that can, in fact, be asked of an agency of this nature. It meets all the criteria for independence that are implied in the Paris principles.

The factors that contribute to independence include the need for a founding constitutional or legislative statute. We have that here. As broad a mandate as possible — we have that here. An independent appointments procedure with terms of office specified by law — we have that here. A pluralistic and representative composition — I'm certain we have that here. Regular and effective functioning — we will have that here. Independence from the executive branch — we have that here. Adequate funding — we will have that here also.

Those are issues that if the member wishes to pursue in committee stage debate, she'll certainly have the opportunity to do that, but I think we are on the verge of doing something. Yes, it's new. Yes, it's different.

Yes, those who are the administrators of the status quo will have a concern about it. I get that. The status quo can be a very attractive proposition to people who earn their living from it, but we in this government, in this chamber here, have a duty to change that which is not working properly. This institution in its present structure has not worked properly. It's time for change.

I believe that the framework we've laid out here is good change. It's constructive change. It ensures that we will be able to respond to complaints of discrimination in a way that is timely, affordable, fair and balanced. It ensures that the government and agencies around the province continue to recognize the need to promote and to advance the purposes of human rights. We in this government on this side of the House take that obligation seriously, and we intend to work to achieve it so long as we are in a position to have that responsibility.

For all of those reasons, I think this is a bill worth supporting. I welcomed the contributions of members in debate, and I now close debate.

[1735]

Second reading of Bill 64 approved on the following division:

YEAS — 63

|            |               |             |
|------------|---------------|-------------|
| Falcon     | Coell         | Hogg        |
| L. Reid    | Halsey-Brandt | Hawkins     |
| Whittred   | Cheema        | Hansen      |
| J. Reid    | Bruce         | Santori     |
| van Dongen | Barisoff      | Nettleton   |
| Wilson     | Masi          | Lee         |
| Thorpe     | Hagen         | Murray      |
| Plant      | Campbell      | Collins     |
| Clark      | Bond          | de Jong     |
| Nebbeling  | Stephens      | Abbott      |
| Neufeld    | Coleman       | Chong       |
| Jarvis     | Anderson      | Harris      |
| Nuraney    | Belsey        | Bell        |
| Chutter    | Mayencourt    | Johnston    |
| Bennett    | R. Stewart    | Christensen |
| Krueger    | McMahon       | Bray        |
| Les        | Nijjar        | Wong        |
| Bloy       | Suffredine    | Cobb        |
| Visser     | Lekstrom      | Sultan      |
| Hamilton   | Sahota        | Hawes       |
| Kerr       | Manhas        | Hunter      |

NAYS — 1

Kwan

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

Bill 64, Human Rights Code Amendment Act, 2002, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

[1740]

**Hon. G. Collins:** I call second reading of Bill 65.

COMMUNITY SERVICES  
INTERIM AUTHORITIES ACT

**Hon. G. Hogg:** The Community Services Interim Authorities Act presents a new vision of services to children and families in British Columbia. The vision is one of healthy children and responsive families living in safe, caring and inclusive communities. This bill launches a period of participation and partnership between the ministry and communities. New regional and community-based family services authorities are currently being planned and defined across this province. As a province we are moving closer to our goal of improving services and outcomes for aboriginal children and families.

The introduction of this legislation marks an important step in meeting two new-era commitments: to stop the endless bureaucratic restructuring that has drained resources from children and family services and to focus on early intervention of at-risk children and measures aimed at preventing crisis situations before they arise.

The process leading to the introduction of this bill has been one of the most extensive in the development of social policy projects in Canadian history. It involved 12 months of public consultation and participation in building community governance. Hundreds are people are actively involved in this process. They include ministry clients, individuals and families. They include foster parents, other service providers, academic leaders and members of local government. They include the leaders of all of British Columbia's aboriginal organizations, as well as many others from bands, tribal councils and service agencies. They include all of the senior people in the ministry and many of the most experienced and highly trained staff within the ministry. Together, British Columbians are dramatically changing the delivery of services to children, youth, families and people with developmental disabilities. I want to thank each and every one of these for the time they have taken, and are still taking, and the energy they have put in to chart a different course for British Columbia to serve those in our neighbourhoods and our communities who are most vulnerable.

The vision that is emerging is of strong, resilient, wise and caring communities. Three features have been a part of the process in contributing to the success of this consultation process: first, that of respectful relationships between government and the people it employs and the people it serves; second, the courage to innovate and face the personal and professional risks that innovation brings and the necessary uncertainty

that occurs with change; third, a recognition by the people of British Columbia that the combined collaborative process brings greater wisdom — wisdom to plan well, to compromise and to accept and correct the errors that are bound to occur in such a large and complex task.

[1745]

While we identify and develop the processes for change, we must at the same time safeguard the quality of services to tens of thousands of vulnerable children, families and adults that the ministry serves. A budget reduction target of 23 percent must accompany this change over the period of our three-year service plan. A year ago many of those involved might have had some skepticism and, indeed, declared this process impossible. Yet we have persevered, and people have been committed to it and involved in it, and we are currently right on track.

To build the trust, we first concentrated on building a relationship. Last October, when government embarked on its core review, the ministry made that process fully public. The Ministry of Children and Family Development core services review was conducted during the fall and winter of 2001 through direct meetings and consultations with families, stakeholders and staff.

We also used our website to publish discussion materials. In keeping with the ministry's first strategic shift towards openness, transparency and accountability, all 450 submissions which were received were posted on the website in their entirety. That signalled to those people involved — clients, employees, contractors, advocates, community partners, researchers and the general public — that we took their opinions seriously. These people had a lot to say to government, and perhaps more importantly, they had a lot to say to each other and a lot to learn from each other.

There emerged from the core review a clear and strong consensus that the systems in place to care for vulnerable children, families and youth as well as adults with developmental disabilities were rigid, unresponsive and overly bureaucratic, and that neither the systems in place nor the budgets to support them were sustainable for the long term. Some of the criticisms that emerged included the fact that we had the largest single child welfare delivery system in Canada, and it was becoming less and less responsive.

Many social workers trained to support families and protect children were spending up to 70 percent of their time in front of their computer screens filling out reports, not doing the work they trained to do and wanted to do. The population of children in care in the ministry had grown by over 60 percent from 1994 to 2001. Over 40 percent of the children are of aboriginal origin, and that population continues to increase.

Families whose adult children have developmental disabilities are offered little in the way of community or financial support and are discouraged from maintaining them in family care settings. Instead, they are often placed in high-care residential facilities at an average cost of \$65,000 per year. The feedback, comments and consensus from the core services review process

were that the current systems were both dysfunctional and unsustainable over the long term. Further, there was a strong consensus that regional and community-based models of governance are the preferred option for more effective and more efficient service delivery.

Hundreds of community leaders have since begun to contribute their knowledge, ideas, time and energy as we try to reinvent governance in these areas of social service. Their wisdom has been gathered and has been focused. We are benefiting from the experience, training and knowledge of a remarkable range of people — those who have experienced, for better or for worse, the services of the ministry and who know very well how they could be improved; those who have devoted their lives to working in the ministry or providing it with contracted services and who believe in the good work that their dedication and training can accomplish. Those who have studied not only this province but other jurisdictions have received national and international experts to assist in this support. Their wisdom, like their trust, has been invaluable.

By and large, people tend to distrust change. Our staff has largely accepted the challenge of working through a change. I thank them for their dedication, their professionalism and the dedication they show weekly and daily as we move through this process. The bill before us follows the path that has been laid out by four transition steering groups: for community living services; for child and family development; for infrastructure, both administrative and electronic; for accountability; for quality of service; for budget; and for the maintenance of internationally recognized standards of care.

These steering committees are inclusive. They've had representation from the individuals and families we serve, from their parents, from ministry staff, from operations of contracted service delivery agencies and from academic experts. These groups have been at work for more than six months. Their working documents and minutes have all been posted on our website, where they have been downloaded and viewed by thousands of people. These transition steering committees have not all completed their tasks, but their broad recommendations are clear, and they have been used to construct the bill before this House.

[1750]

In the area of aboriginal services and child and family development, special emphasis has been given to the needs of aboriginal children. We have consulted extensively with leaders of the province's aboriginal organizations. We began by recognizing an obvious truth: the existing system of supports for children and families has largely failed British Columbia's aboriginal population.

Only 8 percent of all British Columbia children are aboriginal, yet they account for about 40 percent, or about 4,000 of the children in care of the state. In northern B.C. that percentage is even higher. More than 70 percent of children in our care are aboriginal. While the total number of children in care has been coming down since the government was elected, the percentage of

aboriginal children in care still continues to rise. Many aboriginal children are going to foster homes outside of their culture, adding to the trauma of being separated from their families and communities.

Something had to be done. Soon after I was appointed minister, I met with my predecessor in that position, first nations Grand Chief Ed John. We both recognized the long and difficult history, the often bitter history, that existed between government social workers and aboriginal communities. That relationship was often dysfunctional and destructive for many children and families. It was also disheartening for ministry staff, who are highly trained and deeply committed to their professions and their work.

It was clearly not a sustainable situation, not for those children and their families nor for this government. Grand Chief Ed John and I met and agreed with one another that issues of vulnerable children and families should not be politicized. We agreed that we had to work together. Chief Stewart Phillip of the Union of B.C. Indian Chiefs also agreed with us, and he has become a powerful spokesman and supporter of a new partnership, a respectful collaborative process for the children.

I also met several times with Scott Clark and other members of the United Native Nations. Scott told me clearly that United Native Nations supported the idea of the memorandum of understanding that would join other leaders in working towards the resolution of issues. The Métis Provincial Council, too, has seen this partnership as a new beginning, and I'm grateful to Harley Desjarlais for the hard work and strong leadership he and the Métis Council demonstrate on this issue.

In June the Tsawwassen accord was agreed to by B.C.'s leading aboriginal organizations, including the United Native Nations, the Union of B.C. Indian Chiefs, the First Nations Summit, the Métis Provincial Council of B.C. and a number of aboriginal service organizations. Subsequent to that, on August 15 aboriginal leaders and senior managers from our ministry from all over the province met and feasted at Peace Arch Park on the Semiamoo traditional lands. The Semiamoo people have long been friends of mine, and they were willing and gracious hosts. It was a sparkling west coast day, and many of us brought our families. The food was magnificent, and we even played a game called Indian bingo, which was a great hit.

All of our discussions during the past year culminated last month in a signing ceremony at the Museum of Anthropology at UBC. That memorandum of understanding commits the government and aboriginal leaders to joint decision-making in a transfer of responsibility for delivering child and family support services to aboriginal communities. At that September 9 ceremony, the government and aboriginal leaders spoke frankly about our failures in the past and our joint responsibility to build a better future for aboriginal families.

One goal we share is to reduce the number of aboriginal children in care by making them safe and secure

in their own communities, where they can benefit from the strength of their cultural heritages. I'm pleased that the joint aboriginal management committee will hold its first meeting next week. We'll move forward in a way that makes sense, by recognizing the unique history of aboriginal people in B.C. and by making possible unique responses based on their experience and their cultural strengths.

In the words of Grand Chief Ed John at that signing ceremony: "The problems that give rise to children in care exist in the community. The solutions lie in the decisions the community makes. Given the opportunity, the support and the resources, they will make the kinds of choices that will reduce the number of children in care. I believe that the joint committee and the aboriginal planning groups that will be empowered by this bill represent a new level of partnership between government and the aboriginal community in British Columbia."

Scott Clark is the president of the United Native Nations, and he said: "This legislation will lead to the development of aboriginal governance structures that will enable our nations and communities to meet our obligations to our children. On behalf of the United Native Nations, I wish to commend the other first nations and Métis leaders and the minister for having the vision and the courage to make this happen for our children."

Harley Desjarlais, president of the Métis Provincial Council, continues to speak strongly in support of our new partnership. He said: "This agreement appreciates the diversity of our communities and families. Aboriginal groups, their communities and government are committed to rolling up their sleeves and doing their best for aboriginal children in B.C."

Chief Stewart Phillip, president of the Union of B.C. Indian Chiefs, said this about the agreement: "It is unprecedented in the history of this province whereby not only the aboriginal political organizations have come together but the service organizations and the province of British Columbia have decided that it's time to set aside historical differences, personal differences, ideological differences for the sake of our children."

[1755]

In the community living sector, I appointed a Community Living Transition Steering Committee in April to help define the transition from government to community-based governance. The steering committee brought together people with disabilities, family members, service providers, advocacy leaders and ministry staff. The steering committee reached out to people with disabilities, family members and service providers around the province to listen to their concerns and suggestions.

For example, more than 1,700 individuals and families took part in regional meetings in 18 different communities — communities in every region of our province from Fort St. John to Nanaimo and from Terrace to Castlegar. The steering committee hosted video conferences linking more than 400 families in 20 communities

over a four-week period, creating the opportunity for people to meet face to face across hundreds of kilometres to dialogue with steering committee members. Just last Thursday, I took part in one such video conference with more than 70 people with disabilities and family members from across the province. I joined the co-chairs of the steering committee and other committee members in responding to the issues and concerns from people in five different communities.

This consultative process has helped the steering committee bring forward a report that will help us create a support structure that responds to the needs of individuals and of families. It's important for this House to know this background, because the bill before us is relatively brief. It is interim legislation, designed only to get us through the next phase of regional and community planning and the early stages of transition to regional and community governance. That phase will tap further down to the community level to design the delivery structures that are best suited to each community's unique challenges and strengths.

This bill establishes interim community-based authorities that will carry on the current process of community consultation and decision-making. They will prepare for the transition to new permanent authorities that will take over most of the existing ministry's resources and service delivery. Those permanent authorities will be created by legislation in 2003.

The next steps. While the details of the new authorities remain to be defined at the community level, the broad outline of the new structure has been defined by the work to date. There'll be five interim authorities for child and family services, with the same borders as the five provincial health regions. Interim CEOs and planning chairs for each region are already in place. Some of the regional chairs have already selected the members who will work with them on planning committees. They are further defining community needs, strengths and resources. They are hopeful and I am hopeful that many of these committee members will accept nominations to the boards of the interim authorities that will be enabled through this legislation.

In the area of community living services, the provincial transition steering committee has recommended a single provincewide authority for adults with developmental difficulties and special needs children. They have already recommended a name for this governance entity: Community Living B.C. I have received a detailed draft report from that committee, and we are currently working our way through its recommendations.

I am pleased to say that cabinet has ratified the development of five aboriginal authorities responsible for the design and delivery of services to aboriginal children, families and communities. Aboriginal planning chairs for child and family services have been appointed in each of the five administrative regions of the province. The number and timing of interim aboriginal authorities will be determined through discussions among the joint aboriginal management committee, the regional aboriginal planning groups and the ministry.

As I mentioned earlier, we recognize that the aboriginal governance process may differ in its approach and timing from the non-aboriginal system.

The powers of all the interim authorities will be limited to transitional advisory planning and development activities. They will not be empowered to provide direct services to clients. Their role is to prepare for the permanent authorities in a number of ways, including making recommendations, including policies, procedures and plans for service delivery; developing computer systems for administrative services such as human resources, payroll, client records, finance and legal services; and setting up office space to ensure that the permanent authorities may begin operations as soon as possible as soon as they are established.

The ministry's responsibilities under this legislation include setting objectives and providing the interim authorities with the information they need, assessing the interim authorities' ability to carry out their assigned tasks, giving direction to ensure that plans for the permanent authorities are consistent with the ministry's mandate for community-based service, and assigning staff to secondment to interim authorities.

This transition process is about large-scale change. It is important that we make these changes in a manner that recognizes and respects the needs of our employees. The leadership of the BCGEU has taken the time, in a series of meetings across the province, to make contributions that will, I am sure, improve our planning process. We share a common goal: to serve the best interests of many of the most disadvantaged people of this province. I would like to thank George Heyman and his team for their contributions of time, knowledge and experience in this process.

[1800]

I expect to bring forward legislation in the spring of 2003 that will enable the creation of permanent governance authorities. That legislation will set out, in broad terms, the authority's responsibilities, accountability and governance procedures, including budget responsibilities. By April 2004 we will have established permanent authorities, recruited permanent boards and CEOs, and made a full transfer of responsibility, budget and staff to new authorities.

The changes to this legislation will create a more stable system of services for children, families and adults with developmental disabilities. It will bring the capacity for decision-making closer to the community,

providing faster and more direct responses to the needs of vulnerable people. It focuses on prevention as well as protection, building on people's strengths and resilience rather than their perceived deficits.

The future ministry headquarters will be smaller but will retain responsibility for the overall setting of budgets and standards and monitoring performance measures. Youth custody will continue to be managed centrally, as will other facilities that offer a provincial service, such as Maples Adolescent Treatment Centre and Forensic Psychiatric Institute.

The other front-line services will be operated much closer to the individuals and communities they're intended to provide for. We are tapping into the power of communities and giving them the resources they need to empower the children and families in their midst.

I mentioned at the outset that there has been national and international attention being paid to what we are doing here. I would like to close by sharing with you the comments I received in a letter from Diane Richler, president and secretary general of Inclusion International. That is one of eight organizations sanctioned and accredited by the United Nations to deal with people with developmental disabilities. It represents organizations in more than a hundred countries, all working for and on behalf of adults with developmental disabilities.

She writes: "The planned transformation of community living services, starting with the work currently underway with the transition steering committee, is a groundbreaking effort within Canada and internationally. The forward-thinking processes developed with individuals with developmental disabilities and their families is truly unique."

I hope we can bear those words in mind over the next few years as we work our way towards common goals. Thank you.

Hon. G. Hogg moved adjournment of debate.

Motion approved.

Hon. G. Hogg moved adjournment of the House.

Motion approved.

The House adjourned at 6:03 p.m.