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Wednesday, October 30, 2002

Afternoon Sitting

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

LIEUTENANT-GOVERNOR  
Honourable Iona Campagnolo

**3RD SESSION, 37TH PARLIAMENT**

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Afternoon Sitting

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WEDNESDAY, OCTOBER 30, 2002

The House met at 2:03 p.m.

Prayers.

### Introductions by Members

**Hon. S. Bond:** I am absolutely delighted to have in the gallery today a number of people who will be taking part and taking a leadership role in a very exciting initiative that was announced just this morning: a new on-line learning strategy for British Columbia called BCCampus.

[1405]

In the gallery I have several members of the implementation steering committee, and I'm happy to introduce them to you today: Mr. Skip Bassford, president of the University College of the Fraser Valley; Greg Lee, president of Capilano College; David Hughes, partner and VP at Sierra Systems; Devron Gaber, CEO, Centre for Curriculum, Transfer and Technology; Ian Buckley, a student from Simon Fraser University's Surrey campus; and from my staff, who has done an excellent job, Arlene Paton, director of post-secondary institutions. Please help me make them welcome today.

**M. Hunter:** It's my pleasure to welcome to the House today a group of 20 or so ESL students from Malaspina International High School in Nanaimo, in the company of their teacher, Mr. D. Butler. Would the House please make them welcome.

**P. Bell:** Joining us today from the flatlands of Lloydminster, Saskatchewan, is Roy Warnock of Husky Energy. He's the vice-president of upgrading and refining, and he's here to have discussions with a number of the ministers regarding the Prince George refinery. Would the House please make him very welcome.

### Introduction and First Reading of Bills

#### VITAL STATISTICS AMENDMENT ACT, 2002

Hon. S. Hawkins presented a message from Her Honour the Lieutenant-Governor: a bill intituled Vital Statistics Amendment Act, 2002.

**Hon. S. Hawkins:** I move that Bill 68 be introduced and read for a first time now.

Motion approved.

**Hon. S. Hawkins:** I'm pleased to introduce this bill today. Bill 68 makes minor amendments to update the Vital Statistics Act to reflect the present-day operations

and services of British Columbia's Vital Statistics Agency. We made a new-era commitment to cut the regulatory burden in our province by one-third within three years, and this bill certainly helps us fulfil that commitment.

Bill 68 is essentially a housekeeping-measures bill intended to remove references to titles and processes that are obsolete and no longer accurate or useful. The bill basically updates the legislation to reflect the agency's existing business practices. These amendments will ensure that legislation reflects the designation of B.C.'s Vital Statistics Agency as a special operating agency by the Treasury Board.

In addition to the minor housekeeping changes, the amendments will allow hospitals to report births if the attending doctor or nurse is not available to sign birth notices. This change will provide more flexibility and prompt recording of new births in the province. The bill also modernizes a historical system of registration districts based on geographic boundaries by facilitating the electronic collection of vital event information across the province, and it repeals other provisions that are no longer required and haven't been used for several decades.

These amendments basically are housekeeping in nature and indicate how our services to British Columbians have improved over the years through advances in technology and data processing. They reflect our ongoing commitment to improve quality, efficiency and access to vital services throughout this province.

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

Bill 68 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

#### OPEN LEARNING AGENCY REPEAL ACT

Hon. S. Bond presented a message from Her Honour the Lieutenant-Governor: a bill intituled Open Learning Agency Repeal Act.

**Hon. S. Bond:** I move that Bill 69 be read a first time now.

Motion approved.

**Hon. S. Bond:** After a very careful review of the Open Learning Agency, we believe a new model is needed to ensure that on-line and distance education are delivered in a way that is efficient and effective, and that we do that as soon as possible.

[1410]

Government is committed to enhancing the delivery of on-line service to British Columbians to more effectively meet the needs of learners and employers. The introduction of the Open Learning Agency Repeal Act allows us to take the beginning steps to begin a

process to create a new collaborative model for on-line and distance education, utilizing the strengths and expertise inherent in British Columbia's public post-secondary institutions.

The creation of this new collaborative model will ultimately provide greater flexibility, more choice and increased access for all students. The needs and interests of students will be uppermost in our minds as we implement changes to the Open Learning Agency to strengthen on-line and distance learning in British Columbia. The introduction of this enabling legislation will allow us to begin the transition of Open Learning Agency programs and services. The transition will take place over a two-year period to ensure minimal disruption to students and clients and a careful strategic transfer of services. The amendments will also allow government to review options for the future of the Knowledge Network. We recognize that the Knowledge Network has a unique role as the province's public education broadcaster.

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

Bill 69 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

#### RESIDENTIAL TENANCY ACT

Hon. R. Coleman presented a message from Her Honour the Lieutenant-Governor: a bill intituled Residential Tenancy Act.

**Hon. R. Coleman:** I move that the bill be introduced and read for a first time now.

Motion approved.

**Hon. R. Coleman:** I am pleased to introduce Bill 70, the Residential Tenancy Act. This bill modernizes the Residential Tenancy Act and puts the act in language that everyone can understand. It properly protects the rights of both landlords and tenants. The bill provides a clearer understanding of the rights and obligations of landlords and tenants, which will reduce the number of disputes, resulting in fewer arbitration hearings.

For example, landlords will not be able to charge prospective tenants screening fees, so tenants will not have to pay when applying for a rental unit. The bill maintains the existing one-half month's rent damage deposit but allows landlords to collect an extra deposit for keys or access cards to improve security for tenants. The bill provides a simpler formula for rent increases, making them more flexible and easier to understand. The bill also provides incentives for landlords to accept pets in rental units. I believe the bill strikes a fair balance between the rights and obligations of landlords and of tenants.

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

Bill 70 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

#### MANUFACTURED HOME PARK TENANCY ACT

Hon. R. Coleman presented a message from Her Honour the Lieutenant-Governor: a bill intituled Manufactured Home Park Tenancy Act.

**Hon. R. Coleman:** I move that Bill 71 be read a first time now.

Motion approved.

**Hon. R. Coleman:** I am pleased to introduce Bill 71, the Manufactured Home Park Tenancy Act. When the Residential Tenancy Act was rewritten, a separate Manufactured Home Park Tenancy Act was created. The separate act recognizes the unique needs and interests of homeowners and park owners. Manufactured home park tenants are distinct from residential tenants, as they own their own home but rent the site on which the home sits. Homeowners and park owners will have easier access to information that is relevant to them, rather than having to search through a larger act to determine which portions apply to them.

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

[1415]

Bill 71 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

#### HANSLER OZONE CANADA INC. (CORPORATE RESTORATION) ACT, 2002

D. Jarvis presented a bill intituled Hansler Ozone Canada Inc. (Corporate Restoration) Act, 2002.

**D. Jarvis:** I move that the bill, of which notice has been given on the order paper, be introduced now and read a first time.

Motion approved.

**D. Jarvis:** This bill is to restore the company name Hansler Ozone Canada Inc. to the registrar of companies and deem it to have continued in existence.

I move that the bill be referred to the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills.

Bill Pr403 introduced, read a first time and referred to the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills.

GOLD STANDARD RESOURCES LTD.  
(CORPORATE RESTORATION) ACT, 2002

R. Nijjar presented a bill intituled Gold Standard Resources Ltd. (Corporate Restoration) Act, 2002.

**R. Nijjar:** I move that the bill, of which notice has been given on the order paper, be introduced now and read for the first time.

Motion approved.

**R. Nijjar:** I move that the bill be referred to the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills.

Bill Pr404 introduced, read a first time and referred to the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills.

**Statements  
(Standing Order 25B)**

100<sup>TH</sup> ANNIVERSARY OF  
TRANSPACIFIC CABLE PROJECT

**G. Trumper:** Today in this chamber and outside, our words become instant information and knowledge to the world. Some of us have our computers right here in the legislative chamber, connecting us instantly to people outside. That is the state of communications today, and today the Minister of Advanced Education has taken learning another step forward with on-line learning.

At the end of the nineteenth century, the height of communications technology was a sea cable from the United Kingdom to Canada and a telegraph line across Canada to the west coast. All that was needed to completely circle the globe was a connection from the west coast of Canada to Australia. After 25 years, an agreement amongst the British and Empire governments formed the Pacific Cable Board. Surveying began. At that time there was no radar and no sonar. Soundings were made by the old method of dropping a line.

Bamfield was chosen as the access site, as it was the shortest route to Australia, and the oceanic floor appeared to be suitable. Sir Sandford Fleming and the Canadian Pacific took over the development of the site, and Francis Rattenbury was the architect chosen to design the required facilities. The Pacific Cable Board transpacific cable was completed on October 31, 1902 — 100 years ago tomorrow.

The first message sent was from Sir Sandford Fleming to Lord Minto from Ottawa, going both east and west, to Ottawa. It took 13 hours going via England and a mere ten hours via the Pacific. If they were here today, those pioneers would be mystified by our current communication technology, but their innovation was just as incredible for its time. Tomorrow in Bamfield on the original site of the cable station, which is now the Bamfield Marine Station, the 100th anniversary of the completion of the cable is being celebrated. I

ask that this House join them in recognizing the world-changing innovation that was the transpacific cable project.

AFFORDABLE HOUSING

**J. Kwan:** I rise today to speak on an issue that is rapidly becoming a crisis under the Liberal government, and the issue is a scarcity of safe, affordable housing in B.C. In my community, the gravity of the crisis is more severe than ever. Over the last few weeks, we've all been witness to the action taken by hundreds of citizens at the old Woodward's building in a desperate effort to get this government's attention and to provide housing to the homeless.

[1420]

The issue is not confined to a small section of downtown Vancouver. Indeed, the availability of affordable housing is an issue in Victoria, Prince George, Kamloops and almost every community in B.C. Sadly, in the last 16 months B.C. has lost its place as a social housing leader. For almost a decade our province was one of two provinces in the country that funded social housing. Between 1994 and 2001, under B.C. Housing, over 5,000 units of housing for low- and moderate-income British Columbians were built. However, in keeping with the right-wing policy agenda, the B.C. Liberal government and the minister responsible for housing cancelled more than 1,100 units of affordable housing, with no new affordable housing initiatives in sight. The result: B.C.'s housing crisis grows with each passing day. Homelessness and despair are on the rise.

If that's not bad enough, the Liberal government has made the situation worse by using hard-earned federal moneys earmarked for housing to build 3,500 units of assisted living beds as cheap alternatives to thousands of long term care beds for seniors. That's not a housing strategy; it's damage control for a government that's kicking seniors out of their homes. The Liberals have also closed residential tenancy offices, cut legal aid for tenancy and poverty law, and decreased income assistance shelter rates.

Taken together, these changes have meant that B.C. has not only lost its place as an affordable housing leader; it's becoming an affordable housing disaster zone for tens of thousands of British Columbians who don't count in the new era. Like other right-wing governments in Canada and around the world, the Liberal government's only solution to this and other difficult social issues is to leave the vulnerable, the sick, the elderly and the frail to fend for themselves. It's an approach that puts ideology over common sense, and it's an approach that more and more British Columbians are rejecting every day.

SURREY BUSINESS EXCELLENCE AWARDS

**D. Hayer:** Last week, Mr. Speaker, I rose in the House to congratulate the winners of the annual Surrey Chamber of Commerce Business Excellence Awards. Today I rise to congratulate all those who were final-

ists. It took great teamwork — employees, managers and owners — to be recognized as finalists. I also want to add that part of their success comes from the business climate this government has worked so hard to achieve.

I now would like to recognize all finalists: for excellence in small business, sponsored by Mackay LLP, Bed-Roc Industries, Thornley Advertising Services and Liquid Labs/CAQTI Cosmetics. In the medium-sized business category, sponsored by Super Pages, K&D Furniture, Stenberg College and Astrographic Industries. For excellence in large business, sponsored by RBC Royal Bank, Silent Witness Enterprises, Cloverdale Paint and B.C. Biomedical Laboratories. Business person of the year, sponsored by Hamilton Duncan Armstrong and Stewart, Jim Fellows of Vanguard Plastics, Jim King of Surrey Crime Prevention Society and Lloyd Craig of Coast Capital Savings.

Finalists for the new entrepreneur of the year, sponsored by Simon Fraser University, were Jarnail Arts, Fraser Valley Safety and Dog Day Afternoon. Finalists for the best practices customer service award, sponsored by B.C. Gas Utility Ltd., were Richard's Rolling Repairs, RSM Automotive and Gold Room Jewelers.

I would also like to mention additional sponsors: the Business Development Bank of Canada, Cambridge Press, Silent Witness Enterprises, Think Profit.com, News 11:30, Rayna Group Enterprises, Foundex Explorations, *Surrey-Delta Leader* newspaper. MC for the event was Bridget Anderson of BC-CTV.

I ask, Mr. Speaker, that everybody in the House join me in congratulating Surrey's business success stories. Thank you.

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

### Oral Questions

#### GOVERNMENT CAUCUS WORKERS ON MUNICIPAL ELECTION CAMPAIGNS

**J. Kwan:** Can the Deputy Premier tell us if Liberal caucus resources are being used to help candidates that this government supports in the upcoming municipal election?

**Hon. G. Collins:** I'm certainly not aware of any. If the member is, I'd be pleased to know. I'm surprised she'd be asking this question, however, given that the anti-recall campaign that took place prior to the last election was run out of the NDP Premier's office.

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

**J. Kwan:** Well, if the minister doesn't know, let me save him the time from asking Martyn Brown and give him the details in this House. The web page administrator for Victoria Mayor Alan Lowe's campaign is listed as Herman Cheung. Mr. Cheung is the technol-

ogy guru for the Liberal caucus and the administrator for the government caucus website. He's using his legislative e-mail address and legislative telephone number as Alan Lowe's contact. Does the minister know why taxpayers are being abused to help municipal candidates?

[1425]

**Hon. G. Collins:** Certainly, if the legislative phone number is being used as a contact and e-mail, that shouldn't be done. It will stop immediately. There's no question of that. I'm surprised at the member's outrage, though, given that Jan Pullinger put up her constituency office for the federal NDP election campaign.

**J. MacPhail:** This is not the first time that this has happened. A couple of years ago...

Interjections.

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

**J. MacPhail:** A couple of years ago...

Interjections.

**Mr. Speaker:** Order, please. Order, please. Let's hear the question.

**J. MacPhail:** ...the now Premier's special assistant was caught using his legislative computer for campaign purposes in the Delta by-election. At that time the now Premier's chief of staff said that it was completely inappropriate and assured British Columbians that the person in question would be firmly disciplined and that it would never happen again. Now we learn that Liberal caucus staff are at it again.

Can the Deputy Premier tell us how many more civic campaigns are being run out of the Legislature's basement?

**Hon. G. Collins:** I can only assume that Mr. Cheung is doing this on a volunteer basis. He should not be doing it during business hours. He should not be using his e-mail or his telephone. If that is the case, it will be corrected immediately. There is no question of that.

However, the outrage and the indignation of the member opposite are a little hard to take, considering the year-after-year flow of constituency office funds to the Nanaimo Commonwealth Holding Society of the NDP.

**Mr. Speaker:** The Leader of the Opposition has a supplementary question.

**J. MacPhail:** This government has never respected the line between partisan politics and the public's business. We all remember the illegal partisan mailout.

Interjections.

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

**J. MacPhail:** They've turned every communications officer into a public hack. Now this government is letting their staff campaign directly from the Legislature.

If we're to believe this government, they don't know anything about it, even though they've been caught out before and promised that it would never happen again. British Columbians want to know that their tax dollars aren't being used to help Liberal-friendly municipal candidates — though that might be harming those candidates these days.

Will this government take immediate action and call an independent, objective investigation to determine what Liberal caucus resources are being used to support what municipal campaigns?

**Hon. G. Collins:** I've already assured the House and the member opposite that if somebody working for the caucus....

Interjection.

**Mr. Speaker:** Order, please. Order. Let us hear the answer to your question.

**Hon. G. Collins:** I have now, on four occasions here today, assured the member opposite that if an individual is using their government e-mail or their government phone number as a contact, it will stop immediately. The individual case that she makes reference to previously was dealt with. The individual was dealt with and reprimanded. I find it....

Interjections.

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

**Hon. G. Collins:** Talking about arrogant, I am still waiting for the answer to a question I posed to the member opposite last year, about the staff member who, when she was Minister of Finance, had contract after contract as that member travelled around the province to set up meetings with the party members and set up dinners with party members across British Columbia. Perhaps she can answer that question. I don't know that any action was ever taken on that. If there's an issue, we will deal with it.

CONFLICT-OF-INTEREST COMMISSIONER'S  
REPORT ON GLEN CLARK CASE

**R. Hawes:** My question is to the Attorney General.

Interjection.

**R. Hawes:** When that member is finished....

**Mr. Speaker:** Order, please. The member for Maple Ridge-Mission has the floor.

[1430]

**R. Hawes:** My question is to the Attorney General. This morning's papers claimed that former Premier

Glen Clark is trying to block the conflict-of-interest commissioner's report into allegations that he interfered in a casino application. His lawyers, too, are trying to block it for all time. To the Attorney General: can you tell us if that report is going to be released and, if so, when?

**Hon. G. Plant:** I thank the member for his question. The report was commissioned by the former government on the basis that it would be made public. Cabinet has decided that the intent of the original commissioning of the report will be honoured. We are awaiting the completion of appeal periods and things like that, but as soon as we are in a position to release the report, it is our intention to do so.

**Mr. Speaker:** The member for Maple Ridge-Mission has a supplementary question.

**R. Hawes:** I know and my constituents know that investigations by the conflict commissioner don't come free. Can the Attorney General tell my constituents what the cost of the investigation has been and who's going to foot the bill?

**Hon. G. Plant:** We're still gathering together the costs associated with both the criminal proceedings and the conflict-of-interest proceedings. The indemnity agreement under which the former Premier was provided with legal assistance is subject to solicitor-client privilege. We're also asking whether that will be waived so that when we get all the figures together, we'll be able to tell the taxpayers of British Columbia just how much this whole exercise has cost. We haven't got the figures together completely yet, but we're still working on it. I'm hopeful that we'll have something we can release very shortly.

PROFESSOR SUPPLY AND  
STUDENT SPACES IN  
POST-SECONDARY INSTITUTIONS

**H. Bloy:** My question is to the Minister of Advanced Education.

Interjections.

**Mr. Speaker:** Order, please. The member for Burquitlam has the floor.

**H. Bloy:** My constituency is home to Simon Fraser University and many thousands of students that attend this world-class institution. As enrolment at post-secondary institutions is expected to rise between 20 and 30 percent over the next ten years, the Association of Universities and Colleges estimates that nearly 40,000 new professors will be needed to keep pace with the increased demand. Can the Minister of Advanced Education tell us what the government is doing to attract highly skilled and educated professors to B.C.'s post-secondary institutions?

**Hon. S. Bond:** We're not only looking at a strategy that would attract the best and brightest to this province, we're looking at a strategy that would train and keep the best and brightest in the province of British Columbia. One of the most important things that attracts people to this province in terms of our professionals and, in particular, our professors is a vibrant economy that attracts investment. We're working hard at that.

Most recently, we were absolutely delighted to be able to announce the doubling of graduates in the computer science and the electrical and computer engineering programs. When we did that, one of the best parts of that initiative was the fact that we are going to add almost 400 graduate positions for students in this province. That's what will attract professors, and that's what will create more professors in the province.

**Mr. Speaker:** The member for Burquitlam has a supplementary question.

**H. Bloy:** With many more thousands of students expected to enter the post-secondary institution over the coming years, we must ensure that there is enough space available. Can the Minister of Advanced Education tell us what she is doing to ensure that student spaces will be available and that no qualified student will be denied entrance?

[1435]

**Hon. S. Bond:** Well, I'm very proud of the record of this government. In very difficult fiscal times we protected the budget to Advanced Education, and within that envelope we were able to add 2,700 new seats, including 600 spaces for registered and practical nurses in this province. We are going to nearly double the number of physicians trained in this province.

In addition to that, we're asking institutions to look at the utilization of their buildings to make sure that we're using them as often and as long as we possibly can. In fact, today we looked at a new way to increase access and exciting opportunities for the students of this province with a new on-line learning strategy named BCcampus.

We think all of those things together will help increase access and allow students to attend and have a post-secondary opportunity in British Columbia.

#### PROVINCIAL SALES TAX IN B.C. AREAS NEAR ALBERTA BORDER

**B. Bennett:** My question is to the Minister of Provincial Revenue. B.C. loses millions of dollars of tax revenue each year to cross-border shopping. In my riding of East Kootenay there are many communities that are hurt by the local residents who travel across the border to Alberta, where they benefit from not having to pay provincial sales tax on the purchase of goods and services. Can the Minister of Provincial Revenue tell my constituents if he is considering changes to the

provincial sales tax in order to help B.C. communities near the Alberta border?

**Hon. B. Barisoff:** We are prepared to step outside the box and look at the implications that cross-border shopping has for the residents and businesses along the B.C.-Alberta border, but in saying that, it's a complex issue. Where would you draw the line? Is it revenue-neutral? The city of Dawson Creek has actually done a preliminary study right now, and they're in the throes of doing a comprehensive study to look at further implications of what might happen.

**Mr. Speaker:** The member for East Kootenay has a supplementary question.

**B. Bennett:** Over the summer I heard from a lot of my constituents who believe that some action has to be taken by the provincial government to strengthen the local economy. I appreciate the fact that this is the first government that has ever taken this initiative seriously. This is an initiative that has been around in the East Kootenay and in the Peace for many, many years. I appreciate the fact that this minister has taken this seriously.

Can the Minister of Provincial Revenue tell us when he expects the city of Dawson Creek to complete their study?

**Hon. B. Barisoff:** I did meet with the city of Dawson Creek at UBCM. They are engaging the services of the other communities, and they're expecting they should have something back to us sometime in six to 12 months. At that time, the Minister of Finance and I will have a look at that and make a decision on what we're going to do.

#### FOREST INDUSTRY EXPORTS TO TAIWAN

**D. MacKay:** My question is to the Minister of Competition, Science and Enterprise. The softwood lumber dispute has certainly illustrated the problems of being overly dependent on a single market. Nowhere has this problem been more apparent than in my constituency of Bulkley Valley-Stikine, where hundreds of workers have been laid off as a result of the lumber dispute.

I understand that while on a trade mission to Taiwan and Japan this month, the minister met with officials in Taipei that are interested in adopting B.C.'s wood frame code for building homes. To the Minister of Competition, Science and Enterprise: can he tell us how B.C. would benefit if Taiwan were to adopt our code?

**Hon. R. Thorpe:** I had very, very positive meetings with the Construction Planning Administration, the Ministry of Foreign Affairs, the Ministry of the Interior, and the Architecture Building and Research Institute regarding the adoption of wood frame construction codes in Taiwan. The industry, together with COFI and

in particular Ron MacDonald, has worked very hard on behalf of the industry for the past two years.

[1440]

I believe — and we've had undertakings from officials in Taiwan — that we could see the approval of a wood frame construction code by the end of January 2003. That introduction, when it happens, will give great opportunities to forest workers, companies throughout British Columbia and all British Columbians. I'm sure everybody in Houston and Quesnel would appreciate the opportunity to increase exports to Taiwan and Japan. We have a great future.

[End of question period.]

**Hon. G. Collins:** I just want to make sure that I did not mislead the House earlier today. I've just been handed two notes. The first one is that Herman Cheung did not use his work e-mail for the mayor's campaign. He was helping set up a domain and did not know that his name was being used. He was doing his work as a volunteer. The only thing he did for the campaign was advise them how to set up a domain for the website.

Secondly, just to show the....

Interjections.

**Mr. Speaker:** Order, please. Let us hear the explanation.

Interjections.

**Hon. G. Collins:** It's a point of order, Mr. Speaker. Anybody can speak to it. If the member wants to....

She might want to listen to the next part, because I want to illustrate the government's fairness and even-handedness. Bill Burrill, a government employee and a chair of the NDP slate of candidates in Victoria, was in fact using his government e-mail as his contact for the campaign. When that was brought to our attention, it was stopped.

Interjections.

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

If the Leader of the Opposition wishes to rise on a point of order to respond, she may do so.

**J. MacPhail:** There was no point of order made, with the greatest of respect.

**Mr. Speaker:** With the greatest of respect, hon. member, you can rise and reply on a point of order.

**J. MacPhail:** Absolutely not, Mr. Speaker. I will do so out in the hallway.

The fact of the matter — that this government uses this chamber with no order from the Chair — is to be questioned.

**Mr. Speaker:** Please be seated.

## Orders of the Day

**Hon. G. Collins:** I call committee stage debate of Bill 67.

[1445]

## Committee of the Whole House

### TRANSPORTATION INVESTMENT ACT

The House in Committee of the Whole (Section B) on Bill 67; J. Weisbeck in the chair.

The committee met at 2:45 p.m.

On section 1.

**J. Kwan:** When we engaged in debate with the Miscellaneous Statutes Amendment Act, there were lots of questions related to tolls, their application and so on. The minister had a reply, at that time, that those questions ought to be canvassed under Bill 67. I also asked the minister if it would be appropriate at that time to canvass these questions under the "Definitions" section of Bill 67, and she said if that's my wish. I'd like to actually canvass some of these broader questions with the minister under the "Definitions" section.

First of all, let me ask the minister this question. Two weeks ago, the Premier announced a P3 project in Vancouver. This was for a health care facility attached to Vancouver Hospital. The Premier also noted there were no private sector partners lined up to build and operate this facility. Does the minister then anticipate a similar process for highways — that is, announce the project first and then look to see if there's a private partner in place?

**Hon. J. Reid:** This act is a piece of enabling legislation. The government has expressed interest in being able to provide transportation infrastructure in this province. As we've looked at the constraints on the budget, we realize we need to explore other opportunities. We believe there is an opportunity for private investors to be involved in providing transportation infrastructure. This bill is the framework to allow us to do that, as it lays out in detail the different parameters around how that would be structured.

Yet as we move forward from having this enabling legislation, it will be in a public way. Tenders will be in the public. We will certainly be having that communication and interaction. As I communicated with the member over our previous discussions in committee stage on Bill 62, we do engage in working with municipalities and do have an ongoing relationship with municipalities.

**J. Kwan:** The question to the minister is: does the minister anticipate a process for highways similar to the one announced earlier by the Premier on a public-private partnership in Vancouver to build a health care facility attached to the Vancouver Hospital, even

though no private partners have been lined up? Will the minister simply announce the project and say, "Here it is," and then look for private partners? What process would be adopted? That's one question.

The second question to the minister is this. We canvassed this a little bit under the Miscellaneous Statutes Amendment Act — that is, local government consultation. In fact, yesterday the minister and this government voted down an amendment to the Miscellaneous Statutes Amendment Act that consultation be required to take place and that there be an agreement sought with local governments on the off-loading of maintenance and construction on arterial highways.

[1450]

The minister says: "We'll talk to local governments." What if local governments disagree with the government's approach to public-private partnership, to tolls for highways and bridges and the like? What if they disagree? Will the minister respect the opinions of local governments?

**Hon. J. Reid:** To answer the first question, we have to formulate the projects. We have to understand. With all the information that comes in across the province of the needs, we have to look at what the needs are and the way they can be delivered, whether it's through a partnership with the federal government, municipal governments or private investors; whether, as we discussed previously, it's around contractors on specific interchanges or a larger investment into infrastructure as what is supposed here with this bill.

Formulating that project will involve discussion, depending on the project. It would depend on the kind of discussion that would have to take place. Then we would be calling for requests for proposals. That would be a public call. That's the procedure. That's anticipated.

The other part of the member's question goes back to a conversation that we did have over Bill 62. There is the requirement for the provincial government to provide a highway system, a transportation system, that meets the needs of the province economically, socially and for safety reasons. That's the responsibility of the province, and while we have discussions upon those items, it's also the responsibility of the province to look at how the province is going to be able to pay for those projects and how to use the available dollars in the best way. That is a responsibility of the province, and that remains. As we go forward in these discussions, it can't take away from that being the ultimate responsibility of the province.

**J. Kwan:** What the minister basically said in her answer to my question is that she doesn't have the answers. I asked the question, "What will the minister do? Does she anticipate that there is going to be a similar process for highways on public-private partnership as that of the health care facility?" and the minister didn't answer that question. The minister didn't answer the question of whether they would simply put projects out there first and then look for a private partnership.

The minister says: "Well, this is just enabling legislation." Yes, it's enabling legislation, but also with a plan. One would only assume that the government has a plan and the minister has been out in the public talking about public-private partnerships. What's the plan? Doesn't she have a plan? Doesn't she have some sort of scheme, some sort of draft scheme in place? If she does, she's not sharing it with British Columbians — that's clear — or else she doesn't have any plan at all. Here's a piece of legislation that says: "Okay, go ahead; go out there and look at privatization. That's the way to go." Yet there are no steps — procedures, if you will; protocol, if you will — put in place.

You know, it is interesting, Mr. Chair. If you look at some information, not from the opposition's source but some other sources, what they think about public-private partnerships and tolls and so on... It's interesting to have this information. In fact, this is a presentation that was made to the B.C. Transportation Summit on September 5, 2002, by Jock Finlayson, who is the Business Council of B.C. executive vice-president. He actually put out a PowerPoint presentation, *Funding Transportation Infrastructure: Issues and Alternatives*. In it he talks about some of the recent experiences, and one of the items he's brought to light is that today there are approximately 19 toll roads, bridges and tunnels in Canada. Most road expenditures in Canada, however, still come from consolidated tax revenues, and Canadians, British Columbians, view roadways as a public good.

[1455]

Then you skip over. There were many slides within it that laid out the foundation of his case, but ultimately his conclusion is this — a couple of points that I want to highlight: "Some of the funding shortage can be addressed through the use of tolls but only on a limited basis. Realistically, they will not come into widespread use over the next decade." Then it goes on to say: "Public sector must still contribute to funding major transportation infrastructure projects — e.g., U.S. Federal Transportation Equity Act." Then there are a number of other points around issues and concerns relating to tolls, user fees and the like relating to transportation infrastructure.

The minister doesn't have an answer as to what the process is going to be. She doesn't know. In fact, she voted against the suggestion that the government would consult with local governments and actually would not override and off-load costs onto local government. She did that yesterday. This government and all of the Liberal MLAs did it yesterday and violated their own *New Era* document, which says no off-loading.

Let me ask the minister this question. Does the minister have any idea what project would be put up first for consideration for tolls and user fees and the like? Would it be the Sea to Sky Highway?

**Hon. J. Reid:** I believe I did answer the question. I'm sorry if the member doesn't appreciate the answer. The process is a very straightforward process. The

member opposite is encouraging the government to be careful about planning. That's exactly what we are doing. As I've been very publicly speaking over the past.... Well, I started speaking to people around this province in July — over the past year at that time and, since then, almost a year and a half. People from all over this province have been coming to the government with their needs for transportation infrastructure.

Those needs are complex. They stretch from funding for rural roads, northern roads, resource roads, roads into wilderness areas and gateway connections to relieving congestion, cutting down pollution, providing economic development, roads for intersections, safety improvements. As well, we get information from people around other concerns they have around airports, ports, ferries — all sorts of transportation needs.

The role of government and the role I have is to take that wish list and make some sense of it. The wish list, at a count a number of months ago, was approximately \$10 billion over the next ten years. That's a huge amount of infrastructure that's needed in this province. We find that going back to the sixties and 1970s was the time when the bulk of investment took place in infrastructure. Since that time, we've been feeding off that capacity. We now need to reinvest. That need is very great. The fiscal reality of this province, after a decade of stagnant and decreasing economic growth, has left us very vulnerable — to be able to provide this transportation infrastructure, which is integral to the economic development of this province.

Are we going slowly and carefully? Yes. What is the process? Talking to communities, working with staff, assessing what is safety-oriented and what is economically oriented, validating the different proposals that have come forward, looking at the cost benefit according to them, looking at where business cases could be made for private sector investment. That's a lot of work, a lot of analysis. That is underway. That is a process.

This is a piece of legislation because we believe that there is a role for the private sector to play and that there are times when toll roads can make economic sense and produce a benefit to people where they are wanting to see that benefit sooner rather than later. This legislation provides a framework for government to do that. We are in the process of formulating that plan.

The discussion about consultation was, I believe, well canvassed on Bill 62. We have been involved in consultation. We continue to look for consultation, but there is a lot of work that has to be done by the ministry. When you're talking about a \$10 billion plan, you have to take the time and develop that carefully. That's exactly what this government is doing.

**J. Kwan:** Well, it's interesting. Let's just break down piece by piece some of the items the minister has raised, first on the issue around consultation. She says she's out there and she's consulting. Well, just some headlines. I won't read the entire article into the record but some headlines around consultation.

[1500]

October 12, *Vancouver Sun*: "Selling Coquihalla a Sore Point in Kamloops." September 26, 2002: "B.C. Municipal Leaders Vow to Fight Toll Roads." October 9, 2002, *Vancouver Sun*: "Private Toll Roads a Bumpy Investment." These are just some of the items that have been brought to light in terms of what local governments think about privatization of roads and imposition of tolls.

Interjection.

**J. Kwan:** Maybe the member for Kamloops–North Thompson agrees with privatizing the Coquihalla. Maybe that's his position. I don't know. I haven't heard him say anything in this House or question the minister on any of these issues. Maybe he's not rising up, but you know what? His own community constituents are concerned about it and do not support it.

More to the point, when I asked a question of the minister around consultation and whether or not the government will respect local government's wishes on this issue.... This government, including the member for Kamloops–North Thompson, voted against consultation and seeking agreement from local government. That was just yesterday when the vote was placed in this House.

Maybe this government is proud of that. Maybe the backbench MLAs are proud of that. Maybe the government is proud to say: "We say we want to do consultation, but we're only just pretending we're going to do consultation. When it comes right down to it, we're not going to consult. If we don't have agreement from you, that is just tough luck." That's the message that's being sent out there right now.

Now, the government says that they're big on consultation. Where is the promised final version of *Creating Opportunities for Expanding Transportation Infrastructure*? That was promised in the July 9 information bulletin from this ministry.

**Hon. J. Reid:** I did reply to that comment in our discussion around Bill 62. The process there was to go out and advertise, to elicit comments on policy — the tolling policy that was put out — as well on as this bill. The reason it was changed from Bill 57 to Bill 67 was that we received input from many different sources, took it very seriously and incorporated it into the bill. I hope the member eventually gets to that discussion, because I think there is some really excellent advice that we received in protecting the public good, which you now see reflected in this bill.

The member, I believe, misconstrues the vote on the amendment yesterday. If she goes and reads the record, consultation is part of the present process. Everybody agrees with consultation. To misconstrue that as people being against consultation is just totally distorting the facts. I think the facts are part of the public record. My exact reply to the amendment, on how consultation is built into the present process, has continued, and there are other factors involved of responsibil-

ity that the province has and that is appropriate for the province to retain.

I'm not going to further discuss that amendment from yesterday, but it is again important to understand that there is a need out there. There is \$10 billion worth of need for transportation infrastructure. We have to work through that. We have to devise a plan. We don't have that plan yet, because we haven't worked through all the many different aspects of identifying that need, quantifying that need, assessing that need and being able to attach funding sources to it.

It's very apparent that this government does not have an extra \$10 billion just waiting to fill this. We have to be creative. We have to be innovative. Bill 67 gives us the structure, a very strict structure, a structure that's out there for the public to see.

There is a public good to be protected. It's outlined in this bill. I look forward to that discussion, because I believe that does give the framework so that people will have confidence in moving ahead. This allows one possibility for funding into the future.

The important part when you're looking at private investment is that there has to be a business case. There are certain places in the province where that might be applicable. There are other places where it's clearly not applicable, because there just is no business case. That work is yet to be done. We have to work through that. It's a process. This is enabling legislation that will help us get on with that process.

[1505]

**J. Kwan:** I want to correct the information the minister just put on record. There was no misconstruing of what happened yesterday and what vote took place around what issue. I want to actually put at this moment the motion that was voted on and voted against by this minister and the Liberal caucus yesterday, because it was against consultation, against local governments' wishes and respect for local governments' decisions.

The motion was dealing with arterial highways under Bill 62, the Miscellaneous Statutes Amendment Act (No. 3), 2002. The motion reads: "Subject to subsection (2), some or all of the cost of construction and maintenance of arterial highways may, but need not, be borne by the ministry." That was what the minister wanted. The amendment included the following words: "...but only after consultation with, and agreement by, the local government, or governments, within whose jurisdiction the arterial highway lays."

Let's be clear in terms of what the government's position is. They voted against consultation, and they voted against respecting local governments' decisions and authority. This is what they say in the *New Era* document — that they were going to outlaw downloading. When it came right down to it, would the government respect that? The answer is no.

Interjection.

**J. Kwan:** That was clear yesterday, because the member for Kamloops-North Thompson, along with

all the Liberal government representatives, voted against that amendment.

On the issue around consultation, the minister says they are consulting, but there's no information made public yet. There's no information that has been made public in spite of a press release that came out from the ministry on July 9, 2002, for immediate release: "P3 Discussion Paper Aimed at Increasing Infrastructure." It goes on to talk about how they want to consult, what some of the issues are and so on. Then the final sentence in the press release is: "Comments received by 4:30 p.m. September 12 will be given consideration, and a summary of comments received will be made public. The paper will be finalized this fall."

We have not seen any of the comments to date. Where is the result of the consultation process that was promised to be made public in the July 9 information bulletin? Where is it? Did the minister receive any completed questionnaires and e-mailed comments on the bill and discussion paper? If so, if she has received it and is prepared to make it public, will she table it in the House today?

**Hon. J. Reid:** I was trying to explain to the member the process of receiving the information back, the priority being to take that information and make the amendments to the bill. That was the first priority for staff to do. The next priority was to compile it and put it in a form so we can put it on the website, which will be done. The number of submissions we received was 85 — 85 submissions giving their comments, 30 from organizations. That's a lot to put together and compile. Again, the first priority was taking a look at the submissions that were given to make sure the legislation reflected those submissions. We are now in the work of compiling those submissions to publish on the website.

To follow up on the point of consultation, the member says she doesn't see the consultation. I don't know why she wouldn't be aware of all the consultation that's going on around the Sea to Sky Highway — the number of meetings that have been conducted there by my staff; the number of meetings I have attended; the number of reports that have been done on that, looking at train travel, looking at ferry travel; working with the Olympic bid committee, exploring the different options, exploring alternate routes; extensive work, working with people, exploring alternate routes and what the concerns were there.

This has been going on for many, many months, and it continues to go on. That's extensive consultation, so while we've identified the safety concerns along that highway.... In the five years from 1996 to 2001, there were 3,300 accidents on that section of road and over 34 deaths. It's an extremely serious situation. This has been a project that was certainly known about when that member was in government. It's a difficult project to undertake, and we are doing our utmost in working through it.

[1510]

If the member has any concern about consultation, if she has been paying any attention over the last num-

ber of months, she can take a look at the process there and realize there has been enormous work put into consultation.

**J. Kwan:** If anybody is not paying attention, it will be the minister. All she has to do is absolutely look in the newspapers in terms of what's being put out. I just read onto the record a couple of headlines: "Municipal Leaders Vow to Fight Toll Roads."

**K. Krueger:** You've got to read beyond the headlines.

**J. Kwan:** Another article about "Private Toll Roads a Bumpy Investment" and "Selling Coquihalla a Sore Point in Kamloops."

**K. Krueger:** Hire some different researchers. The headlines don't really give you that much to go on.

**J. Kwan:** Maybe the member for Kamloops-North Thompson will want to rise up and say, "Hey, let's go and sell the Coquihalla. Hurray" — because that's the thing that would be great for his community. Maybe he'll rise up and say that. But in my colleague's discussion — my colleague from Vancouver-Hastings — in talking to the people.... In fact, just last weekend in Kamloops, they were concerned with what the government might do to the Coquihalla and privatizing the Coquihalla.

So for the minister to lecture me about how I should open my eyes and see what's going on.... The real truth is this minister is closing her eyes and this government is closing their eyes to what's going on. In fact, MLAs are locking their doors so constituents can't get to them and tell them what they really think.

The minister misses the point on the issue around consultation, openness and transparency. She just said so herself in this House with the protest. The protest is around, "Well, we'll go out and consult people, and after we receive it, we're going to pass legislation in the House, and then we're going to tell you what people really said," as though somehow we should simply take her word for it when she says she has taken the submissions and the input from community members and community groups and incorporated it in the legislation.

So far, there is not one shred of evidence on any of the issues that have been debated in this House that this government actually respects the voices of the people. In fact, the Premier in Penticton came right out and mocked the people who want to raise the issues and concerns with them. Seniors out there are saying no to this government — "Do not take our homes away; do not take our health care services away" — and the Premier just mocks them as though somehow they don't know how to spell or how to add and so on.

You know what? From the way it sounds, the members in this House actually support that outrageous approach and flippant response to British Columbians and their points of view. That is what is hap-

pening, and that is reality. How could it be that in your own press release, through you, Mr. Chair, to the minister, who promised she will make the consultation public...? One would have assumed that the time line would be such that the consultation would be before the public before the bill is before the House for debate, before the bill is to be passed before the House.

How could it be that this minister says: "Don't worry. We're consulting, but we're not going to show you in a timely fashion what people really said to us. But don't worry. Trust us; we're listening"? It's somehow as though we should just sit back and not worry about a single thing, because this government is taking care of business, hurting every single British Columbian who needs health care services and making sure they don't get access to it, hurting children in and around education so that their classroom sizes are being increased, so schools are being closed in their own communities. In the rural communities they actually have to take a bus over to Alberta in order to attend school.

Somehow the government says: "Don't worry; trust us. There is consultation. I know what I'm doing." It can only be further from the truth. That is the reality of what's going on with this consultation. It's a sham; it is an absolute sham. And it flies in the face of the notion of what this minister, this government — the Liberal MLAs who campaigned in the last election under the *New Era* document that they would be open, transparent and consultative.... It is anything but that.

We know there's no consultation. We know there's no respect for local governments in terms of their voice. We know that this government is going to off-load, whether local governments like it or not, and we know that the government is going to keep it secretive. The information is not going to be made public in a timely fashion, when the bill is before us for debate. We all know that now.

[1515]

I want to ask the minister this question. The Premier announced a list of priorities at the UBCM. There's a wish list for road infrastructure improvements. Is this the list the minister will be working from to develop public-private partnerships and the imposition of tolls as contemplated under Bill 67?

**Hon. J. Reid:** I have to respond to some of the comments the member made. While she didn't ask me some direct questions, she left a lot of things unsaid. She was wondering who in this House supports tolls, and I would have to say everyone in this House according to the record, including the members of the opposition. When I look at what the former government introduced in this House, if I look at the GVTA Act in 1998, both members of the opposition voted in favour of the ability to collect tolls on roads. The Build BC Act in 1993 also includes a section on tolling and....

Interjection.

**The Chair:** Order, member. Order. Let's listen to the minister speak, please.

**Hon. J. Reid:** The ability to collect tolls was part of that government's premise.

Moving ahead from that — and I presume, then, they had the understanding, at that time, of the economy and transportation and how those two fit together — and in looking at allowing provisions in order to be able to accomplish transportation goals which will move us ahead socially, economically and environmentally, it is, I believe, accepted that tolls are a way of being able to provide that infrastructure sooner rather than later.

As the member wants to discourse on this, the concept of using tolls to be able to accomplish transportation infrastructure, I believe, has been endorsed by the opposition members in times past.

The member asked about the needs in the province. I will very briefly address this, because I believe I've already covered this. How I've compiled the needs is by listening and receiving submissions from all across the province, from councils, from mayors, from private individuals, from industry and from MLAs. We've compiled a list in addition to that, in talking with the different ministries and with staff. That is the list of needs that exists.

Then as we work through that, there are some obvious ones on that list, as I've already mentioned. Northern and rural roads suffered terribly under the last administration. There's a very real need there. There is also a need on the Kicking Horse Canyon, a very serious safety issue. There's a need on the Sea to Sky Highway, a serious safety issue. There's a need in the lower mainland with another crossing of the Fraser River, which we've discussed previously, that's to do with congestion, economics, gateways, border crossings, ports, airports.

We can canvass all those different needs, but again, they fall into safety as number one. Rehabilitation and being able to keep the condition and the investment of the current infrastructure are on that list. Being able to build for economic development is on that list. Looking at relieving congestion for economic and environmental reasons is on that list.

It's an enormous list. We have to work through it, but as the member opposite noted, there are some high-profile projects that the Premier has referred to, and I have just referred to them myself.

[1520]

**K. Krueger:** Listening to the member question the minister, you would think she was brand-new to this Legislature and didn't have any experience in the previous government. She sounds a lot like her leader, the Leader of the Opposition, who in her second reading remarks said this: "To that lovely older woman who called in, I'm Alice. I'm Alice in Wonderland." She went on to thread that all through her second reading speech about how she's Alice in Wonderland. You know, that's a fitting analogy in some ways, given the experience that we had for ten years with that government and, indeed, the experience we're having with these members in opposition.

My constituents say to me: "Alice doesn't live here anymore." They want a government to move forward. We've got \$10 billion, as the minister has said, in high-priority projects that are waiting, which these members never addressed while they were in government. Not only that, but we've got a tremendous deficit in rehabilitation and maintenance of our existing \$66 billion of highways infrastructure — things that weren't looked after, emergency situations.

We've got a president of the local CUPE named Larry Bancroft in my constituency, who wrote to the member who used to be a minister who seldom listened.

Interjection.

**K. Krueger:** She's heckling now. She never listened for ten years and isn't listening now. He's a constituent of theirs, really; he's an NDP supporter, big-time. Member, you might show him a little respect. His name is Larry Bancroft, and he votes for you folks.

He wrote to the previous government and said that we've got a dangerous situation on Highway 5, in my constituency. It's called Preacher Hill curves by the ministry. It's called pig corners by the local people, because truckloads are always flopping over there, and one of them was a truckload of pigs. The pigs ran all over the countryside and ended up in freezers. Trucks can't navigate that corner at the speeds they try to. It's very dangerous.

That government — the heckling member's government, the government that drove this province's economy to ruin over ten years — never came up with the money to fix it, even though Mr. Bancroft, who represents school bus drivers, was pleading for help with it, saying: "We need the money to fix this, because we're afraid that one of our school buses is going to get hit by one of these flopping trucks." But her government couldn't respond. They left this government with a debt of \$40 billion; 125 years of previous B.C. government accumulated a debt of \$16.5 billion. It took those losers ten years to get it up to \$40 billion and leave us in a situation where we're facing a deficit, a structural deficit, of \$3.8 billion per year according to non-elected people, experts outside government, who were commissioned to do a fiscal report.

Here's this minister having to look at this problem: how do we catch up in the year 2002? How can we possibly get British Columbia back up to speed on the rehabilitation, on the maintenance, on the important safety-related projects that the NDP ignored all those years and also into the new millennium?

Interjections.

**The Chair:** Member, would you kindly be seated for a second.

We're getting an awful lot of noise, and I'm having difficulty hearing the speaker. Member for Vancouver-Mount Pleasant, you might perhaps want to listen to what he's saying.

**K. Krueger:** Thank you, Mr. Chair. That would indeed be a refreshing change.

As I say, my constituents say: "Alice doesn't live here anymore. We really don't want you spending a lot of time on Alice." When the member says, "Where's the money going to come from to do these things? Why can't we do anything besides public-private partnerships?" we suggest to her: go ask Alice. Go ask Alice: what else can we do?

I'm interested to know whether the NDP or the B.C. Federation of Labour or any of the public sector unions made any concrete submissions to the minister by way of alternatives. I know the minister travelled the province asking for public input, inviting everyone to tell her what the other options are. What can the public think of by way of helping us chart a course out of this mess that the NDP put us in?

That's one of my questions to the minister. Did the NDP...?

Interjection.

**K. Krueger:** Did the member who's heckling again or did the Leader of the Opposition come up with any concrete suggestions?

I think we got a very clear message from the public on May 16, 2001. In the prophetic words of Dr. Hook: "We gotta get used to not living next door to Alice." Alice is gone, and her government is gone, but we're left with the responsibility of dealing with all of this.

[1525]

I'm asking the minister — and I'd really like the member for Vancouver–Mount Pleasant to pay attention to the minister for a change — what the results of the consultation were as far as any sort of constructive proposals from the member or the Leader of the Opposition or the NDP or the B.C. Federation of Labour or any of the usual suspects who ran British Columbia throughout the 1990s and put us in this mess. They had consultations till the cows came home. We always all knew in advance what the results of those consultations would be: exactly the things the NDP government intended to do in the first place. Their consultations were bogus and illegitimate and didn't amount to anything.

The opposition claim they do some consultation now while in opposition. In fact, here's another quote from the Leader of the Opposition in her second reading speech. She said she talked to people at the UBCM in Whistler. She says: "A lot of people were coming to Whistler and saying 'Yo, man. This highway ain't bad. You ought to travel around the highways outside of my community.'"

Well, both the heckling member and the Leader of the Opposition represent postage stamp-sized constituencies compared to mine and most of the members on this side of the House. I've lived in Fort St. John, Dawson Creek, Smithers, Vernon, Prince George, Salmon Arm, Cranbrook and Kamloops, and I've never met anybody that says "Yo, man" — none. None of the constituents, none of the people they would elect to go

to the UBCM, but apparently the Leader of the Opposition found somebody at Whistler — various people, she said — who said: "Yo, man. This highway ain't bad."

Nobody talks like that where I come from. I'm interested in who she is talking to and where she does her consultation, because I just don't think it's as broad a cross-section as the minister reached in her tour around the province. In their consultations the NDP came up with ideas like building three fast cat ferries.

**The Chair:** Member, I think we're getting into second reading debate here on both sides of the House. I would certainly like to get back to the committee stage of this bill, where we were dealing with section 1 definitions. Perhaps we could have a question related to the committee stage of this bill.

**K. Krueger:** Mr. Chair, I certainly respect that, and as long as the member will comply with that, I certainly will.

Since we were dealing with the issue of consultation, perhaps the minister could answer the question about whether there's been any constructive response to the consultation from the member who was doing the previous questioning or anyone associated with her.

**Hon. J. Reid:** I haven't heard from the member opposite with regard to this bill, but she knew she had this opportunity to add her comments. We did hear from the BCGEU, and I'm checking right now to see, within those 85 submissions, who else might have given us a submission. When I get that information, I will add it into the record.

I just wanted to clarify a statement that the member of the opposition made with regard to my statement about the support for tolls and believing that the members of the opposition also support this concept. The comment was around the Build BC Act. The Build BC Act gave power to the BCTFA to levy tolls, so that is not restricted to municipalities. I'd just like to read into the record what was passed by the former government. This is the Build BC Act under "Tolls and Charges," section 21:

"(2) Subject to the approval of the Lieutenant Governor in Council, the authority may establish a system of tolls or charges to be paid to the authority in respect of the use of a highway, bridge, structure or other property of the authority.

"(3) If a toll station has been established by the authority for the collection of tolls or charges in respect of the use of a highway, bridge or other structure, a person must not take or operate a vehicle, other than a vehicle exempted from this section under the regulations, through the toll station without paying the toll or charge applicable to the vehicle."

[1530]

I'm also introducing that at this point in time to show the contrast between what we have produced in Bill 67 in looking at addressing the concerns of the public, looking at being able to be absolutely straightfor-

ward, looking at the definitions in section 1 and the amount of detail we have put into this. Indeed, we take very seriously the public good, and I'm quite interested in discussing the different sections of this act.

According to the instructions from the Chair, I will just reply to specific questions pertaining to specific sections of the act.

**J. Kwan:** I want to respond to the minister's comments. The first comment she brought up was the notion of allowing the GVTA to have the authority for tolls. You know what? The GVTA is composed of local government representatives. They get to make the decision whether or not they want to go ahead. This is consistent with a motion we brought forward yesterday, overall, around consultation and agreement with local government to act.

That is the difference here that this minister fails to understand continuously and that the MLA for Kamloops-North Thompson, as well, fails to understand. That is the issue, so I want to highlight that as one issue.

The other issue around the BCTFA is that on the BCTFA, while the authority....

Interjections.

**The Chair:** Member, would you please be seated. Leader of the Opposition, I find those actions entirely inappropriate for this House.

**J. MacPhail:** Really.

**The Chair:** I don't think mockery is a particularly parliamentary procedure in this House.

**J. Kwan:** On the issue around the BCTFA, let's be very clear that the authority's been given to the BCTFA, but in no instance with the previous government were tolls imposed. They were never imposed, and when this minister was asked whether or not she will impose tolls or privatization of road infrastructure onto local jurisdictions without the consent of local government, would she actually commit that she would not do that without their consent? She would not make that commitment.

She can cite the BCTFA's policies, and so on and so forth, but so what, quite frankly, because the government never exercised the right to impose it on them. Maybe she would want to actually look back in history and understand the practices of the previous government versus what this government is doing today.

You know, I find it very interesting. The member for Kamloops-North Thompson got up and ranted about something — not a question to a minister, but attacked the opposition. Never mind, it's his prerogative, and he can do that. It's surprising. When he actually had the floor, he wouldn't get up and ask this question: "There continues to be much uncertainty about the sale or the privatization of the Coquihalla Highway. Is it or will it be put up for sale or operated

by a private sector partner?" Simple question to the minister. The MLA for Kamloops-North Thompson didn't ask it on behalf of his constituents, so it's left up to the opposition to ask that question once again.

**Hon. J. Reid:** While that's not, strictly speaking, part of the act, I'm going to respond to the question. It's part of the service plan that was published that we would further the work that had been started under the previous government and continue to look at private sector investment and participation in the Coquihalla. That's part of the service plan, that work in doing the examination of....

There are several studies we've had underway to further our information around that. I haven't received the information back from those studies yet. It is a process that's been out there and that's been public. There's been no decisions. As I say, I haven't even received the information back from the studies that we're working on right now.

[1535]

**K. Krueger:** Since the subject has been raised and the members have challenged me to deal with it, just a quick refresher for the House. The toll was instituted not by the NDP government but by the previous Socred government. It was set at \$10 per passenger vehicle, more for trucks and more axles and so on. Still, at \$10, as I understand it, it generates about \$40 million a year.

My understanding, also, is that the cost to build the Coquihalla was some \$800 million. Incidentally, the cost to build the mid-Island highway, as I understand it, was about 50 percent more than that. The NDP never tolled it, but they never did away with the tolls on the Coquihalla either, probably largely for the same reasons we can't. We were very upfront about that in the election — that we weren't going to — because that money is needed for general revenue not only to cover the costs of maintaining the Coquihalla but also to cover the incredible commitments that the previous government made and that we're trying to meet while struggling with this \$3.8 billion inherited structural deficit.

The Leader of the Opposition, who referred to herself in second reading debate as Alice in Wonderland, has joined us now. I was thinking about — I don't recall it precisely — her history as Alice in Wonderland in the original story. The Cheshire cat's in the tree, and Alice says to the Cheshire cat: "Which way do I go from here?" The cat says, "Well, where are you going?" and Alice says: "I don't really know." The Cheshire cat says: "Well, then it doesn't really matter which way you go if you don't know where you're going." That's very much the experience that we had with Alice and her government.

The fact is that we were left with this highway with a toll on it. Members from that area would really have liked to be able to promise in the election that we were going to remove the toll. We went to the Premier, who was then the Leader of the Opposition, and said: "Can

we get rid of this toll? Will we be able to promise that?" He said: "No, we won't. We think it's far more important to restore the economy of British Columbia, which these people have destroyed in taking us from the best-performing to the worst-performing economy in Canada. We're going to commit to the lowest base personal income tax rate in Canada for the first \$60,000 of income by the end of our first term."

We said, "That sounds pretty good," and he said: "Yes, it'll generate economic activity throughout the province, and as the economy grows, we'll move to make this the most competitive tax regime in the country." That sounded good to us, so we squared our shoulders and went out in public to the public forums. People asked us: "Will you get rid of the toll on the Coquihalla?" We said: "No. We have specifically put that to the Leader of the Opposition, and he's given us the answer. This is the answer, and it makes sense to us. Our commitment to you is that by the end of the first term in office, you will have the lowest personal income tax of anybody in Canada up to the first \$60,000 in income."

Did we make good on that promise? Well, we didn't have to until the end of this term, but our cabinet made good on it on their very first day in office. I think that's really commendable, and I think we should give a round of applause to the government — absolutely. But the toll on the Coquihalla remains, because if we didn't have that, there would be \$40 million less per year flowing into the provincial coffers to meet the many important obligations we have in health care, education, transportation, public safety and all the rest of the things that we fund.

I don't think I'll be responding to any further goading by the member for Vancouver–Mount Pleasant — or Alice, the Leader of the Opposition — or anyone on this subject, but I did want to be on the record that we were up front before the election, and we have been up front during the election, since the election and as government. We always said we didn't believe we would be able to do away with that toll anytime soon, and I don't expect we will.

I commend this minister for travelling, as she did, throughout the province, taking time away from her husband, her family, her business, her home — all the things that are important to her — and going out, doing her job, visiting this whole province. I'm shocked when the Leader of the Opposition comes back from a mini tour of the province with the Committee on Finance and Government Services and expresses surprise that rural communities are hurting. You bet they're hurting, Mr. Chair and Leader of the Opposition. They've been hurting for a long time, ever since the NDP drove the economy into the ground the way it did.

We're helping them get back on their feet. We've seen 90,000 new jobs created in this province since December. That is benefiting everyone.

**The Chair:** Member, could I suggest we get back to the committee stage of this bill.

**K. Krueger:** Thank you, Mr. Chair. That's what I'll do.

I just, perhaps, would like the minister to confirm that the numbers I have for the Coquihalla are roughly correct — that we generate about \$40 million per year with the tolls; that the highway itself cost over \$800 million; and that in fact when you consider that we're \$40 billion in debt and all of that is borrowed money that we have to pay interest on, there's going to be a need for that toll revenue for quite some time to come.

[1540]

**Hon. J. Reid:** Yes, he's correct in the figures he has provided. Certainly, the ongoing challenge for this government is to find ways of financing not just highway infrastructure but all the other needs in this province. Again, bringing it back to this bill, this is one of the ways we can look for investment to provide infrastructure that will meet those needs, the needs that are not just economic but certainly social as well.

**J. MacPhail:** Rumour has it that the government is in receipt of new polling that shows them in deep, deep trouble in, well, lots of areas in the province but particularly in the regions — hence the new strategy to attack both the member for Vancouver–Mount Pleasant and me. We've just received that information. This isn't the McIntyre and Mustel polling; it's new polling they've received.

The Minister of Transportation is always hiding behind actions of the previous government to somehow suggest she is just doing what was the intention of the previous government, reading from legislation that allows tolling, public tolls, and that somehow indicates that... I think this is probably the line of argument. Although it's an interesting one, it's: "Well, we're only just as bad as the previous government." It's interesting logic for a government that has a 77-seat majority. Now they're struggling for ground to say, "Well, we're no worse than the previous government," when they very clearly know they're taking actions they themselves will have to answer for completely. They are extremely nervous about that. Apparently their polling shows that no one accepts their actions, particularly in the rural areas. I make note of that for the minister — that as a strategy, the strategy is failing.

When I was in Kamloops this weekend, the whole issue of this government's actions around the Coquihalla had nothing to do with the tolls — absolutely nothing to do with the tolls. Once again, the member for Kamloops–North Thompson doesn't even know how to get in the game. What I did hear over and over again was a demand for a commitment from this government to not privatize the Coquihalla. Will the minister commit to not privatize the Coquihalla — yes or no?

**Hon. J. Reid:** I really would like to direct the discussion to the bill, but certainly, I will reiterate the answer I already gave for the member. In the service plan of the ministry it's clear that we're looking at private sector involvement in the Coquihalla. I have engaged

several studies to provide more information to government to be able to assess that, to be able to look at future decisions, because no decision has been made around that. We're gathering that information. That has been part of the public process.

**J. Kwan:** I would make a prediction that the government is going to privatize the Coquihalla. That's my prediction.

[1545]

The roadbuilders, the engineers and even Jock Finlayson have noted that given the geography of B.C. and our relatively sparse population, the attractiveness of toll highways is not as great as it is in many other places. We have amongst the highest, if not the highest highway construction costs on the continent. How does the minister intend to attract private sector investment to highway construction, operation and maintenance when these huge cost factors would mean a level of tolls that would be prohibitive to the travelling public, tourists and the trucking industry if the private sector is to get a return on its investment and would be acceptable to its shareholders?

**Hon. J. Reid:** It states in the policy document that was released with this piece of proposed legislation, which was actually introduced in the House last spring, that the business case for any toll road would have to have a calculation where the benefits to the travelling public would have to exceed the tolls. Along with that there has to be a business case that, in order to get a private sector.... Obviously, if your tolls are too high, people won't use that route, and they can't have a return on investment. There does have to be a reason that works.

When we talk about public-private partnerships, those can be a range of different agreements from complete private sector investment to, obviously, the complete public sector investment and any range in between. If the government has to put in a certain amount in order to bring down the tolls so they meet this criterion and so there is a business case that can be made, that's all within that realm of options available to government in looking at how we're going to move forward and finance projects.

It makes no sense whatsoever to think of anyone investing and building a road where the tolls were so high that people wouldn't use it. We have to look at business cases where it's workable. The example I used when we were discussing this in committee stage on Bill 62 was in the lower mainland, where you have high traffic volumes. The higher the traffic volumes the more sense it makes, because then you're providing a good benefit, and it brings the tolls down low enough so people are enjoying that benefit and are willing to use those roads, and it works out well for the different parties involved.

There is a full range of opportunity and possibility, but there are a lot of natural constraints around this where it just does not make sense to use toll roads. It doesn't make sense from a business case, where you

wouldn't attract an investor, and it wouldn't make sense if the tolls are too high and they exceed the benefit that people are receiving. There are natural, commonsense restraints around this. There is limited application of this. We do believe that there are some applications, and the lower mainland is a case in point, around the gateway and another crossing of the Fraser River.

**J. Kwan:** Are shadow tolls captured by the definition of tolls in the bill?

**Hon. J. Reid:** A shadow toll is where the government would pay a toll per vehicle, rather than a direct user-pay. Under the definition of toll in this section, it would include the concept of a shadow toll.

**J. Kwan:** Could the minister please explain what a shadow toll is? I actually don't know what a shadow toll is. That was in the discussion paper. It's not incorporated in the act. But what is it? In some ways, I suppose one could argue that it might just be a hidden tax.

**Hon. J. Reid:** A shadow toll is a situation where you have a private investor who has built a road or a section of road, but the arrangement is that vehicles themselves don't stop and pay the toll. There is a calculation of the vehicles using the roadway, and the government compensates the company based on the usage of that roadway.

[1550]

**J. Kwan:** So the government pays for the toll and to the private sector, whoever happens to be operating the roadway. That's incorporated within the definition of tolls in this bill. Are Forests roads captured in the definition of highways, then, in this act?

**Hon. J. Reid:** Mr. Chair, I appreciate the question. I think it's an excellent question. I just want to verify some legal wording around this, so I will be responding to that question as soon as that information comes in to me.

**J. Kwan:** I assume that the answer will come at some point during this debate — yes? Thank you.

Just back to the issue around shadow tolls for one minute. Why isn't there a specific definition to say what a shadow toll is? In the definitions section, a "toll means a charge for the use of some or all of a concession highway by a vehicle." When you read that, one assumes that the charge is actually to the consumer. Although if government pays for it, it is also charged to the consumer, but it's not the direct charge. Why isn't that term "shadow toll" in the definition section? It was in the discussion paper.

**Hon. J. Reid:** The definitions section of the act is around legal terms, and shadow toll is a concept. In order to give validity to the act, it isn't necessary to have that under the definitions.

**J. Kwan:** In regulations, then?

**Hon. J. Reid:** It's a concept. It's a common-usage term. It's another way of a public-private partnership. It's just out amongst that range of different applications of combinations. I'm sure there would be many different terms used in examining the different situations around the world, but it's a concept that exists and just wasn't required to give legal validity to the act to put it under the definitions.

**J. Kwan:** In the discussion around highways — we don't know whether or not Forests roads are captured, and the minister is going to bring forward that answer — what about recreational roads, roads that are designated or lead into a recreational site, a campsite or those kinds of things? Would those fall under what's defined as highway?

**Hon. J. Reid:** Forests roads and recreational roads are not captured under the definition of highway.

[1555]

Section 1 approved.

On section 2.

**J. Kwan:** Section 2(1)(a)(i) gives the minister, with cabinet approval, the ability to transfer or grant interests in or rights relating to land that is used as a part of a concession highway. Section 2(3) states that a concession agreement must not transfer for a fee simple interest in the land. What interests or rights would a private company have to the land that remains the ownership of the Crown? Would it have the ability to lease land to a gas station, for example, or to allow a McDonald's to be built on it? Will the private operator have the ability to expand its revenue base beyond that of the actual operation of the highway?

**Hon. J. Reid:** This section of the act the member has referred to covers the relationship with the government in respect to the concessionaire that this land is leased.... It is not sold to them, and it is restricted to the amount of property required to operate a highway. She asked about other abilities of the concessionaire. If the concessionaire wants to do something else, other than the land required to operate the highway, the province would look at that as separating the parcel of land from the right-of-way and entering into a separate lease or sale agreement. The piece of property would be subject to local zoning and local land use, and it would be treated not as part of the right-of-way but as a separate parcel.

**J. Kwan:** Would the government lease the land to the private operator who, in turn, could lease it out? Is that what the minister is saying?

**Hon. J. Reid:** There would be the potential to do that, but it's important to recognize that the piece of

land that's not used strictly for highway right-of-way comes under the local or the regional land use and other related stipulations.

**J. Kwan:** Yes, thank you. I understand this in terms of land use decisions and that it rests with local government. I understand that, but if it were Crown land for which the government has entered into a public-private partnership, so to speak, so that the private company has access to the land, it does not mean they own the land. The Crown still owns the land. If the private company wants to put a McDonald's on the land, then yes, they will have to go through.... I would just automatically assume they would have to go through the land use decision of the local jurisdiction.

The question is how that would work from the point of view of land use itself. Would the government lease the land to this private company for usage as a gas station or whatever the case may be, or does the private company already have the right to do that? Do they just have to go through the local zoning authorities to put up whatever structure they wish to put there?

[1600]

**Hon. J. Reid:** The highway right-of-way is only for the highway use. If somebody wanted to do something other than strictly the highway use, that would have to be a parcel that's separated off from the rest of the agreement. Then in the terms, whether it be leased or whether it be sold, those are the options available. So the concession agreement would be for a highway right-of-way that's required to operate the highway. Anything else would be treated as a separate parcel.

**J. Kwan:** The simple answer, then, is yes. The government will either lease or sell the land to the private owner, and then they will have to go through the local municipal land use zoning process to determine whether or not they can put up whatever structure they wish.

[H. Long in the chair.]

The question, then, is: if Crown land is designated for the time being for the purposes of highway operations, can it be sold off for purposes of private lease or owned for purposes of developing other structures? In other words, does the private operator have an opportunity to expand the revenue base beyond that of the actual operation of the highway? That's what I gathered. If I'm wrong, I would ask the minister to correct me; if I'm not wrong, then I will move on to section 2(4).

**Hon. J. Reid:** I think the important point the member is trying to make, and wants clarification on here, is that any of those kind of agreements can be put in the concession agreement that's originally struck with the province. If there's concern around what that concessionaire could do or develop or add to, that all has to

be worked out in advance in the concession agreement. There is not the unlimited ability for them to do anything. There's a very limited ability, and that limited ability is spelled out in advance through the concession agreements.

**J. Kwan:** If it is not spelled out in advance, then there is no opportunity for that, so the agreement cannot be amended in any way, shape or form. Is that what the minister is saying?

**Hon. J. Reid:** Concession agreements could be amended by mutual consent.

**J. Kwan:** Then it is open. Agreements could be entered into. Those concession provisions might not be in there, but at some point in time it could all change. It could be changed at any time. The certainty this minister wishes to provide to this House lessens as the questions are asked and the answers become more and more clear.

Section 2(4) states that nothing in section 2(3) prevents the transfer of title to or interests in improvements or fixtures on land that is to become part of a toll highway. Does that mean that in the event of a sale of an existing highway — let's take, as an example, the Coquihalla — the buyer would then own all of the things that are part of the highway, but not the land?

[1605]

**Hon. J. Reid:** Yes. This refers to those structures that might be on the road. They would have the ability if the concessionaire built those structures that were necessary for the running of the roadway. Yes, there's ownership of those structures, so if there's a sale, then that involves the structures that are necessary for the operating of the right-of-way.

**J. Kwan:** So if those things that are on whatever highway — I use the instance of the structures on the Coquihalla — are sold to a private company, they will own everything on the Coquihalla except for the land. That would be the same with every other roadway or bridge or highway.

**Hon. J. Reid:** The question is what's considered an improvement or fixture and what is part of the land. The pavement stays. It would not fall under this section. As the member said, it could be a tollbooth. It could be something that could be separated from the land — a tool shed or something like that, which is separated from the land. This is not what's fixed to the land.

**J. Kwan:** Section 2(1)(a)(iii) allows the minister to transfer or grant shares or interests in those shares to any corporation that operates a highway that is to be a toll highway. Can the minister please explain what corporations are being referred to by this subsection?

**Hon. J. Reid:** This is a piece of enabling legislation, so this section would allow the transfer of the lease of

the assets to a company that we the government would own. Then we would be able to sell the shares of that company. It is a form of effecting that business transaction.

[1610]

**J. Kwan:** If it is Partnerships B.C., how will this operate? The Minister of Finance is the sole shareholder in Partnerships B.C. How will shares in a company wholly owned by the Crown be given to a private company? How will they be valued? Will they be able to be traded once they have been transferred or granted to a private company?

**Hon. J. Reid:** We're not looking at involving Partnerships B.C. That's not part of what this is talking about. If we transfer the lease of assets into a company, then there would be a competitive procurement process. The market would value the shares and what that would be worth. As to the future of those shares, it would depend on the buyer of the shares and whether they wanted to be a publicly or privately traded company. That would be determined by the facts of any individual situation.

**J. Kwan:** In section 2 of Bill 57 introduced in the spring, the minister had the ability to transfer but not to grant "a licence to use any or all of the land...." Why was this licensing requirement dropped for Bill 67?

**Hon. J. Reid:** We believed the word "licence" was covered within the existing language of interest and felt it was a redundant statement. Also, the word "licence" wasn't used elsewhere, and it wasn't helpful to add clarity. It was best to keep with the language that was already in there and was already consistent.

Section 2 approved on the following division:

[1615-1620]

YEAS — 67

Falcon	Coell	Hogg
L. Reid	Halsey-Brandt	Whittred
Cheema	Hansen	J. Reid
Bruce	Santori	van Dongen
Barisoff	Nettleton	Wilson
Lee	Thorpe	Hagen
Murray	Plant	Campbell
Collins	Clark	Bond
de Jong	Stephens	Abbott
Neufeld	Coleman	Chong
Penner	Jarvis	Anderson
Orr	Harris	Nuranev
Belsey	Bell	Mayencourt
Trumper	Johnston	Bennett
R. Stewart	Hayer	Christensen
Krueger	McMahon	Bray

Les	Locke	Nijjar
Bhullar	Wong	Bloy
Suffredine	MacKay	Cobb
K. Stewart	Visser	Lekstrom
Brice	Sultan	Hamilton
Sahota	Hawes	Manhas
	Hunter	

NAYS—2

MacPhail	Kwan
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On section 3.

**J. Kwan:** Section 3(c) says that the concession agreement must state whether or not tolls may be charged on a concession highway. What other revenue sources would be available to a private partner if not tolls?

**The Chair:** We'll wait one minute for staff.

[1625]

**Hon. J. Reid:** In looking at the possible arrangements that we could enter into in partnership with a concessionaire, we had to take into account the possibility of a road being built where that concessionaire was actually going to be receiving the benefit in another way — for example, a road accessing a development — so that the form of revenue might not be up front but might be through other opportunities available to that concessionaire. There is that. We're trying to cover off those different kinds of possibilities, different kinds of agreements.

In formulating this piece of legislation, we looked literally around the world at different agreements that existed at different realities and in different variations and tried to make sure we were covering off many different opportunities and possibilities. That would be what would be reflected here.

**J. Kwan:** Section 3(c), states: "...whether or not tolls may be charged for vehicular use of the concession highway and, if so, how those tolls are to be set and varied from time to time." Is this also a provision that would allow for shadow tolls to apply?

**Hon. J. Reid:** Yes.

**J. Kwan:** Section 3(e) says the agreement must specify what permits and approvals will be granted to concessionaires by the government under the act. Does that mean the government would actually obtain the permits? What permits and what approvals? Or is the onus on the private corporation or the private company to do that?

**Hon. J. Reid:** Initially, there are certain permits the province might have that would be able to be trans-

ferred to the concessionaire. Further than that, there are a lot of decisions that are made around highways and highway usage — for example, how access could be built to a highway — and so the ability that exists here is that those broader decisions can involve the concessionaire.

**J. Kwan:** In some instances then, it's the government who makes the application for the permits. Would the government be required to make permit applications or not? To use another example, with projects that are subject to the environmental assessment process, who presents the project? Would it be the government, the private partner or both?

[1630]

**Hon. J. Reid:** This reflects that a combination is possible, whether the concessionaire would have to apply for permits or whether the government had existing permits. Obviously, the context of what happens in any kind of development would have to be followed. Again, there's the opportunity to assess that on an individual basis and make sure that all requirements were being complied with.

**J. Kwan:** And would that include, if environmental assessment is required, not only provincial governments but the federal government as well? Then can the provincial government be an applicant in that case or jointly with the private partner?

**Hon. J. Reid:** Yes.

Section 3 approved on division.

Section 4 approved.

On section 5.

**J. MacPhail:** This section deals with what's called provisions of concession agreement respecting breaches not punitive. One of the things I noted in this legislation is that it's not a plain-language piece of legislation. Perhaps the minister could explain the intent of this section.

**Hon. J. Reid:** The plain language around this is that if a concessionaire fails to deliver, then the government is able to impose damages. In addition to those damages, government can also impose penalties, and the courts can't construe that as being punitive. This is a way for the government to be able to hold the concessionaire to account. With what happens in the courts around these kinds of things, we want not just the damages but want to be able to impose an additional penalty. This allows us to do that.

**J. MacPhail:** That's imposing a fairly strict liability requirement on the concessionaire. Does this differ from what the government is accepting as its own liability in matters now?

**Hon. J. Reid:** These would be for breaches of the concession agreement. There isn't an equivalent comparison with government.

**J. MacPhail:** So there's no question of liability here?  
[1635]

**Hon. J. Reid:** This section refers to the concessionaire being liable to pay the penalty. The broader topic of liability comes under section 8.

**J. MacPhail:** Yes. Exactly my point. We will be discussing liability at length. Our premise will be that the government is getting out of the business of accepting any liability about anything. Is there a different test for the concessionaire than what the government is applying to itself in this legislation?

**Hon. J. Reid:** This legislation is built around a concession agreement. What's negotiated in that concession agreement.... If it's not fulfilled, if it's not lived up to, this allows the government to hold that concessionaire to account.

**J. MacPhail:** I'll take that as the minister didn't answer my question.

Section 5 approved.

On section 6.

**J. MacPhail:** We want to spend some time on this. It's the section entitled "Rights, powers and obligations of minister and concessionaire." This section should be read in conjunction with section 8, as both go to the issue of liability. Let me just put that in context.

Section 6(3) provides that the minister may delegate to the operator of a toll highway those rights, powers or functions that the minister has under legislation. That's the section that needs to be read in conjunction with section 8 of the bill, regarding liability.

Section 6(1) says that the ministry and the minister have all of the rights and powers in relation to concession highways as they have to common highways.

Section 6(2) then says that subsection (1) does not require the government to take any action relating to a toll highway, including the payment of money.

Then you have to look at subsection (3), which allows for the minister to delegate rights, powers and functions. In subsection (4), the minister can impose on the private operator any obligations the minister has in relation to the operation of highways in the province, and if she does so, she is relieved of any obligations under the agreement or any other statute in relation to the toll highway.

What all of this means is the limiting — one might even say eliminating — of the government's liability and statutory obligations when it comes to the operation of toll highways.

This actually takes us much further than the example provided by the Coquihalla Highway. While many,

in our view, would be willing to pay a toll for the use of a reliable transportation route, the question is: how many British Columbians are willing to do so if it means that the government has no practical responsibility for its efficient and safe operation?

Not only is the road being truly privatized, but so is the public interest. People are paying a toll to travel on a road for which the government assumes no obligation and no liability. Once the contract is signed, the government no longer has or — it's clear — wants anything to do with the operation of the highway. In the process, this government is trying to limit, if not eliminate, its statutory obligations with regard to the highways.

Subsection (6) goes on to clarify that the private operator has the same "duty of care" as the minister in relation to a common highway, and subsection (7) states that it is the private operator alone that is liable for any loss or damage that may be caused by the actions or inactions of the private operator. The effect is that once the concession agreement is signed, the government rids itself of all legal and statutory responsibility for its operation and any adverse effects from its operation.

[1640]

The questions that arise out of that section, then: How do the provisions of this bill mesh with the review being undertaken by the Attorney General? The Attorney General is doing a review of the government's policy on civil liability. That review has not yet been concluded. The Attorney General has announced that legislation will be introduced in the spring of 2003 to address the issues of liability.

**Hon. J. Reid:** I wanted to initially direct the attention of the Leader of the Opposition to section 3(f), as she talked about the concern over efficient and safe operation of highways. One of the mandatory provisions under section 3(f) is to require the concessionaire to meet or exceed the standards applicable to a comparable public highway or even higher standards if defined in the concession agreement. It is within the agreement that the highways will be safe, that they will be operated properly and that they will be operated in accordance with the set standards.

The question is: what happens if the concessionaire does something that results in a problem? There are two things. First of all, section 3(m) requires the concessionaire to have insurance, and it goes into the details of what that requirement is. Initially, it is the concessionaire that is held liable for those actions. However, the government still has the obligation — the section we were just talking about — of holding them to account, being able to impose penalties and making sure they comply with the concession agreement. If we do not hold them to account, then we would be liable.

**J. MacPhail:** Perhaps the minister could point in the legislation to that liability requirement on behalf of the government.

**Hon. J. Reid:** Section 8(4) refers to the government if we act in bad faith.

[1645]

**J. MacPhail:** Well, okay. I just want to paint this scenario, because this is not something we're going to agree on at all. Section 3 doesn't answer my questions at all. Of course there have to be minimum requirements in a contract, that the contractor or the private operator provide minimum standards of safety. That's the least we would expect. The point here is: what happens when the contractor fails to do so? The minister then points me to section 8, which.... Chair, I know we're getting ahead of ourselves, but it has to be read in context with section 6. It says "if someone's acted in bad faith."

Let me tell you about an example of privatization. It's to deal with the school system, not highways, but it's exactly the case in point. There's a publicly traded company operating schools in the United States, in Philadelphia. They operate 20 schools — publicly traded. Agreement was reached with the school boards. Everything was hunky-dory. Minimum standards were set. Then the publicly traded company's stocks plummeted on the stock market, so they went in and took all of the provisions of the school — the computers, the books, the audiovisual equipment — out, because they needed it for their cash flow. Business — it was business. Now they're going to be in the courts.

There is nothing in this legislation to say exactly the same thing. A publicly traded company running a highway can get in trouble and cut back on the highway. Nothing's done in bad faith. There's no bad faith. There's no liability on the part of the government.

The minister can try all she likes to say this isn't groundbreaking legislation in removing the government from any liability, but it's groundbreaking legislation in removing the government from having any liability. Where is the legal opinion, or upon what legal basis does the minister assume that she can remove herself from the liability for the planning, design, construction or operation of a toll highway?

Interjections.

**The Chair:** Order.

**Hon. J. Reid:** I do believe that this legislation covers off what the member was referring to. There are standards. There was a suggestion that if the concessionaire tried to cut back the standards for safety, the standards for maintenance.... All those are in the concession agreement. If the concessionaire tries to do that, we have recourse here. That's what's spelled out.

Not only does the concessionaire have to carry full insurance, as stipulated under this, but as well, we have the ability to hold them to account. Those are the provisions within this act to be able to do that, making sure that the public good is a priority and is protected. Here it is doubly protected not only by the insurance provisions they have to carry but by the standards that are decided on prior to any agreement and, as well, the ability to hold them to account and to add penalties to damages by government.

**J. MacPhail:** Could the minister show me where she holds them to account?

[1650]

**Hon. J. Reid:** This act is the enabling piece that does give government power to be able to hold to account. There are the two ways that we already mentioned — that they have to have the proper insurance and that we are able to impose penalties. The third action that government is able to take is that if the concessionaire fails to comply with the obligations of the concession agreement, it can be terminated, and the highway comes back to government. We have power to be able to make sure that public good is maintained, is fulfilled.

**J. MacPhail:** Well, if the contractor fails completely — goes out of business, goes bankrupt — or if the stocks of a publicly traded company plummet, it doesn't matter whether you impose a million-dollar penalty. If they've gone bankrupt, it can't happen. Is the minister saying the liability then returns to the government? That's not ownership, but liability.

**Hon. J. Reid:** Back in section 3 it also specifies that not only insurance but bonding has to be in place. If there is a failure, either the bonding company would take over operation, or we would use the money from the bonds to be able to operate. When the agreement is terminated, that's when the liability would come back to government.

**J. MacPhail:** Bonding companies don't provide liability. I'm asking about what happens while the concessionaire still has the contractual obligation and fails in that contractual obligation and disappears. There could be liability issues that arise out of that. Does the government assume all liability for everything that happened, then? It's a big giant crack through which people will fall, if that's not the case.

**Hon. J. Reid:** The insurance and the bonding are separate from the operator. If that operator or concessionaire disappears, the insurance is still in place. That's where the liability is taken care of with the insurance. The bonding ensures we're able to maintain the operation of that highway until there is a termination of that agreement.

**J. MacPhail:** If because of a problem with maintenance on the highway, an issue of liability occurs while the concessionaire is in charge, and the concessionaire fails in its provision of any of its obligations and in fact goes out of business, who has liability? Is it the insurance company, the bonding agency? When is it that somebody gets to rely on something other than a privately offered service?

You know, bonding companies have gone out of business, and insurance companies have gone out of business. In fact, we're seeing failures like that in P3 operations throughout the United States. It's not out of

the realm of possibility at all in this day and age that the private sector collapses completely in its obligation.

[1655]

We're seeing that in Britain around private sector energy. They're fighting right now over who has the obligation from a failed privatization of energy in Britain. Nobody in the private sector is assuming any responsibility for anything because of the complete collapse of the private sector delivery.

I'm more than willing to take the minister's word that there will be no break in liability for the taxpayer or for the user of the highway — that if the private sector company fails in its indemnification, in its liability, then the government steps in without a break. If that's the commitment, good.

**Hon. J. Reid:** In the event of failure, the member is concerned with what would happen in that case and talks about other failures. Even if we reflect on what happened over a year ago on September 11, the insurance companies didn't fail. There were consequences for insurance, but there wasn't a failure there. It's our obligation to make sure that proper and sufficient insurance and bonding are in place. Through the concession agreement and through this legislation, that's what government will do.

**J. MacPhail:** Well, I know the history is just a year old, but insurances did fail throughout the world. That's why airlines collapsed. Perhaps the minister was trying to throw me off by that comparison, because it's ridiculous. There were failures all over the place of provisions of insurance as a result of September 11.

Perhaps the minister could actually answer my question. If the provision of private services fails, will there be a complete stepping-in by the government of all liability obligations without a break?

**Hon. J. Reid:** In times of the problems the member might be speculating about, again, the resources available to us, which we have to ensure are in place, are both the insurance and the bonding. To make sure that that obligation is sufficiently discharged is up to government in the concession agreement and in the legislation we have before us. That is where the member is trying to suggest there is a gap. We don't believe there is a gap. To speculate that there's some unforeseen problem.... Once you have these mechanisms in place, then that's what you are able to employ in the event that there is a problem. That's how we will make sure that people are protected.

[1700]

**J. MacPhail:** Bonding companies have gone out of existence or have failed in Canada this year. Insurance companies have failed this year.

The assurances that the public now have.... There's no liability. The government's getting completely out of its liability responsibilities, its indemnification, but they're going to rely on the private sector. Well, that's really encouraging news.

Here's why I think the government's doing it: because there's a Supreme Court of Canada decision that ruled that the ministry's liable for actions of its contractors. This completely overrides that Supreme Court of Canada decision. What the decision said was that a contractual arrangement in which the government agrees to, but does not surrender the use of public land for a private purpose, obligates the government to retain liability for actions.

Now that Supreme Court case is completely done away with by this legislation, and the government's now going to rely on the private sector, bonding companies and insurance. That means there is a real potential that nobody will be held liable for the provision of highway services or for any liability that may arise while on that highway or during the building of the highway.

It's clear that it's only the opposition that objects to this, that will vote against this, so when there is a vote on division, it will mean that the opposition, and the opposition alone, is opposed to this section.

Section 6 approved on division.

On section 7.

**J. MacPhail:** As we've already discussed in section 6, the government places all liability for the development, planning, design, construction and operation of a toll highway on its private contractor. In this section the government retains its right to expropriate land for the construction and operation of a highway. Why is the government moving to allow for private highways in British Columbia with all the risk and responsibility transferred to the private sector, which the minister has just acknowledged, yet it's retaining the ability to expropriate land?

**Hon. J. Reid:** We believe that the power of expropriation should only be exercised by government, and that's why it's expressed this way.

**J. MacPhail:** Well, there's another way of getting land. It's the market. It's where contractors have to go in and negotiate with the landowner. That's the other way. Why not make them responsible, and why not make the contractor buy through the market?

**Hon. J. Reid:** We would expect that land would be acquired through the market process. This would only be used as a last resort. Because the ownership of the land is retained with the Crown, it's the Crown that would be responsible for expropriating.

**J. MacPhail:** Let me get this clear. The private sector gets to keep the profits. The government helps them by expropriating land on their behalf, and that expropriation, which is a unilateral action against the private land owner by the government, is used to enhance the ability of a private contractor to make profit. Is that right?

[1705]

**Hon. J. Reid:** No, that's not correct. The process of expropriation assesses a market value, so that's part of the process that currently exists. There is a process that is considered to be fair, is considered to be workable, and certainly meets the needs and the tests of fairness. It's exactly the same process that would be used as a last resort in this case.

**J. MacPhail:** The concept of the Crown having the right to expropriate is one that has developed — and the Expropriation Act confirms this — to get, in the public interest, a publicly owned asset and delivery of a public service.

This is a bastardization of that process like I've never seen it. It's to allow — the big heavy hand of government in its rights under the Expropriation Act — the ease with which a private contractor can build a highway for profit. At some point the highway reverts back to the public, but it's years down the road — 20, 30, 50 years down the road.

In the meantime, it seems to me it's incredible that there's this use of an act that was designed for a completely different purpose to now be used to improve the private interest of a profit-making company.

Let me just ask this, then, because I didn't ask a question. I understand that perhaps this is coming as news to a lot of the members whose constituents will be directly affected by this. Under what circumstances will the government now use the Expropriation Act? I assume this will be done under the Expropriation Act.

**Hon. J. Reid:** This does conform. This is looking at a public good, delivering a public good, and the land base is publicly owned. That's the context that we're looking at this in.

**J. MacPhail:** Does the Expropriation Act apply?

**Hon. J. Reid:** Yes.

**J. MacPhail:** Well then, actually, this does not qualify as a public good because the initial ownership, the initial lease by the private operator can be for ten, 20, 30, 50 years. In fact, it's confirmed by the fact that the government is assuming no liability — none.

It's like the minister thinks if she stands up and says it's a public good, that's fine. She's assuming no liability for it whatsoever. If the contractor fails in the delivery of its obligations, the government's assuming no liability for it — none. Yet they're using their expropriation powers against the market, against the private owner, to expropriate on behalf of a private operator.

Will the costs of expropriation be borne by the private sector if this gets into a legal challenge?

**Hon. J. Reid:** Yes.

**J. MacPhail:** Then what's the problem with allowing the market to prevail? Why give the private operator the legislative hammer?

**Hon. J. Reid:** The use of expropriation would be a tool of last recourse on a project that was deemed to be in the public good. The decision to use that tool still rests with government as well as with the expropriation board.

[1710]

Again, there is a fairness of process that we believe applies. The member is trying to suggest that someone might be taken advantage of. We believe the public good is being protected. There are many different ways of looking at that public good, but the reason this is here is that it is a tool of last recourse.

**J. MacPhail:** This is a bastardization of the Expropriation Act like I've never seen. I can predict that several, if not many, of the constituents of these Liberal MLA government caucus members will be coming to this government, if they ever dare use this legislation, and saying: "What the heck have you confronted me with?" The issues of expropriation are always difficult. Now expropriation against their constituents on behalf of a private contractor will be what this legislation approves.

Clearly, the opposition is the only one concerned about this. When there's a vote against this legislation on division, it will be because the opposition and the opposition alone objects to this section.

Section 7 approved on division.

On section 8.

**J. MacPhail:** Section 8 removes from the government "any duty to instruct or supervise" and "any duty of care with respect to any development, planning, design, construction...maintenance," etc., of a toll highway. I have to confess — my colleague said it before — this reads like a contract, not like a piece of legislation. It's a contract against the interests of the citizens of British Columbia. Could the minister explain just what the obligations of the government are in relation to toll highways? This is the section on liability, so let's see. What are the government's obligations?

**Hon. J. Reid:** It is the obligation of government to ensure that the concessionaire complies with the act and complies with the concession agreement and does so in good faith. There are standards that are laid out in the act and will be laid out in the concession agreement, which are going to be part of the public record — what's here in the act. The government, acting in good faith, has to ensure that those standards are met.

**J. MacPhail:** Well, this section really reads contrary to... That may be what the government says in the legislation, but at the front of the legislation and then in this section they take away basically any obligation they have to anybody about anything. Section 8(2) removes from the government any liability for anything done or omitted to be done in relation to a toll highway.

In this section, could the minister explain the legal concept of nuisance?

[1715]

**Hon. J. Reid:** The concept of nuisance is a legal term and certainly appears in different places in different legislation. If the member opposite wants a strict legal definition, I will bring that in for her.

**J. MacPhail:** I'm surprised. This section we're dealing with says, specifically, that the government isn't liable for any action based on a nuisance. It would be nice to know what the government's exempting itself from. I actually know what the concept of nuisance is. It's to be put on the record so the public understands where the rights are being taken away.

Could the minister explain the rule in *Rylands v. Fletcher* where they are limiting...? This is a case from the late 1800s that's the test in tort law. Perhaps the minister could put on record why or under what circumstances the government's now exempting itself from liability in this seminal case of tort law?

**Hon. J. Reid:** We've been asked about the definition explanation of nuisance and the rule in *Rylands v. Fletcher*. I wonder if the member would also like that on (c) as well, because we will get the strict legal context. The member would like to see that read into the record. I'll provide that. The question is: would you like that on the non-delegable duty as well?

**J. MacPhail:** I'll read into the record my concerns about the non-delegable duty. This provision is being brought forward. Let me just read it. It exempts the government from any liability based on non-delegable duty. This is, of course, the government rushing ahead when the Attorney General is claiming to do a review on civil liability. The Attorney General's having a nice leisurely pace, examining the review of civil liability, and this minister is rushing ahead, exempting herself from any obligation for liability action based on non-delegable duty.

[J. Weisbeck in the chair.]

Let me tell you what the Law Society said to the Attorney General on this very issue. On September 23 of this year the Law Society of B.C. expressed concern for any changes to the doctrine of non-delegable duty. Here's what they urged. They urged wider consultation, and they noted that the Attorney General's consultation document argues that one of the difficulties with the non-delegable duty doctrine is the "uncertainty of its conceptual foundations" without elaborating on this point.

The Law Society goes on to say:

"There is no discussion advanced of types of problems raised by the doctrine other than an underlying premise that the increased scope of liability arising by virtue of the doctrine is not warranted.

"The Law Society believes that discussion of the policy underpinnings of the doctrine is necessary prior to

providing a response as to whether there is a need for legislative reform to the doctrine and, if so, what form a legislative response should be. Unfortunately, there has been no consultation with interested parties on that point and no opportunity for interested parties to address specific concerns, since no such concerns have been identified."

That's over here. A nice little review by the Attorney General will be rendered meaningless by this legislation because this minister's going forward holus-bolus to delete the obligation under non-delegable duty.

I'll be very happy when the minister can read out her getting out of the business of liability and the concept of nuisance, *Rylands* and *Fletcher*, and getting out of the obligation under non-delegable duty.

The Law Society goes on to say: "The Law Society believes that before a decision can be made as to whether legislative reform is called for, further consultation and discussion on the topic is required." They're out of luck today, aren't they?

[1720]

Is the minister, through this bill, pre-empting the consultations and any policy change the Attorney General may come forward with in the spring, or can we assume that the Attorney General endorses what she's doing today against the wishes of the Law Society of B.C.?

**Hon. J. Reid:** I'm going to be providing the legal definitions, the legal explanation, around these. We'll be reading that into the record, and I anticipate that that will help alleviate some of the concerns of the member.

**J. MacPhail:** I know what non-delegable duty is. That's why I'm saying that this is an issue of wide discussion in the Attorney General's civil liability review. This minister is proceeding holus-bolus to completely undermine that review. Here's what the Attorney General's consultation paper on civil liability review said. It states: "The Supreme Court of Canada has adopted an expansive approach to the types of cases that attract this" — non-delegable — "liability. The Crown's duty to maintain highways is 'non-delegable,' and thus the Crown was found liable for the negligence of a contractor engaged to scale a cliff along a highway."

So — oops — what do we see happening here? This minister's slipping through the back door of getting out of the business of liability in this area, and the Attorney General, in his review, is emasculated. Or maybe it's the Attorney General saying: "Hey, slip this through in your legislation, and maybe they won't notice in my review."

The Attorney General's consultation paper goes on to ask: "Is there a need for legislative reform of the non-delegable duty doctrine? If so, what form should a legislative response take? What types of statutory duties should be 'delegable'? How can the interests of plaintiffs be addressed if the Crown and other agencies are no longer subject to the non-delegable duty doctrine?" Why does the minister think that she gets to proceed with removing this liability before these questions have been answered?

[1725]

**Hon. J. Reid:** The issues the Leader of the Opposition is canvassing are obviously very legal, very involved issues. I want to be able to give the best and most appropriate answer, and I would like to be able to access the legal staff in order to be able to fully canvass the issue and be able to have that very full discourse. The member has indicated it's not just enough to have the definitions read into the record, but she would like to enter into more of a discussion around the legal issues reflected here.

I would like to comply with that, and I'll certainly be willing to bring in the appropriate people to be able to enter into that very legal discussion. If the member is content for the time being to set this aside until I'm able to bring in that expertise, then I'm quite happy to take that up again.

**J. MacPhail:** Is the minister suggesting we stand down this section? I'm happy to do so.

**Hon. J. Reid:** Mr. Chair, I want to make sure we're careful about all our terminology here. I do want to come back to this section and be able to address the question, so I would appreciate the appropriate term to accomplish that goal.

**J. MacPhail:** Yes, I understand, but this is the end of my questions, so we'll stand down this section and come back to it tomorrow, I guess. I don't know.

**The Chair:** What is the wish of the committee?

**Hon. J. Reid:** I'm not clear on what the member is asking for. Is she suggesting there are no more questions for today and she would like to come back to this again or that she has other questions, that we'll put this aside for the moment while I gather the appropriate expertise and that we'll go on with other questions? I'm just not sure what the member is asking.

**J. MacPhail:** I have one other question in this section, which I assume will be interpreted as a legal question. I'm happy to read it into the record, but that's it, Mr. Chair. I guess we have to stand down this section. My proposal would be that if the minister wants to bring in legal counsel, then we stand down the section.

I'll read into the record my other question on this. It's my final question. Now, this is complex as well. In Bill 57, which was introduced in the spring, section 7(6) states: "The Occupiers Liability Act does not apply to a concessionaire in relation to a concession highway if the concessionaire is the occupier, within the meaning of that Act, of that concession highway." That appears to be a straightforward statement that the Occupiers Liability Act does not apply to the operator of a toll highway.

Then we look at section 8(6) of this bill, and it's turned on its head. Now the operator of a private toll highway has the same liability as would a government if it were the occupier of a common highway. Okay, so we had the legislation in the spring, and now we've got this legislation. The only difficulty is that they both mean the

same thing. If one reads the Occupiers Liability Act, you'll see in section 8(1) of the act that it does not apply to the government in relation to a public highway.

We had the government removing liability, removing responsibility, under the Occupiers Liability Act from a concessionaire last spring. We have this legislation saying that a concessionaire that's the occupier of a concession highway has the same liability under the Occupiers Liability Act. But if you go to the Occupiers Liability Act, section 8(1), that legislation doesn't apply to the government in relation to a public highway.

[1730]

The question is: what is the significance of this change in this legislation and in relation to Bill 57? My interpretation is that the government is giving to a private company the same exception that applies to itself, municipal government and the Crown in right of Canada when it comes to private toll highways. Why, and why this convoluted wording?

**Hon. J. Reid:** This change was made in response to comments received from the office of the ombudsman. This is actually a narrower exemption than was originally worded. I'll make the offer to the member that if we want to have that fuller legal discussion around this — because we will be bringing legal counsel in — that, indeed, could be explored further as well.

**The Chair:** Is it the wish of the committee to stand down section 8?

**Some Hon. Members:** Aye.

**The Chair:** Section 8 is stood down.

Sections 9 to 42 inclusive approved.

**Hon. L. Stephens:** I move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 5:32 p.m.

The House resumed; Mr. Speaker in the chair.

**J. Weisbeck:** The committee rises, reports progress on Bill 67 and asks leave to sit again.

**Mr. Speaker:** Thank you. When shall the committee sit again?

**Hon. L. Stephens:** At the next sitting, hon. Speaker.

**Mr. Speaker:** So ordered.

Hon. L. Stephens moved adjournment of the House.

Motion approved.

The House adjourned at 5:34 p.m.