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OFFICIAL REPORT OF

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LEGISLATIVE ASSEMBLY**

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**3RD SESSION, 37TH PARLIAMENT**

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Afternoon Sitting

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TUESDAY, NOVEMBER 5, 2002

The House met at 2:03 p.m.

### Introductions by Members

**J. Weisbeck:** In the gallery today are some very distinguished guests: His Excellency Kensaku Hogen, Japan's Ambassador to Canada. He is accompanied by Tochiro Ozawa, the consul general of Japan at Vancouver, and their wives, Takiko Hogen and Shizuko Ozawa. Would the House please make them welcome.

**Hon. G. Halsey-Brandt:** It's a great pleasure to welcome in the House today a little over 40 students from Archibald Blair Elementary School in Richmond, along with some adults and their vice-principal, Mr. Hoath, who have joined us today to learn about the B.C. government and the Legislature. May the House please make them all welcome.

### Statements (Standing Order 25B)

#### SCIENCE COUNCIL OF B.C. AWARDS

**R. Lee:** Last week I had the honour of attending the Science Council of B.C. awards ceremony. I was very impressed by the eloquent presentation by student representative Clara Westwell-Roper, a grade 11 student.

After attending the ceremony, I am more convinced now than ever that B.C. is an emerging hub for the high-tech industries, home to many science superstars.

[1405]

I'm proud to say that my own community of Burnaby is home to many of our province's best and brightest, and one of our finest received the Chairman's Award for Career Advancement: Dr. Hal Weinberg, founder and director of SFU's brain behaviour laboratory, whose work has spawned many widely used applications, including MEG, which can see a baby's brain inside the womb. Dr. Weinberg was also very instrumental in establishing the Down Syndrome Research Foundation and Resource Centre in Burnaby. The centre is a shining example of innovation as the only facility of this type in the world to combine the research facility for leading researchers, educators and health professionals that specialize in Down syndrome, while providing a centre for the Down syndrome community at large. In conjunction with researchers from SFU, UBC and the University of Victoria, scientists are able to explore previously unexplored aspects of Down syndrome.

Others who received awards at the Science Council awards ceremony are the New Frontiers in Research award, Dr. Jeff Young; the Solutions Through Research award, Drs. Julio Montaner, Michael O'Shaugnessy and Martin Schechter; the Young Innovator award, SFU professor Dr. Keith Promislow; the Science & Technol-

ogy Champion of the Year award, Dr. Denis Connor; and the Industrial Innovation award, Dr. Phillip Hill.

### CITIZENS' ASSEMBLY

**J. Bray:** Today I wish to speak about an issue that is very important to all of my constituents: the citizens' assembly.

The new-era platform contains commitments to reform how government works from top to bottom. As part of that promise, the government said it would appoint a citizens' assembly on electoral reform to assess all possible models for electing MLAs and would give the citizens' assembly a mandate to hold public hearings throughout British Columbia. If it recommends changing the electoral system, that option will be put to a provincewide referendum for the May election of 2005.

The citizens' assembly is an unprecedented opportunity in Canadian history for the voters, and not the politicians, to determine how MLAs are to be elected. The main impetus of the citizens' assembly is that electoral reform should be for the benefit of the voters and not any benefit for political parties per se. The government retained Gordon Gibson as a consultant to develop guidelines on how the citizens' assembly should be set up and to deliver his recommendations to government by December 15, outlining the following: develop a random selection for appointing citizens' assembly members; ensure that it is representative of a cross-section of interests and that it can operate effectively and affordably; recommend the size of the assembly and how it is to be chaired and staffed; develop a timetable that would allow a referendum question to accompany the May 2005 general election, should the assembly recommend a change to the model; and provide guidelines on the wording of referendum questions.

People are excited about the progress government has made, and they want to participate. My community wants to be involved. It wants to add input, and I encourage them to contact Gordon Gibson directly on the Attorney General website.

This is an opportunity for history to be made, and the authors will be the citizens, not the politicians. I continue to strongly advocate for the support and formation and engagement of the citizens' assembly.

### CONSULTATION ON FOREST PRACTICES CODE

**P. Bell:** Yesterday marked a new era for forestry in the province of British Columbia with the introduction of the Forest and Range Practices Act. The act moves the province to a new level of environment stewardship, one that recognizes the value of certification, one that recognizes the value of professionals and one that recognizes our first nations people in a way that has not occurred before.

I was part of the MLA committee that toured this province. We heard from 250 different presenters in 13 communities. To say that we did not effectively consult is simply not true. We received presentations from all who wanted to present, including 46 from different environmental groups and 21 from first nations organizations.

[1410]

Mr. Speaker, we went beyond that. We took a balance of opinion from the Association of B.C. Professional Foresters, the B.C. Trappers and the woodlot owners, and, yes, we even talked to industry. I would like to read a quote from Joe Foy of the Western Canada Wilderness Committee. Yesterday Joe said: "The government's job is to protect the public interest, to prevent species from going extinct and to protect the water."

Well, I have good news for Joe. That's exactly what this government's doing.

It's time for people to quit lighting their hair on fire. The Minister of Forests and I have both tried it, and it doesn't work. Realize that this new code is great. This new code is great for the environment and great for industry. My congratulations to the Minister of Forests for achieving this balance.

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

#### Introductions by Members

**Mr. Speaker:** Hon. members, His Excellency Mr. Hogen has arrived — our Japanese guests. I would ask the House to please acknowledge them and make them very welcome.

#### Oral Questions

##### CHILD CARE FUNDING

**J. MacPhail:** We know that in seven weeks the Liberals are going to kick tens of thousands of seniors off Pharmacare. But it's not just seniors that the government is targeting. They're also targeting the grandchildren of these seniors, kicking thousands of them out of child care.

Interjections.

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

**J. MacPhail:** We have information that over 32 of B.C.'s best day cares face the axe because of Liberal cuts.

To the minister responsible for child care, the Minister for Women's Equality: can she explain to parents what they're supposed to do, now that their child care facilities are closing because of Liberal cuts?

**Hon. L. Stephens:** The fact is that the government is making no cuts to child care. We have maintained our funding for child care spaces. We're going to be

developing our long-term plan that will, in fact, make those spaces much more stable, much more predictable for parents and for child care providers, and the details of that will be announced shortly.

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

**J. MacPhail:** It's appalling how this minister does not know what's going on in communities. There are cuts happening to 32 centres as we speak. There are child care providers out there who do not make a lot of money. For that money, they provide safe, professional child care to thousands of B.C. kids, many with disabilities. They make about \$16 an hour. But these professionals today are losing their jobs. Thousands of children are losing space in well-run, safe child care facilities because the government is cutting funding to these centres that was agreed to in the last round of negotiations.

The Liberals knew of these costs, and they knew that if they made their high-income tax cut, it wouldn't pay for itself and they would have to close these child care centres. Would the Minister for Women's Equality admit — or come clean — that as a result of the shortsighted and bloated high-income tax cut, she's now having to throw children out of child care centres around this province?

**Hon. L. Stephens:** It's a result of your government's shortsighted Munroe agreement that many of the child care centres which are currently in negotiations find themselves.... The agreement that that member's government negotiated was very clear. The agreement ended March 31, 2003. That agreement is standing, and the child care centres that are affected are in the process of contract negotiations. It's up to the centres to do those contract negotiations, and we are not interfering in any way with free collective bargaining.

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

[1415]

**J. MacPhail:** These professional child care workers make about \$16 an hour. This government knew full well the costs of providing decent, affordable child care. None of this came as a surprise to them, even as they announced their massive tax giveaway for the rich. Now the Minister of State for Women's Equality is coming clean.

Interjections.

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

**J. MacPhail:** She does know that centres are having to close as a result of the cuts of her government. The best day cares in British Columbia are being forced to close their doors and lay off workers. In Nelson over 500 families are now looking for new day care spaces

because the West Kootenay Child Care Services has been forced to lay off staff. The same is true at the...

Interjections.

**Mr. Speaker:** Order, please. Order, please. Would the member please put her question now.

**J. MacPhail:** ...Kootenay Family Place in Castlegar. It's happening all over the province.

Will the minister now stand up and admit that directly because of her government's tax cuts, she's closing safe, professional child care centres and replacing them with unlicensed facilities staffed by minimum-wage earners?

**Hon. L. Stephens:** It was your government. It was your government's child care plan that was unsustainable and unfunded. What we are doing, what our government is doing...

Interjections.

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

**Hon. L. Stephens:** ...is bringing some stability and some predictability to providers and to parents around the province. We are funding child care centres. We are funding child care parents. We are funding child care spaces, and we will continue to do so. We are introducing our long-term child care plan, and shortly we will be bringing forward the details of that.

**J. Kwan:** It's astounding, because the minister's definition of stability and providing for child care support is to cut their funding. For over 129 years the Cridge Centre has been providing child care to parents in Victoria. Without a doubt, it is one of the best child care services in the province. Because of this government's cuts, the Cridge Centre faces a \$300,000 shortfall. Last week child care providers at the Cridge were laid off. They were given layoff notices. Can the minister explain to parents who rely on the Cridge Centre why she's forcing it to close its child care facilities?

**Hon. L. Stephens:** I don't know how many times I'm going to have to say this, but the fact is that it was those two members' government that put in place an unsustainable, unfunded child care model and a unionized model that child care providers...

Interjections.

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

**Hon. L. Stephens:** ...are having to deal with. They were very clear with their union agreement that that agreement ended March 31, 2003. What our govern-

ment is trying to do is facilitate those child care providers to provide those services to families that need them.

Interjection.

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

**Hon. L. Stephens:** That is what we're going to be doing.

Interjection.

**Mr. Speaker:** Hon. members, I would remind you that we ask questions so that we may get an answer. Could we please have some order so that we may hear the questions and the answers.

The member for Vancouver–Mount Pleasant has a supplementary question.

**J. Kwan:** The previous government prioritized child care as one of its number one priorities, and it ensured that child care providers are paid a decent wage.

Interjections.

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

**J. Kwan:** It ensured that child care providers are paid a decent wage, unionized or otherwise. Child care providers at the Cridge Centre are some of the best in the province. For two years in a row, the child care programs at the Cridge Centre have been voted the best in Victoria. Now this minister wants to destroy that record and farm the children out to low-wage, unlicensed facilities.

[1420]

To the minister once again: why is it too much for parents to ask that their children be looked after by professional staff who are paid a living wage? Does she think these kids will fare better if the Cridge Centre closes and the children are being babysat by minimum-wage workers in unlicensed care facilities?

**Hon. L. Stephens:** The Cridge Centre for the Family does provide quality child care, as do a great many child care centres around the province. Again, these centres are struggling with those members' unfunded, unstable child care program of their administration. What we are trying to do is make sure the child care system today is sustainable, that it is equitable and that it does provide the services parents and children need in the province. I repeat: we are putting in place a long-term child care plan, the details of which will be forthcoming soon.

#### HIGHWAY MAINTENANCE

**K. Krueger:** My question is to the Minister of Transportation. Road safety is a key priority of my constituents and every British Columbian who drives on our roads. The previous government's lack of action allowed

the highway system to erode to the point of being unsafe and key projects like the Preacher Hill curves on Highway 5 to be delayed. In recent months talks have been underway between the government, the BCGEU and private contractors to renew the current highway maintenance contracts, which expire in 2003 and 2004.

To the Minister of Transportation: what is the status of these talks?

**Hon. J. Reid:** Safety is of utmost concern on our highway system, and an integral part of that safety is the maintenance on our roads. The government, in wanting to hold the costs of those maintenance agreements down, to be able to be affordable and still have the same delivery of maintenance on the roads and the same safety standards, has been in discussion. An agreement has been reached that the government has endorsed between the contractors and their employees, which will result in a 16 percent labour savings to government. Along with that comes flexibility in the workplace that's going to be able to meet those standards and be able to deliver what we all expect here in British Columbia.

**Mr. Speaker:** The member for Kamloops-North Thompson has a supplementary question.

**K. Krueger:** There was considerable angst on the part of both parties in my constituency when the ministry challenged the maintenance industry and its workers to come together and find those savings. Sixteen percent is significant, and I'm really happy to hear it. Over the summer I know that unionized roadworkers in my constituency, Kamloops-North Thompson, voted in favour of the proposal to renegotiate their contract and ensure job security in the future. The last government dropped the ball with its half-baked attempts to appease allies, and the provincial highway system has deteriorated as a result.

Can the Minister of Transportation tell us what else the government is doing to ensure that highway maintenance is carried out in a timely and efficient manner?

**Hon. J. Reid:** The maintenance contracts, those agreements.... First of all, there is excellent cooperation between the workers and the maintenance contractors that I think just shows a real spirit of being able to meet a goal and being able to deliver. We're looking at those contracts expiring in the fall of 2003-04, and what we're doing is starting the tendering process early on in this next year. That's to accomplish two goals. One is to make sure we have the fullest range of competition possible to get the best prices possible, and the other is to make sure we have the new contracts in place by the fall of 2003, once again, to ensure that safe standard on our roadways.

[1425]

#### AUTO THEFT PREVENTION

**B. Locke:** My question is to the Minister of Finance. Recent statistics show that Surrey has become the auto

theft capital of North America. Many of my constituents are worried about their safety, with the increasing number of thefts in and around our local shopping malls.

With the holiday season fast approaching, can the Minister of Finance tell my constituents what steps ICBC will be taking to help combat auto theft in Surrey?

**Hon. G. Collins:** Well, there's a couple of things that ICBC has been doing already, and I think members may be familiar with that. They provide discounts on premiums and deductibles for drivers who use anti-theft devices. They've also worked with local businesses to provide Lock Out Auto Crime signage, etc., to try and move that forward. More recently, working with the Surrey RCMP and the Solicitor General's task force on auto crime, in Surrey they developed the Hot Wheels program.

We heard today that they're actually experiencing some very early successes, which I think is something everybody should be excited about. They have, over the last couple of weeks, arrested 25 alleged auto thieves — 25 — which I think is a pretty significant number. They have recovered over 50 vehicles valued at over \$600,000. Those are real, on-the-ground impacts to try and snuff out auto crime, one of the fastest-growing areas of expense at ICBC as we try and keep those costs under control.

**Mr. Speaker:** The member for Surrey-Green Timbers has a supplementary question.

**B. Locke:** The Surrey Community Crime Prevention Society, a local volunteer group, has done a great deal of work to help combat auto theft in our city. Working with the RCMP and local volunteers, they patrol the parking lots of the malls and provide people with information on what they can do to ensure that they are not the victims of auto theft.

Can the Minister of Finance tell us what ICBC is doing to help with the work of these local volunteers?

**Hon. G. Collins:** There's a couple of things that ICBC has been trying to do with local volunteers. It's clear that the police can't do this themselves, nor can ICBC do it themselves, so they've been working with volunteer organizations in communities right across British Columbia. They have donated \$820,000, through 50 grants, to community groups from one end of British Columbia to the other to help minimize auto theft and deal with that from a community base. They have also worked on a Lock Out Auto Crime project, which has individual volunteers in communities focus on hot spots of auto crime, vandalism and theft, and try and get those community groups to do audits and patrols of at-risk parking facilities.

They also have provided the Crime Watch structure with a new system whereby they provide some of those citizen patrols with laptops, and on those laptops they load data on lost and stolen vehicles. In those high

crime areas, those volunteers are able to go in, look at vehicles that perhaps stay longer than you would normally anticipate, punch in those numbers and find out if they're lost or stolen vehicles. That, in addition, is helping to minimize those costs.

[End of question period.]

### Petitions

**S. Orr:** Mr. Speaker, I seek leave to table a petition.

**Mr. Speaker:** Please proceed.

**S. Orr:** I present this petition on behalf of the medical profession here in Victoria. It is signed predominantly by women physicians concerning the issue of funding for the Prostitutes Empowerment, Education and Resource Society, known as PEERS.

### Orders of the Day

**Hon. G. Collins:** I call continued second reading debate on Bill 73.

[1430]

### Second Reading of Bills

#### COMMUNITY CARE AND ASSISTED LIVING ACT (continued)

**J. Kwan:** Continuing on from before the lunch break, I was sharing information with members of this House regarding the issues around long-term care from a document the HEU put together entitled "A Dramatic Reversal of Policy on Long Term Care." I had just finished advising the House, from this document, of the difference in terms of the models with intermediate and long-term care versus the model of assisted living and whether or not assisted living is the model to follow.

Information supplied so far indicates that there are lots of concerns with the model Alberta has adopted and, of course, the trend it appears that British Columbia is embarking on. I had stopped just prior to the lunch-hour about what some of the serious problems are with substituting the model of long-term care with assisted living. Let me continue from this document. The document goes on to say there are "a number of very serious problems with the substitution model the government has adopted."

"Using housing money for health care means that the 10,000 people currently on waiting lists for affordable housing — single parents, relatively healthy seniors and people with disabilities, low-income single people and the homeless — will have no opportunity to access affordable housing in the foreseeable future. All of the available funding for affordable housing is being used to meet the health and housing needs of the frail elderly.

"It is not clear how many of the 6,000 to 8,000 frail seniors and people with disabilities who are no longer eligible for publicly funded long-term care are actually

appropriate candidates for assisted living. Nor is it clear if the money provided through B.C. Housing and the health authorities will be sufficient to cover the full costs of care. This policy has been adopted without first putting in place an evidence-based planning process.

"All of the decisions to date — the reduction in the number of long-term care beds, the costing for direct care in assisted living, the allocation of assisted-living units to the regions — have been made without assessing the actual care needs of residents or wait-lists of seniors and without first pilot-testing the assisted-living model to determine the full care and support costs for different populations.

"It is unclear how care will be provided to an individual in assisted living who falls ill and requires additional assistance for limited time. Will the health authority live up to their commitment to provide this support through the existing home nursing or home support services when these services are already overburdened and there is no new money for home nursing and home support? Or will family members be expected to provide this additional care or pay for care privately? And what will happen to the individual whose health deteriorates over time? Will they be wait-listed for complex care? How will they get the extra care they need while they wait? These are questions that require answers before families and seniors can feel secure that this model will meet their needs.

"Assisted living is defined as housing and not facility care. This means that it is not licensed and regulated in the same way as long-term care. Currently, there are no regulations in place to protect the residents of assisted living and ensure that a high quality of care is maintained. The health authorities and provincial government are talking about developing standards of care, but they are equally clear that these standards will not translate into regulations or be enforced through a provincial/regional monitoring — i.e., inspection — process. It is unclear how standards, without an enforcement mechanism, can provide frail seniors living in assisted living with the protection they require."

[1435]

I touched earlier, just digressing from the document for one moment, on one sentence in this new bill, Bill 73, about the standard of care — a motherhood-and-apple-pie statement about health promotion, respect and dignity. There are no minimum standards attached to it. Then you go to the section that talks about inspection. A change has been made for Bill 73. Instead of requiring that inspection must be carried out, now the language has been changed to say that the inspection may be carried out. The enforcement issue raised in this article is absolutely central to the bill we're debating today.

Carrying on with the document.

"In facilities drug costs are paid; in assisted living, these costs will fall on the individual. In non-profit, long-term care, the costs of medical supplies, medical equipment and recreational activities are usually covered; in assisted living, these costs will be the responsibility of the individual.

"Three-quarters of the current residents in long-term care — the future tenants in subsidized assisted living — are low income — i.e., they have annual incomes of less than \$20,000 a year. It is unclear what the full costs of accommodation will be for individuals in subsidized

assisted living — i.e., for rent and support services such as meals and laundry. Even assuming these costs are affordable for low-income seniors, it is not at all clear that there will be enough left over to cover the costs of drugs, medical supplies and equipment, recreation and entertainment, personal needs, clothing and/or the extra care they may require if they become ill.

"Problems related to appropriateness, affordability and quality have not been addressed, and yet the government has announced the program as a fait accompli. As a consequence, 19 seniors, health and housing groups in B.C. have come out in opposition to the plan. All of these groups are supportive of the concept of assisted living as part of the continuum of care and a positive alternative for people with limited care needs. They do not, however, see it as an effective substitute for long-term care or as an appropriate use of affordable housing dollars."

"The impact of these changes on frail seniors, their families and the community at large. With the anticipated growth in the seniors population and the closure of more than 3,000 publicly funded long-term care beds, it is highly unlikely that the number of subsidized assisted-living units and publicly funded long-term care beds will be sufficient to meet the residential care needs of frail seniors and people with disabilities either now or five to ten years down the road.

"In desperation, more and more seniors and people with disabilities will turn to the private sector. Yet the costs of private care — \$3,000 to \$5,000 for long-term care and \$2,000 to \$3,000 for supportive housing — are well beyond the means of the most moderate and low-income seniors. According to the 1996 census, 66 percent of seniors had annual incomes of \$20,000 or less.

"The consequence? Over time, more and more low-income seniors and people with disabilities will be left on their own or with their families to cope as best they can until a health crisis takes them into emergency and/or acute care. It is widely acknowledged by health care experts that once a person is in crisis, the cost of care escalates and the potential of positive health outcomes diminish.

"The shift away from this type of crisis orientation has been the goal of health care reform in B.C. since the publication of the Seaton commission report *Closer to Home* in the early 1990s. The argument presented in the report is quite simple: the sustainability of our public health care system depends on the development of early intervention and prevention strategies and sufficient resources in the community and residential care to support the implementation of these strategies with specific populations.

[1440]

"The Liberal government's policies move health care quite clearly in a different direction — limited government funding, more responsibility shifting to individuals and families, access increasingly based on the ability to pay. It would appear that for the Liberals, sustainability of the public system is not a primary objective."

**An Hon. Member:** It's exactly the primary objective.

**J. Kwan:** This is a good document, I think — a very valuable document.

The members like to heckle. It's their prerogative to do that in this House from time to time. One member heckled me just now, when the member said that it's exactly the prerogative of this government to ensure sustainability.

You know what sustainability means for this government? It means ability to pay. Let's be very clear about it. For seniors who need health care services, who need long-term care support, who need home care support, they'll get it if they have the ability to pay. That is the model to which we're moving.

It's not just seniors who are getting hurt, not just seniors across British Columbia. We just finished question period, in which I asked a question of the Minister of State for Women's Equality responsible for child care. The government has cut child care funding. Let's be very clear about that. As a result of that, child care centres — some of the best in British Columbia right here in Victoria — are faced with a funding shortfall. They've had to lay off staff. Parents will no longer have access to these facilities for their children.

Why? Because the government says they cannot afford to pay. They think that paying child care workers a fair working wage — \$16 per hour for child care workers, unionized or otherwise, through the Munroe report — to ensure that children are provided the best opportunities for growth and development in their early years is too much to pay and that somehow it is unsustainable.

Yet the government, before they came in to even look at the books after the election, made a determination to give tax breaks — the largest tax breaks to the wealthiest British Columbians, the biggest corporations. They say that they could afford to do that. The policy was that tax breaks would pay for themselves. Well, it's been nearly two years since this policy, and tax cuts are not paying for themselves. Who's paying for this failed economic policy of the Finance minister and the Liberal government? The seniors, the children, the families, the students. British Columbians who have always had the services and depend on those services will no longer get access to them.

The question: is it about affordability and ability to pay, or is it misplaced priorities of government and failed policies of government? Did this government all of sudden wake up one day — this Liberal government, this minister — and decide that seniors are dispensable, that they don't need long-term care facilities anymore, that they don't need health care support anymore? Well, they'll get it if they're able to pay.

Is that why we see a bill before us, Bill 73, that takes away one of the most important components that ought to be central to this bill? It's the standard of care for seniors — those who've paid into the system, who've worked all their lives. In their senior years they now find themselves evicted from their homes and having to be dislocated.

**Hon. G. Cheema:** That's not true.

[1445]

**J. Kwan:** It's absolutely true. The Minister of State for Mental Health says it's not true. Well, you come

and tell the senior in my riding, a 105-year-old woman who's just been evicted from Cooper Place, a long-term intermediate care facility in my very own riding.... She's been displaced, dislocated from her home. You tell that to this woman: "Oh, we're not really evicting you from your home. We're just moving you somewhere else." Somewhere else where nobody now knows where this woman has gone, and people are very concerned in the community.

**R. Stewart:** Nobody? Nobody knows? That's odd.

**J. Kwan:** Maybe the member for Coquitlam-Maillardville feels that this is all very normal. So what? So what if seniors get moved out of their homes? So what if the government plans to shut down over 3,000 units of long-term care facilities? What does that matter? So what if the Minister of State for Mental Health says that mental health facilities are shutting down across the province, but we're funding it?

He somehow, it seems, in his own mind, thinks that he's funding it. He makes this argument in the House all the time. All the time he makes those arguments when questions are put to him. He says: "Of course they're being funded." Yet when you walk out into the community, you see outreach workers being laid off, community living rooms for people with mental illness being shut down and facilities no longer available, and people are stressed to the max. Service providers and consumers alike are stressed to the max, and somehow the government — this government, the Liberal government, these so-called cabinet ministers, these so-called government backbench MLAs — sits back and says: "We're doing our job, and we're doing a very good job, darn it. Don't you accuse us."

Yet when you go and talk to the real people.... If the government members would simply step out of their offices and talk to people, they might actually find out that the story is something else. It's slightly different than what they like to believe in their own imaginations, because the real world tells you something else. When you talk to the people who have been impacted by these cuts and their families, it is a completely different story, and these stories break your heart.

I was in Trail not a long while ago, and I visited a facility that this government at the time was planning on shutting down, which now has shut down. I spoke with the seniors, and they were scared. They were worried. They had no idea at that time what was going to happen to them. They were fighting. They wanted to fight to keep their homes. They didn't know where to begin. The local MLA was not available to meet with them, and they were very concerned, so I went up there and chatted with them and talked to them. I registered their concerns and brought them back to this House.

One of the seniors, actually, was on a home oxygen program. She was assessed by a nurse, by a health care professional, some years ago, and it was determined that she could live independently with some support, but part of her health care needs meant she needed an oxygen tank which she could carry with her wherever

she goes. She's had it for a number of years. It sustained her. Quite frankly, as she told me, in her view it kept her alive.

Well, when I was visiting there, she was just told by the health authorities that they're no longer going to fund the home oxygen program for her, that she did not need the oxygen and that if she wanted it, she would have to pay for it herself. That's what the government told her, and she was beside herself. She was in tears, and she simply said this to me: if she did not get her oxygen, she could not breathe and she would die. Those were her thoughts, not my thoughts. She told me that. This is the reality.

[1450]

In this transition into better health care, supposedly, for the seniors from this minister.... In this scenario of a person who needs extra health support, who has been moved from intermediate and long-term care facilities into these so-called assisted-living facilities, will she have to pay for extra health care supports? Already we see the trend is moving in that direction. That's exactly what the government is doing, and somehow this government justifies it. They say that they are providing health care to the seniors. They say that this is sustainable health care support for the seniors. I say that this is simply just a bottom-line approach from the government, and they do not care, nor do they know, what the needs are in the broader public.

There has been no assessment done on what the greater needs are, but all is driven by one agenda and one agenda only: cut the programs that are needed by British Columbians. Take that money so that it can fill in for the tax cuts for the wealthiest British Columbians and the biggest corporations. The failed economic policy of the Liberals.... That's what is happening.

On long-term care, I mentioned earlier that what we need is a continuum of care, not just one element within that continuum. What the government has done is cut and eliminated social housing programs. There have been no new social housing programs from the Liberal government since they took office. Let's be very clear about that.

Interjections.

**J. Kwan:** You know what? The member says that there was one opened up in my riding. You know where that came from? It was the previous government who initiated those initiatives, who actually budgeted for it. It was budgeted and construction had begun.

I wish that the members would actually get the information and learn the truth, because from the way it sounds with these government members, including the Minister of State for Mental Health.... He would not know — through you, Mr. Speaker, to the minister — what truth is if it hit him squarely between the eyes. Let me tell you, none of the government members know the difference. That is the truth.

**Mr. Speaker:** Hon. member, let's keep our remarks parliamentary, please.

**J. Kwan:** I would simply like to speak the truth in this House. Let me tell you, we can — as many Liberal MLAs like to do — walk with our eyes closed, with our ears shut, and pretend that somehow people are not getting hurt by these government cuts. But if you stop for one moment and open up your eyes, take a look around you and open up your ears, you will see something drastically different than what is happening in the imagination of this Liberal government's mind. The reality of what is and what they think is simply not matched.

No new housing initiatives under the Liberal government. They've all been cancelled. Intermediate and long-term care facilities are being shut down across the province. Seniors are being evicted from their homes. Health care dollars are being eliminated and cut back for seniors. In fact, effective in January, Pharmacare costs are going to increase for seniors. MSP premiums have already gone up. Health services have already been delisted, and more is to come. You just wait and see. More is to come.

[1455]

Then the supposed assisted-living initiatives that are supposed to be built by this government.... Few have been built. The majority are nonexistent, and the dollars that are being used to build the assisted living are being stolen from housing. A long fought-for set of moneys from the federal government that was dedicated for housing — that money has now been stolen from the housing portfolio and put into these assisted-living initiatives. That is the reality. The record is there; the facts are there. I invite the MLAs to check it out and get the facts for themselves.

Interjection.

**J. Kwan:** The Minister of State for Mental Health is just reminding me: "Don't forget about the PST." Yes, the Liberal government also increased your PST 6.5 percent. That's absolutely true. The Liberal government has just increased the PST, so standard-of-living costs are also increasing for this government...

Interjections.

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

**J. Kwan:** ...and for British Columbians. It's not misinformation. If the Minister of State for Mental Health would actually look at the budget, look at his own government's budget, he'll realize that the PST has been increased by this government. The provincial sales tax has been increased across the board for every single British Columbian. Who brought that to you? The Liberal government. Yes, the cost of living is increasing all over the place. There is no doubt about that.

From this bill, aside from the issues around long-term care, other issues need to be raised. What about residential drug and alcohol treatment facilities? I understand that many municipalities are very concerned

that they will now not be under this act. How does Bill 73 address these concerns?

Expressions of concern have been brought to the minister's attention. Again, I refer to the letter from the greater Vancouver regional district. The GVRD has written to the minister. I will share with you now the part relating to alcohol and drug issues:

"Furthermore, some facilities that currently require a CCF licence, such as alcohol and drug recovery homes, may no longer require licensing under this new act. Under the existing act, local governments, recognizing the need for such facilities within their communities, have approved these facilities and integrated them into communities, with considerable comfort that provincial standards have been applied and met.

"If such facilities are excluded under the proposed act, functionally, local governments would be required to determine the merits of such unlicensed facilities and to evaluate the services or support/treatment programs provided by them.

"Not only do local governments feel they lack the resources or experience to evaluate such facilities, but that their evaluation would be constrained to land use regulations, the size and design of the facility, and a maximum number of persons to be accommodated in the facility."

That's just a letter from the GVRD to the minister raising the concerns relating to alcohol and drug issues.

This legislation appears to be not about providing better care but about off-loading costs. Who do the costs go to? In the case of converting residential care beds to assisted-living beds, studies show that although the beds are 20 percent less costly to provide, those costs and more have been made up by the seniors and their families. It may be a low cost to government. To the Liberal government, they may think this is more sustainable. What it translates to is increased costs for the people who need the care. It's as simple as that.

The Alberta model that I put on the record earlier today illustrates all of those points. For every meal you get, you have to pay additional dollars — lunch, breakfast or dinner. If you need someone to assist you to go from your room to the front door, it costs you 20 bucks to have someone wheel you in a wheelchair over there. If you need some personal care, depending on what it is, each component of care comes with an extra cost. That is what is happening. That's the Alberta model, and I predict that is what's coming to British Columbia.

[1500]

I now want to turn to address the child care issues. There's only one section that specifically addresses early childhood educators in this bill. What does it say under section 8, "Certification of educators of children"?

"8 (1) A certificate may be issued to a person in accordance with the regulations stating that the person has the qualifications required by the regulations for certification as an educator of children, or as an educator in the manner specified in the certificate respecting children, at a community care facility.

"(2) A certificate issued under subsection (1) or under section 9 of the Community Care Facility Act...may be suspended or cancelled, or terms and conditions may be

attached to it, following a hearing established and conducted in accordance with the regulations."

Essentially it is waiting for regulations. It will all be defined in the regulations.

Wouldn't it be helpful for the public, for British Columbians, for the opposition to know these details before debating and voting on a bill that could dramatically change the way child care is delivered in this province? How do we know what the ratio of children to caregivers will be set at? How do we know what training will be required under these new regulations? How do we know how many infants one child care giver will be allowed to have? The uncertainty around these kinds of regulations creates huge anxiety for parents and caregivers alike.

Of course, the issues around child care that I'm raising are not raised by me alone. Others have thoughts around this as well. I refer you to another document that's been put forward, titled "Child Care Standards," by David Schreck.

"The elimination of universal child care was one of the first cuts made by the Campbell government. That was followed by making it harder to qualify for child care subsidies. Now the government is changing the framework for regulating child care facilities, but it is refusing to provide any information on the changes it is considering.

"The child care licensing regulation sets the rules for all forms of child care, from family care through various types of group care — for example, family child care. The provision in a licensee's home of care to children is limited to providing care to no more than seven children, only one of which can be under 12 months old. A lot of the capital costs associated with setting up organized group child care are due to requirements under the regulation. Many would argue that the quality, including the safety, of child care has improved because of those requirements."

The document then goes on to talk about a lot of the other issues relating to child care in these regulations. I would refer the members to the website to look at some of these issues. The child care issue is significant. The standards of care are unclear. Regulations are not available. Affordability is not regulated for assisted living. These are just some of the concerns. I, of course, have a lot of other concerns as we engage in debate in committee on this bill. I hope the minister will listen to these comments from the broader community, take them into consideration and make adjustments to the bill as is required.

[1505]

**S. Orr:** First of all, I will start by saying that I am going to speak in support of Bill 73, the Community Care and Assisted Living Act. I first want to say that when the opposition stands and speaks — or the member for Vancouver–Mount Pleasant — and talks against this bill, parliamentary process is that the opposition speaks to oppose. What I do find hard is the continual scolding that — and I'll talk about myself — I have not done my research, done my homework or worked with my constituents to know the issues; in other words, I

am not keeping in touch with what's going on. Well, that is furthest from the truth.

First of all, I don't read a lot of union reports and get the information from them. I do know my constituents. I go out and work with them and talk to them, and I do have a really good understanding. I certainly have a good understanding on this. I really feel it's important to get that out. I'm not a confrontational person, but I'm very much a free and independent thinker. I'm going to speak to this bill from my point of view as an independent thinker.

I want to start by commending the minister on the consultation process. I know that this has happened. We received Bill 16, which was the exposure bill. I read it, and I felt it was a little light. I was a bit concerned, but this minister went out, and she consulted. Through the summer she had 11 sessions in six communities. She's got websites. There was website consultation; there were written submissions. I'm an old municipal councillor, and I believe in consulting with my constituents. This was a good consultative process, and I think it was done extremely well. The bill is clear, and it is concise. Obviously, what the community said in this consultation process has been very much taken into account, and it is in this bill.

Now, what I really want — and I'm going to stay very focused on second reading of this bill and not go off on a whole myriad of stuff that isn't relevant to this — is to talk about standards. We now have standards under this assisted living which will protect our frail and elderly and certainly other vulnerable citizens. It also means they can stay at home longer. It means that seniors who in the past were in their homes and had to be moved over to either.... They were in supportive housing, and then the next move was directly into intermediate and extended care.

I just want to talk about a senior citizen who is in supportive housing, and they're happy in their home. They've got their pictures of their family on the wall. They have the television they're used to and the bed they're used to sleeping in. They have their routine. They're comfortable; they're happy. As it was before, if those people were unable to do certain things for themselves, they were moved into intermediate and extended care. That's really, really hard on seniors.

It's going to happen to all of us eventually. Things are going to break down. We're going to lose our eyesight. We're maybe going to get a little deaf. Things are going to happen to us, but an awful lot of seniors I know are bright as tacks, and they don't want to move. What we have now is assisted living in supportive housing — supportive living that's registered. This is a really good thing for seniors.

[1510]

The other really good piece that I like is under section 22. This is what I call the whistle-blower protection. It actually is titled "Protection for persons who report," but it's whistle-blower protection. It's a good thing — a very good thing. It enables family members

or staff or patients. It gives them the confidence that they have an avenue of recourse if they feel it is necessary to report abuse. Currently, you know, some people do get concerned. Senior citizens don't like to rock the boat. They don't like to complain. This is going to give them an avenue where they can report abuse, and there's going to be no recourse on the family members, the staff or the patients. Nothing will happen. That's very important. That's a protection to make them feel comfortable.

Everything in this bill that I can see really protects the elderly. It really has taken into consideration how they feel, what they want and how comfortable they are. I think that is paramount in this bill. It's coming out, and it's going to really make seniors feel much more comfortable about where they are and what they're doing. As I say, they will be more protected, as far as I'm concerned. Part 3 of this bill, "Assisted Living Residences," is even more protection, as far as I'm concerned, for valued seniors.

I'm not going to prolong what I have to say. I think I've made it very clear. I think that when Bill 16 was introduced and the minister went out and did her consultations, she came back with something that was good and sound and solid. I think she's done an admirable job, and I'm very, very pleased. I certainly know that the seniors in my riding will be happy. Again, I have to say that where our senior citizens come from.... They're different from youth. They've worked hard. They'd like to live comfortably now. They want to feel secure, and there are so many parts of this bill that take care of that.

I'm going to just say that I think this is a very good act. I certainly support it, and I think that the minister and her staff have done an extremely good job in putting it together.

**T. Christensen:** It's my pleasure to rise today in the House and speak in respect of Bill 73, the Community Care and Assisted Living Act. As members know, this does replace Bill 16, which was introduced and debated at second reading back in April. At that time I was happy to have the opportunity to comment quite extensively on the general direction that Bill 16 was taking this very important area of public policy. We do need to recognize that this is very significant and important legislation. It has a very direct impact on care for individuals around the province, individuals that are amongst our most vulnerable citizens.

It does, in fact, provide for regulation of a broad range of care facilities. I think that sometimes in the discussion of this legislation, we tend to focus on the impact on our seniors. I'm sure that in my comments today I will be guilty of that focus as well, but it's important that we recognize that Bill 73 does have impacts for group child care. It does have impacts for group homes, where many individuals that have developmental disabilities reside. It certainly does have impact for complex care facilities for seniors who need a high level of care, and the introduction of this bill will certainly have impacts on the assisted-living sector.

It also plays an important role for the rest of us, those of us that may not need those particular facilities ourselves. This legislation provides a foundation of comfort for those of us who may have family members, friends or relatives that do need that level of care or do need a level of care in those types of facilities at one time or another. I suspect many of us at some point in our lives will end up relying on the care provided by either an assisted-living facility or a continuing care facility.

[1515]

I think it goes without saying — but as many say, it always goes better with saying — that the changes in respect of this area of policy and this legislation are long overdue. The minister commented in her opening remarks that the existing Community Care Facility Act dates back to 1969, and we've seen significant changes in the makeup of our population since that time. Certainly, in the late sixties and early seventies, while we had a few folks that were making it into their eighties and nineties, it wasn't near the demographic challenge that it is now.

We have many people who are living longer and longer and are quite able to take care of themselves longer and longer, but as they get into those later years, in many cases they do need some level of assistance — but a broad range of levels of assistance.

It was also prior to the movement to deinstitutionalize people who were developmentally disabled. That has certainly been a progressive step in society over the last 30 years, but it's not one that was necessarily contemplated by legislation that was essentially drafted back in 1969. So, again, the current act doesn't look forward in terms of meeting today's needs.

It's also prior, in fact, to the greatly expanded need for child care. Back in 1969, when I was just a little tyke, most of the other little tykes that I ran around with had one parent at home — typically their mom — and child care was not a huge issue. Now, certainly, we have many more single-parent families, and we have many dual-income families, so child care is really an economic necessity for many families in terms of being able to meet their daily needs.

Back in April I commented at some length about how the current Community Care Facility Act had evolved into what I and many others considered to be an overly bureaucratic and prescriptive regulatory scheme for ensuring quality and safety in these facilities. I'm going to spare members a repeat of those points, except to say that I believe that Bill 16, which we were debating in April, did an admirable job of addressing the concerns I had with the current Community Care Facility Act and its bureaucratic and prescriptive nature. In fact, Bill 73, which is before us today, is a significant improvement over Bill 16.

The purpose of introducing Bill 16 in April was to allow for public consultation through the summer. The minister has indicated that she received input from over 500 people and groups through meetings in communities around the province as well as written submissions. That consultation has resulted in some sig-

nificant changes that are included in Bill 73 and make for a stronger foundation for us to move ahead in this very important area of public policy.

I'm going to comment just briefly on this whole concept of consultation generally. Because there's always so much happening in the province, there are many opportunities for consultation input, and people don't necessarily know about them or take advantage of them. Bill 16 really is one of many bills that were introduced in the spring session and left on the order paper to allow for consultation through the summer.

I know that in my own constituency of Okanagan-Vernon, I invited my constituents to provide comment on Bill 16 as well as on the Transportation Investment Act, the Human Rights Code Amendment Act and the Business Corporations Act, all of which were introduced in the spring and left for consultation.

Beyond those actual legislative bills that had been put before the House, the summer was also busy with consultation on the discussion drafts of the community charter as well as the results-based Forest Practices Code. I invited input from my constituents on those initiatives, as well, and was very pleased in every case to receive their input. As one would expect, you do receive a wide variety of input.

As we headed towards our return to the Legislature in October, the government continued its efforts to provide British Columbians with the recommendations of independent panels like the recreation stewardship panel and to invite further comment. As well — and I think this needs to be emphasized — one of the very innovative initiatives that the Premier has introduced is monthly open cabinet meetings. I've found that those provide a long-overdue opportunity for citizens of the province to listen in and get some idea of the policy challenges that the government and, in fact, all British Columbians face and some idea of how the government may be looking at addressing a particular challenge.

For example, the September open cabinet meeting included a presentation from the Minister of Education about a proposal to revise the graduation requirements. That was based on recommendations of a panel established in the fall of 2001. That proposal is now out there for interested British Columbians to look at and to provide comment.

[1520]

September's open cabinet meeting also provided an opportunity for the Minister of Health Services to present to the public in a forum that anybody can tune into on their television and check out — or tune into on the website and check out if they missed it on the TV — the challenges facing Pharmacare. Those are significant challenges, and it's important that some of the underlying information gets out there so that the public can look at it and can comment. Government can listen to the comments and hopefully move forward in a progressive manner that is going to assist us in solving some of the very significant challenges we all face. I've certainly been happy to bring those opportunities to light for my constituents in my biweekly MLA report

in the newspaper and to hear from them on these important issues.

My point is that there's plenty of opportunity out there for those who are interested in seeing what government is working on and to provide comment. In respect of Bill 73 in particular, it clearly reflects the value of this consultation with British Columbians. In comparing Bill 73 to the earlier Bill 16, you can quickly see that there have been significant additions to the bill to address concerns that were raised during the consultation period.

The intent of Bill 16 as it applies to community care facilities remains essentially the same, and Bill 16 did an admirable job in accomplishing a number of objectives. It did a good job of focusing on the protection of vulnerable and dependent persons in care. It did a good job of clarifying the roles of provincial and local authorities and simplifying decision-making. It did a good job of providing greater local authority but allowing for very concrete provincial standards and consistency of those standards across the province. It also created a framework that permits innovative responses to trends in community care, and I think that's critically important.

Certainly, those objectives, as I've indicated, are maintained in Bill 73. I understand that the minister generally received very positive feedback over the consultation process in respect of that general direction and the objectives that were set out in Bill 16. Those continue to be set out in part 2 of Bill 73, which deals specifically with community care facilities, but Bill 73 also addresses two primary concerns raised during the consultation process.

First, there was the need — and a number of submissions were received about this — to maintain early childhood education certification, and that has been maintained in Bill 73 through the inclusion of section 8. It is an important inclusion to recognize the importance of those child care professionals and the very important work they do. The second primary concern that was raised during the consultation, which has been addressed in part 3 of the act, was the need to include assisted living within the scope of the act.

What Bill 73 does is effectively retain the focus for licensing of community care facilities but broaden the scope of the legislation to reflect the continuum of care that is necessary to meet the needs of British Columbians and their broad range of care needs. The addition of part 3 to deal with assisted living provides for the registration of assisted-living residences and allows for a needed measure of consumer protection and assurance that health and safety concerns will be met. But it reflects the fact that those persons who are anticipated to be residing in assisted-living facilities do have a greater degree of independence than those who will need the higher degree of care provided by community care facilities.

By adding part 3 to deal with assisted living, Bill 73 also provides the opportunity to contrast what constitutes an assisted-living facility in comparison to a community care facility or supportive housing. I think

this is a major benefit in our ability to focus the discussion of seniors health care and housing around different options for care. We've certainly often heard of the need for a broad range of housing and care options for our aging population, because we have citizens with a wide range of abilities and needs.

[1525]

The current act is certainly too broad in that it captures living arrangements based on the number of people sharing a particular living arrangement rather than on the level of independence that the person is able to maintain. Bill 73 clearly defines community care facilities to be facilities where care is provided to three or more vulnerable and dependent people who require three or more prescribed services. Those prescribed services will be set out in regulation and will play a very important part in the distinction between what is a community care facility, what is an assisted-living facility and what in fact is neither of those but may be supportive housing or some other type of facility.

In contrast to that definition of a community care facility, an assisted-living facility is one where an individual is housed and receives hospitality services such as meals, housekeeping and laundry services, and has access to a 24-hour emergency response system. It also receives one but not more than two of the prescribed services. I'm sure — in fact, I can guarantee you — that this whole concept of what will be prescribed services will be explored further at committee stage. Obviously, the key to the distinction will be those prescribed services which I anticipate will include services that we tend to consider to be of a medical or a health care nature, such as administering medications and carrying out therapies.

In listening to the member for Vancouver–Mount Pleasant, my impression, at least, is that she would like to leave those who are watching these proceedings with the impression that assisted living doesn't really have anything to do with health care. I think that's certainly a false impression.

I think the opposition also would like us to believe that there's going to be this great void in terms of the options and the levels of care that people need. In fact, what this legislation does is fill that void by providing for that broad range of options.

Supportive housing, which will not be covered by this legislation, certainly encompasses a broad range of combined housing and service options that meet the needs of those citizens who need some assistance in their daily living activities but who don't need the types of services that will be prescribed under Bill 73. As such, the broad range of supportive housing options will remain outside the scope of Bill 73, which is wholly appropriate as those housing options are not of a health care nature. They are certainly an important component and meet a definite need in terms of the range of housing options that are available to citizens of the province. But they are not of a health care nature and are therefore not rightly included in this type of legislation, which is specifically intended to deal with those higher levels of care for our adult population.

[J. Weisbeck in the chair.]

Bill 73 is an important step in moving from an overly prescriptive model of licensing care facilities to a model that sets strong standards but allows more local autonomy and, quite frankly, the application of common sense by the medical health officer in ensuring that a particular facility meets the needs of the people who are going to use the facility. I am confident that when Bill 73 is enacted and complemented by appropriate regulation, it's going to bring clarity to the range of care options that will be available for our citizens who need varying degrees of assistance and health care services.

Bill 73 is an important step in the government's road to fulfilling the new-era commitment to work with non-profit societies to build and operate an additional 5,000 new intermediate and long-term care beds by 2006. It's also an important step in fulfilling the new-era commitment to develop an intermediate and long-term care facilities plan that addresses the needs of our aging population and frees up existing acute care beds.

[1530]

I think all of us that have to struggle with these very difficult issues would like to be able to just snap our fingers and instantly have all the assisted-living and community care facilities that are needed. Unfortunately, as we quickly learn in this place, it doesn't work that way. It's going to take some time to meet those needs, because there are big challenges. Those challenges remain, notwithstanding that in this province we've actually increased health care spending by over \$1 billion in the last year.

Certainly money is being placed into health care, but those challenges still remain there, and those challenges require long-term plans. We're dealing here with ten years of neglect and a lack of planning for our aging population. We're not going to fix that overnight. We're going to have to look at long-term planning to build the facilities and facilitate the construction of those facilities to meet our longer term needs. If we don't plan for those needs, develop strategy to meet needs, think in that longer term and have a strong strategy that you follow step by step to get to your end goal.... If you just come up with the quick-fix solution and throw a bunch of money at it, what you end up with are white elephants — things that don't meet your needs. In this province we should probably call them fast ferries.

I listened with interest to the comments of the member for Vancouver–Mount Pleasant this morning and earlier this afternoon. Certainly, the member is very heavy on pointing out the problems that may be out there and the needs of some of our vulnerable citizens. But unfortunately, she's quite silent on any solutions to those problems. That really shouldn't come as any surprise, I don't think. If you look at the ten years that that party was in government, they didn't have a bunch of solutions then either. We shouldn't expect anything different while they're in opposition.

The member did raise some good points around affordability of housing options for seniors, and affordability of housing options that include appropriate levels of support for housekeeping and other services, as well as health care services when needed. These are all residential options that are needed for our aging population, but they are all distinct from one another. The challenge and goal is to encourage and support the development of a full range of housing options for seniors. We need affordable seniors housing that provides some meal preparation and housekeeping assistance. That may be enough. But we also need affordable accommodation that adds to that level of service and includes some health care services and a greater degree of supervision.

Beyond that we also need facilities that provide complex levels of care. Each of these types of facilities is unique and distinct. They don't all require the same extent of regulation. Bill 73 ensures that they will be treated differently, which will remove many of the impediments to developing more of these options for our seniors.

The member for Vancouver–Mount Pleasant went on at some length this morning about closing facilities. That's a great line if you want to get people up in arms and paint a picture of patients wandering the streets, but it's not terribly accurate; nor is it fair to seniors or to British Columbians. Yes, anybody who's watched health care in this province over the last number of months knows that health authorities have announced that some facilities will close, but let's go beyond that simple announcement and ask why. What we find is that we have aging facilities that cannot be used to meet the care needs of today's aging population. You've got doorways that you can't fit a walker through. You've got hallways that you may not be able to get a wheelchair or a walker down safely. You've got ceiling infrastructures in buildings that were built 30, 40 or 50 years ago, which can't support patient lifts. These facilities need to be remodelled or closed and replaced with newer facilities.

[1535]

The commitment of the government is abundantly clear. We're committed to adding 5,000 additional spaces by 2006. Bill 73, by initiating a regulatory framework within which that path towards that goal can be followed, is a critical first step. We could, of course, have simply followed the NDP's failed policy of the 1990s, which seemed to be to do nothing, hope that people will quit aging or that we may find a cure for it, but I don't personally think that's a terribly effective way to tackle the challenges that we face in the province. I certainly commend the minister for embarking on her consultations with British Columbians since the introduction of Bill 16 in the spring and for now coming back to the Legislature with a stronger bill, Bill 73, that reflects those consultations.

I know that in my own constituency of Okanagan–Vernon, we're ahead of the demographic curve in that we already have a higher than average number of seniors and that addressing the need to care for those of

our seniors and other members of our population who are vulnerable and dependent is critical, as is the need to develop alternative housing and care arrangements for seniors who are still relatively independent. The point is that in my constituency, even though we may be ahead of the demographic curve, we're not any different than any other constituency in that we need a variety of seniors housing options in each community in my constituency.

Bill 73, I am confident, is going to facilitate those options. I know it is good news to the non-profit groups and others in Vernon and Lumby, who have been looking at opportunities to improve the availability of affordable housing options for seniors both with a health care component and without a health care component.

Bill 73 is a very good start. I look forward to working with the minister of state over the next number of months, as well as the Minister of Community, Aboriginal and Women's Services, who is responsible for B.C. Housing, to ensure that we have a broad range of effective and affordable housing options as well as health care options for our valued seniors population.

**V. Anderson:** Bill 73, the Community Care and Assisted Living Act, is a vision which has been developing for a long time in the province of British Columbia and all across Canada, for that matter. It's the opportunity for us to do planning in our communities for the people who live in our communities and would like to live their full life span within our communities. Many people, as they have grown up in years, have found that they have had to move from their local community because there were no facilities there that suited their changing needs.

I've had the privilege in my life as a minister to spend a great deal of time visiting in communities where seniors have lived in all stages of their lives. I've also had the personal experience of, in another province, following the path of my mother as she went through the years in the different kinds of facilities that were available to her, which enriched her life and gave her the support she needed and the opportunities for family and friends and community to continue to participate with her, and her with them, in those changes that took place.

Many factors are involved in that. It's not only housing but also transportation. Over the years we've developed the bunny buses, as we've called them — or have other names for them — so that people in their senior years who no longer drive or, for that matter, are not able to walk that much have a means of getting from here to there for their medical appointments, for their shopping, for their entertainment and just to visit their friends.

These are all important aspects of the vision that we're trying to portray and develop here in this presentation of this bill. We're trying to prepare ourselves — and in my case, it may come sooner than for others —

to have the opportunity of using these facilities not as a visitor but as one who's living within them.

This is a vision not just of the government; it's a vision of a community. It takes a community, as we say, to care for a child, but it also takes a community to care for each other at whatever age we may be at in our life span. It takes a community to care for those who have disabilities. It takes a community to care for those who, in their elder years, are no longer as vital and as energetic as they were at one time.

[1540]

I remember my mother putting it in perspective very well when she was 95 years of age. Operating out of a wheelchair and having people come into her room and care for her in one of the care homes, she said, with a smile upon her face: "Getting old is very inconvenient."

Part of the reality is that it is inconvenient to get old in many ways. Your mind may be sharp, but your body may be dulled. Sometimes it's the reverse, so it's important to have people to share with us in those changes that come in our lives.

Again from my mother I had another comment, which was extremely important. It highlights a part of this discussion that I'd like to highlight this afternoon. She had been having some difficulty. The nurses were busy and came in and helped her out in the care home in which she was living at that particular time. After they left, she turned to me and said: "I would never have the kind of patience with me that they have with me." She appreciated that it wasn't just the home or the facilities that was important, but extremely importantly — even, perhaps, in many ways more importantly — it was the staff and the people that worked in those facilities. It's a very exceptional group of people who take their time and their interest to care initially for persons who are strangers in their lives, but who in due course become very close friends. It's these persons that make a facility important.

When we're talking about Bill 73 — which is setting out the legal framework, if you like, to enable communities to develop places which are home for their members throughout the whole of their lives — it's more than the legal framework. It's more than the building. It's more than the health care. It's more than the prescriptions. It's the opportunity to sit at a table and to visit. It's the opportunity to have your family and your friends come in when you can no longer entertain them at home, but you can entertain them within your place of living as they, too, are invited for tea in the afternoon, coffee in the evening or the snacks, and for the entertainment programs at Christmas and Easter and all of the other parts of the year.

It's the life and the music of these programs. It's the young people that come from the schools to visit. These are all part of what we're envisioning as we're putting in place facilities that not only are convenient, efficient and health-providing for individual persons but also are facilities that become community places. They're facilities where the young children come to visit at Halloween. They're the communities where a person who

has a young pet, a young dog, brings that pet so those there are able to entertain and find comfort. It's the opportunity of knowing that the community flows in and out of this centre, which is an important part of the community life. It's not separated from the community. It's not apart from the activities that you've been involved in.

It's a place where you can go and play bridge. It's a place where you can go and play poker. It's a place where you can visit, take your automatic electric wheelchair and buzz around. They say there may be difficulties on the road with our young drivers, but there's just as much difficulty with some of our senior drivers as they tear down the hallways in their automatic chairs.

It's a place where people care for each other, where seniors talk and visit, and it's a place where many of them at 70, 80 and 90 make new boyfriends and new girlfriends and new relationships, which give real strength and vitality to their lives.

[1545]

I want to highlight that it's not just the facility that looks nice on the outside where you would like to go. It's not the facility that's got the ability, where you go out on the lawn and the yard and enjoy the birds in the summer in the sun. It's not the facility, but it's all of these things. Most of all, it's interaction between people caring for each other, sharing with each other and being able to continue to develop for the full length of their life and to learn and to be creative and to have opportunities.

I wanted to emphasize that as we work on this vision, we have a vision which is a part of our community, a vision whereby we move into a community as a young couple, and we may think that we're going to be here for all of our years. What happens is that our children grow up and leave home and go away from us. It's my experience in community visiting in the city where I am now that the seniors who knew everybody on the block at one time now are total strangers, because everybody on the block has changed but themselves. Whereas they used to work in the yard and meet their neighbours, they're no longer able to do so. They feel kind of housebound, and neighbours come and go, but they don't have the flexibility.

So they like to move into a place where they don't have the yard and the lawn to care for, into a place where they're welcome, where they're treated with opportunity, where they even have their religious services, where the social clubs that they're a part of can come and visit and bring their opportunities to them. We have a continuum here — moving from your family home, moving into an apartment where you still have independence, moving from that independence into a home where you have some support for food and clothing and that kind of thing, moving from that into assisted living where you have limited medical care and moving on from there for more extended care.

I'd like to put this in context simply to say that when we're discussing the nuts and bolts of facilities,

what we're really talking about is the relationships of people and of how they live out their lives in interaction with others, giving and caring and sharing with each other, and this bill is one aspect of fulfilling that vision.

**Deputy Speaker:** Seeing no further speakers, the Minister of State for Intermediate, Long Term and Home Care closes second reading debate on Bill 73.

**Hon. K. Whittred:** I rise to summarize the debate and to close debate. I would like to end by reiterating once again that this legislation is about people. It is about care that is delivered to children. It is about care that is delivered to vulnerable and dependent seniors, and it is about care that is delivered to people who live with disabilities. The entire focus of this bill is about protecting the health and safety of people. It is not about the needs of facilities, nor is it about the prescriptive regulations that members on the other side of the House might like to see. I am pleased that it in fact takes this particular focus. It focuses on those things that are going to make life safe and secure within the environments in which these people will live.

I'm also pleased that this bill will remove barriers to innovative care. We have all heard stories, I think, about how the old act stood in the way of innovation. I am reminded of the child care facility that tried to establish itself to serve the needs of parents who worked in the movie industry, and they couldn't do it, because you couldn't have a child care facility in a trailer or in a mobile home. That is clearly the kind of thing we want to avoid.

[1550]

We have heard instances where ethnically appropriate food could not be given to children or where ethnically appropriate celebrations could not be celebrated because it wasn't permitted by the overly prescriptive nature of the old act. I am personally very delighted that this act will allow for those kinds of innovations to go ahead so that the focus is, in fact, on the needs around the people who live in the facility and concern about their safety and their care.

I am also pleased that this act will provide a very important component to this government to move ahead on its obligation and commitment to provide 5,000 additional intermediate and long-term care beds by 2006. With the help of the non-profit sector, we will provide this missing link in the continuum of care for our seniors and people who live with disabilities. I want to add that assisted living is in addition to.... It is a new component of the spectrum. It is not in place of residential care.

Finally, I want to say how pleased I am with the consultation process that took place over the summer. We listened, and we acted upon what we heard. Of that, I am very proud. I am pleased that the consultative process and resulting improvements resulted in a bill that balances the need for protection while, at the

same time, ensuring that regulation is proportionate to the vulnerability of the people receiving the services.

Mr. Speaker, I move second reading of Bill 73, the Community Care and Assisted Living Act.

Motion approved.

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

Bill 73, Community Care and Assisted Living Act, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

**Hon. L. Stephens:** I call committee stage on Bill 69.

### Committee of the Whole House

#### OPEN LEARNING AGENCY REPEAL ACT

The House in Committee of the Whole (Section B) on Bill 69; J. Weisbeck in the chair.

The committee met at 3:54 p.m.

**Hon. S. Bond:** I would like to introduce my staff, please, Chairperson. With me I have Arlene Paton, a director in Advanced Education in the post-secondary education division, and Tony Loughran, acting manager of legislation for Advanced Education.

On section 1, section 5.

**J. MacPhail:** This is an amendment to permit the minister to appoint a board for the Open Learning Agency "consisting of at least one and not more than 11 members." The addition is "at least one." Perhaps the minister could start off by describing the current board of the Open Learning Agency.

[1555]

**Hon. S. Bond:** We currently have a board consisting of 11 members. They are public servants. Ten are from the Ministry of Advanced Education, and one is from the Ministry of Finance. That was done on February 15, 2002.

**J. MacPhail:** Prior to that, before this government made a change so that it's all bureaucrats, what was the board composition?

**Hon. S. Bond:** There would still have been 11 members. They would have been appointed by government.

**J. MacPhail:** What I'm trying to get at here is that prior to this government taking over, there was a composition of the board that is much different than the composition is now, and this legislation allows the

government to change the composition of the board even more. Perhaps the minister could tell me the nature of the Open Learning Agency boards and what they've been like. It doesn't have to be under any particular government, but the public participation, the public interest part of the board.

**Hon. S. Bond:** The board typically would have been made up of members from throughout the community representing a broad spectrum of interests.

**J. MacPhail:** And that would have made sense, because it was a service that served the community, who have a broad base of interests and are broadly based throughout the province. That was the nature of the Open Learning Agency board from its inception in 1978 until February 2002. Why did the government change the composition of the board to be 11 bureaucrats in February 2002?

**Hon. S. Bond:** As we continued to do the core review and as we looked at the services provided by the Open Learning Agency.... The act required 11 members. At that time, it was decided that those positions would be filled by public servants as we continued the review and looked at the services under the core services review process.

**J. MacPhail:** So now we have a situation where we've moved from a community-based board for 24 years. Let me see, from '78.... Yes, 24 years, and then this government changed it to 11 bureaucrats. Now we have legislation that says you don't have to have 11 people running it. You can have at least one. Why that change?

**Hon. S. Bond:** We want to make sure there is the flexibility required and the timeliness in terms of making decisions around the transition phase. We want to ensure a seamless transition, so we want the ability to determine the board size to make sure we can move quickly, thoroughly, and look at the flexibility for us in that process.

[1600]

**J. MacPhail:** How would a community-based board of 11 people impede that?

**Hon. S. Bond:** Well, we believe the decisions that will be made over the next number of months will be complex, will be challenging. We want them to be done quickly in terms of looking at how to transition. We think that public servants at this point in time are the best people to be able to manage through the transition process, both to ensure a seamless transition for students and to work with our employees.

**J. MacPhail:** The reason why I'm spending so much time on the composition of the board and this legislation that now allows the board to be reduced to one person is that I'm trying to figure out where the minis-

ter delivers on her commitment that she made so vociferously at second reading that the Open Learning Agency will become a better community-based agency, that this legislation isn't about shutting down the Open Learning Agency and distance education but is about improving the services to the community. We learned in second reading that, really, the service is now a website. I'm just trying to figure out, if it's not through the board, where the minister gets her community input in this period of transition.

**Hon. S. Bond:** In fact, the requirement will be that the board present to the minister a transition plan which would take into consideration the needs of the community, the employees and in particular the students. The job of the board is to prepare that plan. They will take into consideration needs of the students and needs of the community and present to me a transition plan. In fact, they're simply the conduit of the transition plan. They will put the pieces together and bring that to the minister.

**J. MacPhail:** Yes, but "they" could now be one person, could be a bureaucrat, could be the minister herself, could be an order-in-council appointment or could be a cabinet minister. "They" is an euphemism for one person, potentially. That's what this legislation is about. This legislation isn't saying: "We reaffirm that the board is going to be 11 people." This legislation is saying that the board could be one person. The government has already indicated that they don't want a community-based board. They got rid of the community-based board. They've now got 11 bureaucrats. I assume this legislation is changing the fact — that there won't be 11 bureaucrats. There could be one bureaucrat. That's what I'm asking. If indeed the board will remain — and the minister has indicated already that she doesn't have any plan on getting a community-based board — how will this board, which could be one bureaucrat, get community input?

**Hon. S. Bond:** Well, in fact, as we move through the transition phase and through the transition of any of these kinds of situations, at the end of the day there will not be a community-based board with the Open Learning Agency, because we intend to protect services by giving them to other post-secondary institutions or other providers. In the interim we are putting together a board that will present a transition plan. They will consider the needs of students. They will work with the current CEO. They will work with the employees to prepare and present a plan for that transition. Ultimately there will be no community-based board because as we move forward, eventually, over a two-year period, we will be winding up the institution known as the Open Learning Agency.

[1605]

**J. MacPhail:** Well, clearly, the minister has absolutely clearly in her mind who the board will be. Perhaps she could just tell us who the board will be.

**Hon. S. Bond:** Currently, the board is made up of 11 members: ten who are Advanced Education public servants and one from the Ministry of Finance. It is the assumption that those members will continue. At this point I have made no decision to make the board smaller, but those are the members that would continue to serve, however many of them, if we were to make it smaller — those members that are currently there, who are public servants.

**J. MacPhail:** Well, we have the minister saying she's not going to change the board. We'll see. We'll actually see, because this legislation provides for her to reduce the board to one person. In fact, this government has done this repeatedly in other areas as well — repeatedly. Usually the board is reduced to one person who happens to be a cabinet minister.

If the minister has plans, although there's no evidence of them in this legislation, that Open Learning Agency will be carved up and given to other post-secondary institutions, perhaps the minister could say what representation on the board there is from other post-secondary institutions.

**Hon. S. Bond:** Unless I misunderstood the member opposite, for which I apologize, the board currently is made up of public servants. That is the composition of the board. A number of those, if not all of them, will continue to be the board as we move through transition.

**J. MacPhail:** Perhaps I didn't make my question clear. The minister suggests that the agency is not being killed, that it will be divided up and spread out amongst other post-secondary institutions. It would seem to me that if the minister doesn't want community input, she would at least expect the board to have input from the post-secondary institutions that are going to benefit from this legislation. I say that in a positive sense.

Who on the board now is from a post-secondary institution that could give advice on the transition?

**Hon. S. Bond:** The responsibility of the board that is in place. The expectation would be that their discussions would be with other post-secondary institutions and their boards, and they would begin a process of examining where those pieces may eventually go. Their job will be, then, to put their best recommendations forward to the minister in the transition plan.

**J. MacPhail:** My concluding comment on this is that it all seems highly suspicious to me. The government says on the one hand: "Don't worry. This legislation isn't about killing the Open Learning Agency. We have a plan to divvy it up amongst other institutions." But I'm searching for the evidence of that commitment.

The evidence of that commitment clearly could have been demonstrated through a board that understands that this isn't about killing the Open Learning Agency; it's about divvying it up amongst other post-

secondary institutions. But there's no representation on the board from those other post-secondary institutions. The representation is only from public officials whose mandate from this government is to repeal the whole Open Learning Agency. It's highly suspicious.

Section 1, section 5 approved.

On section 2, sections 19 to 22.

**J. MacPhail:** Section 2 adds a section called "Winding up of agency." This is the repeal act. Section 2 of the repeal act provides for a section 19 of the Open Learning Agency Act. It says: "The minister may decide that the affairs of the agency are to be wound up in accordance with either section 20 or 21."

[1610]

Then section 20 addresses the winding-up by the board — this board that has no community base and no post-secondary institution base. Section 20(1) says: "If the minister decides that the affairs of the agency are to be wound up in accordance with this section, the minister may request that the board prepare and submit to the minister for approval a plan for winding up the affairs of the agency and the board must comply within 6 months of the request." Then it talks about how that plan for winding up the agency has to take place.

Contrast this with a message that went out to Open Learning Agency students and clients from Gerry Armstrong, the Open Learning Agency chair. That message said: "Key programs and services at the Open Learning Agency, such as the B.C. Open University and the Open College, will be transferred to other public post-secondary institutions and will contribute to the BCcampus collaborative model. Most remaining Open Learning Agency programs and services will be transferred to other providers so that these services continue."

I've ascertained that the collaborative model for transferring programs to other post-secondary institutions doesn't involve any actual representation on the board. There is nothing in the legislation that says the programs and services will be transferred to other public post-secondary institutions.

Let me just try to ascertain whether it's the legislation that prevails that just talks about winding up the agency or whether the message from Gerry Armstrong supersedes the legislation. Has the minister already made a decision to move most of the OLA services to BCcampus? Exactly what services of OLA are now part of BCcampus and what services aren't?

**Hon. S. Bond:** As a matter of fact, the reason the transition will take two years is because we want to find the appropriate homes for many of these services, or alternate providers. In fact, there have been no decisions made about exactly where the pieces will go. I think it's important to clarify that we're talking about the winding-up of an agency and protection of the services. They are different. The point is that the transition plan, which will be required through legislation, will

be presented to the minister to explain exactly what the options and the best recommendations are for where those services should be provided.

**J. MacPhail:** The reason why I'm so puzzled about this is that the minister makes guarantees all over the place that there are no cuts. She stood up here yesterday in the Legislature. She stood up at news conferences and said: "The Open Learning Agency is only going to get better. Nobody should be concerned. There will be a different model of delivering it, but it's only going to get better."

Well, you can't make that statement unless you have some evidence to back it up, unless you're not telling the truth. Well, I know I can't make that allegation in here, Mr. Chair, so I assume it's got to be that the minister has a plan, because she's made the commitment. Could the minister stand up and tell us what the plan is?

**Hon. S. Bond:** In fact, what we're going to do is protect the services that are most appropriate to enhance opportunities for students. We've set aside a two-year period to do that. We are putting a group of people together, a board, who will provide recommendations to us about where the best homes for those services will be. In fact, we are winding up the agency known as the Open Learning Agency. We're going to work over the next period of time to build a transition plan, which will come back to the minister for approval, that will look at how best to protect those services. We're not going to do it overnight. We're building it in thoughtfully and carefully, and that's the point of this legislation.

[1615]

**J. Kwan:** What services will be protected?

**Hon. S. Bond:** We're looking at alternate providers for all of the component pieces of the Open Learning Agency. Two of the most significant pieces, and certainly those that the member opposite has referred to a number of times as being "killed" or "blown up," are in fact going to become part of BCcampus. Those are Open University and Open College. Those will protect the concepts of continuous intake, credit bank and all of those necessary services. Those will be two of the essential components that will become part of the BCcampus initiative.

**J. Kwan:** The minister has actually gone out publicly and said that OLA services would be moved to BCcampus. If that decision has already been made by the minister, why not just state that the OLA would simply be wound up and that a new agency would replace it?

**Hon. S. Bond:** We're not interested in creating another agency. That's why we're winding this one up. We actually have great public post-secondary institutions where Open College and Open University will be

able to find a home, and they will become part of the collaborative process called BCcampus.

**J. Kwan:** We know that there will be no agencies replacing it then. The services will be transferred into what's called BCcampus services. OLA will simply shut down. Why not come up, then, and share with members of this House and with British Columbians the plan to roll the OLA into BCcampus? My colleague from Vancouver-Hastings started the debate asking for that exact plan, but there is no plan. It appears that there is no plan to date; yet the minister is very certain, though, that the services will be protected somehow. Yet there is no plan, and that information.... If the minister has it, share it with British Columbians.

**Hon. S. Bond:** Actually, the purpose of this legislation is to allow us to ask for the plan to be created. We couldn't contravene the current legislation, which does not allow for us to begin to talk about the component pieces separately. In order for me to request a transition plan that's done carefully over the next two years, we actually have to have this piece of legislation in place so that we can begin to deal with the transition issues. Current legislation does not allow us to do that.

**J. Kwan:** The fact is that the minister is already doing it. She has already announced that the OLA is going to be shut down. She has already announced that the services are going to be transferred into BCcampus. But the plan is not available. The minister says: "We can't develop the plan until the legislation passes." But in her mind, there already is a plan. We already know what the outcomes are going to be. OLA is going to be shut down. That's what this act is: Open Learning Agency Repeal Act.

Is the plan to be made public before the minister approves or rejects it?

**Hon. S. Bond:** At this point the plan is for the transition plan, as suggested in the legislation, to be presented to the minister with a number of options.

**J. Kwan:** I know what the act says. The question to the minister is: will the minister make the plan public? This minister and this government like to claim that they are open and transparent. They say that they have to go through a consultation process. They say that they have to put forward a plan. If it's to be open and transparent, will the minister make the plan public?

[1620]

**Hon. S. Bond:** At this point the plan is to present the minister with the transition plan. Prior to doing that, we anticipate a great deal of discussion as we move through the process with the students, the employees, the post-secondary institutions and the boards of those institutions as we develop the plan. In fact, we're going to include them as we develop the plan, and then the recommendations will be made to the minister.

**J. Kwan:** We know how the process has gone with other ministers to date in a variety of areas. What they do is that they pretend, and they say they're consulting. Supposedly, they receive information, but it never gets to meet the public eye. It's hidden. Somehow that's supposed to be consultative and transparent. It isn't. Let's call it what it is.

The question to the minister is simple: is the plan to be made public before the minister approves or rejects it — yes or no?

**Hon. S. Bond:** Just to repeat the fact: before the plan actually gets to the minister's desk, there will be much discussion with institutions, with students and with employees about the best places and the best ways to accommodate the services we're able to transfer and to look for alternative providers.

**J. Kwan:** The minister has just failed to answer the question or refuses to answer the question, and there's only one reason behind it. It's a simple question. Will the minister make the plan public before she decides to reject or approve the plan? After she has received information from the students, from the institutions, from all the people she claims she's going to consult with, will she put the information to the public so the public can decide what the information she received says — not for the minister and through the minister and this government's interpretation?

To date, we have already experienced that what this minister says and what this government says sometimes, in reality, could be completely different. It could be completely different, and here's the issue. Why doesn't the minister commit now that she would make the plan public before she accepts or rejects it? Why wouldn't she do that?

**Hon. S. Bond:** There will be a significant amount of discussion required to prepare the transition plan. The transition plan will be created and presented to the minister.

**R. Masi:** I have a question for the minister regarding the integrity of the degree that people have earned at the Open University and also the status of those students who are, in fact, working toward a degree at the present time at the Open University. I wonder if the minister could comment on that.

**Hon. S. Bond:** The Open University process will continue. The ability to grant degrees under the Open University will continue, so for those students currently completing a degree, the process will continue as it does today. As a matter of fact, enhanced opportunities will be given to those students under the umbrella of BCcampus, but the integrity of the degree granted will continue, and we will continue to be able to grant degrees under the Open University credentials.

**R. Masi:** During the transition or following the transition period, I have some concerns about distinct

universities taking over programs. Universities have a tendency to establish their own criteria for graduation and, in some cases, have a lack of flexibility in terms of credits earned from the outside. I'm wondering, in the particular case of the Open University concept going into different vehicles, different universities, how they will work the arrangement of credits that are earned outside that particular university.

[1625]

I know that's a bit of a complicated question, but for individuals, it's a very difficult thing. They may have credits earned in three or four different universities, and in some cases, they're not honoured by this university or that university. I wonder if that has been thought about.

**Hon. S. Bond:** The issue of the transfer of credits is an important one, and it is an item on our agenda. In fact, despite some challenges, B.C. actually leads the country in the transferability of credits. Wherever the Open University ends up being housed, we would want to ensure that those principles are maintained in terms of the ability to use credits from a variety of places and to receive recognition. Plus, it would be a goal of our BCcampus, a vision of BCcampus, to be able to improve the transfer of credits from institution to institution. We would actually like to improve upon that, so we will maintain the principles of the Open University in this circumstance but also look at seeing how we can improve transfer of credits between institutions as well.

**J. Kwan:** The question that I had for the minister was whether the plan would be made public before the minister approves or rejects it. I asked that question several times of the minister. She has refused the answer. I can only assume then that the answer is no, the minister will not make public the plan before the minister approves or rejects it.

If the minister actually simply came clean and said no, at least the minister would be honest. Come clean and say: "No, we're not into that kind of transparency. We don't want to be transparent. That's how we operate within government." Come clean and admit it and say it. Then at least it would have been an honest answer.

The minister has refused to answer that question to date. As I say, I can only assume the answer is no. If I'm wrong, I invite the minister to get up and correct the record and say: "We will make that plan open to the public before I approve or reject it." Be very definitive about it, not just say: "We'll consult with so-and-so." Be very clear that before a decision is made, the information will be shared with the public so that they, too, can assess what information has been received. Then they can make their own evaluation and conclusion with regard to the plan — whether or not it's a valid one and whether or not it's a sound plan.

On the issue around input, the minister says: "We'll go and consult with people." Taking the minister at her word at the moment that perhaps she will, will the

minister at least make the information she receives from the public through the consultation available for the public?

[1630]

**Hon. S. Bond:** The point of this piece of legislation is to allow a board the opportunity to begin to do the work to make a thoughtful, careful transition plan and present it to the minister. In order to do that, they will work on a process that will gather information, look at the issues, talk to the students, employers and post-secondary institutions, and present their recommendations to the minister for the best possible suggestions about how to transition the services of the Open Learning Agency.

**J. Kwan:** There's a bit of a deficit going on in this chamber right now. Let me ask the question once again of the minister: will the information that the minister receives from the public through the consultation process be made public and be available for all British Columbians who might be interested to look at and review?

**Hon. S. Bond:** I'll try it one more time. The board will be collecting the information in order to prepare a transition plan to present to the minister. In fact, as part of the job of the board that will deal with the transition of the Open Learning Agency, they will put together the pieces, they will bring recommendations to the minister, and the information that they collect, they will use to put the transition plan together.

Interjection.

**J. Kwan:** The Minister of Health Planning is sitting there going: "Well, what don't you understand? What don't you understand?" For a government who claims it would be open and transparent, when asked a direct question on consultation information the minister will be receiving through this board she is establishing by legislation.... Will she make that information available for public scrutiny? She will not answer the question. That is the part I don't understand: a government who claims it's open and transparent, when everything they do is the opposite. It is anything but open and transparent.

Well, let me ask the minister this question: will the reports prepared by the board during the windup period be made public?

**Hon. S. Bond:** I'm happy to answer the question one more time. We're putting together a board of people who are going to examine the issues, who are going to look at the pieces of the Open Learning Agency. They are going to put together a process to determine where the pieces of the Open Learning Agency would best be housed. They are going to gather that information together. They are going to talk to employers, to students and to post-secondary institutions, and then

they are going to present to me the best recommendations they have after having had a thorough process, which the transition period will be — approximately two years.

**J. Kwan:** For all the MLAs who are sitting around me — the member for Coquitlam-Maillardville; the member from Burnaby, I think she's from.... No, Surrey actually.

Interjections.

**J. Kwan:** Actually, no, I don't recognize where all the members come from. Actually, I don't even necessarily recognize all of the members, because I rarely hear from them in this House, quite frankly. I'm being honest here. I don't always recognize all of the members, Mr. Chair.

They're all sitting around going: "Oh, I understand that. I understand that. Oh, gee. Yes, sir; yes, sir; three bags full. How far can I kowtow to what the government wants me to do?"

[1635]

The question is this, a very simple question to which I only need a yes or a no. Grade school children could probably answer the question if they were to be honest and just put forward the information. Will the reports prepared by the board, which this minister is establishing under this act during the windup period, be made public — yes or no? The minister doesn't have to sit in her seat to think of another way of not answering the question. She only has to get up and say one word: yes or no. It is that simple.

No answer from the minister — no answer from the minister on a simple yes or no question. I can't make it any simpler than that, can't even make it simpler than a multiple choice, because there are only two options the minister can choose from: yes or no.

The very fact that she's refused to answer the question about whether or not she herself would make the report public and make the recommendations public prior to approval or rejection, the fact that she refused to answer that question and commit in this House that she will make the information public tells you very clearly that this government is anything but transparent, as they claim that they are. When asked the question about whether or not the board — which is going to gather this information and, once they receive that information, report to the minister — will make the information public so that we can all scrutinize the information and make our own judgments on the information, the minister refused to answer the question.

That tells you once again — it only adds and reconfirms — that this government is anything but transparent. On a very simple question on the information that the minister receives through the board on its consultation — not even the recommendations about what the board may suggest to the government that they should

do but on the information received through the consultation process — and whether or not that information would be made public, the Minister of Advanced Education would not confirm and commit to making that information public.

You tell me, Mr. Chair: what part of this exercise so far illustrates transparency? None whatsoever. It is anything but transparent. It is perhaps as dark and hidden as one could imagine. That is what this process is all about.

The minister, when asked the question, is asking her staff: "How else can I answer this question?" I actually rose in this House and gave the minister a very clear choice on how one could answer the question: yes or no. Will you make the information public? Yes or no — not that complicated at all. The minister so far has refused to answer the question.

We know this government has reaffirmed once again that this government is anything but transparent. The *New Era* document is nothing but a farce. Things within it are yet more broken promises and more to come.

Interjection.

**J. Kwan:** Maybe this is boring for the members. It isn't for British Columbians who expect this government to live up to what they committed to. They do. There's an expectation.

They promise to do one thing; they're doing another. They say that they will be transparent and open and accountable, and they're not. British Columbians voted on that basis, believing that this government would do exactly that. It is anything but that. Maybe it's boring for them, but it isn't for British Columbians who have these concerns.

**The Chair:** Member, please get back to.... Will you please be seated for a second here.

I think this is committee stage on Bill 69. We seem to be getting off the track here. It's section 2 we are debating in committee stage, and I would ask the member to stay focused on that section, please.

[1640]

**J. Kwan:** Yes, I am staying focused, because I'm just trying to understand what this minister is doing on the question around transparency relating to the information that the minister will receive from the board with regards to the winding-up of the Open Learning Agency. The answer so far has been clear. That is, the government will not be transparent. That is the information I have gathered so far through committee stage questioning with regards to the process the government's going to be engaging in. It's a shame and it's worrisome, because the ramifications of what will happen are broad.

Can the minister tell us what challenges BCcampus faces as it moves to adopt some of the Open Learning Agency programs?

**Hon. S. Bond:** Could I ask for that question to be repeated? I'm not certain I understood it.

**J. Kwan:** Can the minister tell us what challenges BCcampus will face as it moves to adopt some of the programs from the OLA?

**Hon. S. Bond:** Well, in fact, the programs that will be transferred from the Open Learning Agency and that will become part of BCcampus will be transferred to existing, excellent public post-secondary institutions in British Columbia. In terms of the challenges facing BCcampus, the great news is that we have all of the institutions in this province working together to work on the vision of BCcampus. I think that's exciting. Certainly, with those institutions working together, I think we're going to have a great initiative. I look forward to the process as it evolves.

**J. Kwan:** Well, what that sounds like is that the minister doesn't know what challenges BCcampus will be faced with. What funding resources are being committed now to the transition period, and can the minister tell us what funding sources will be made available to an expanded BCcampus?

**The Chair:** Member, for the information of the Chair, could you please tell me how this is relevant to the section — asking about BCcampus. We're talking about a repeal of the Open Learning Agency, and you're speaking about BCcampus.

**J. Kwan:** The minister is advising that through the winding-up process of the OLA, which is the Open Learning Agency Act that we're dealing with, which is being repealed right now.... In its place the minister says she is going to set up a board, and BCcampus is actually taking over some of the programming. She's made that announcement. There's a direct link with BCcampus and the Open Learning Agency and the demise of the Open Learning Agency.

We have no answer from the minister on whether or not she'll make the information public. When asked a question about.... She says she's been out there doing media and suggesting that BCcampus will take over the programs. "Don't worry. Everything is hunky-dory. Programs will be provided for." When asked the question of what challenges BCcampus will face, the minister doesn't have an answer. When asked the question of what funding resources will be committed for the transition period as the Open Learning Agency is being contemplated to be repealed under this act, which we're discussing under section 2, the winding-up of the agency.... What resources will be available and committed for the transition period, which is exactly what this act speaks to, over the next two years? What resources will be available for this transition period? And can the minister tell us how much will be made available to the expanded BCcampus, which is supposed to take over the functioning of the OLA?

It's a direct question to the Open Learning Agency Repeal Act. It's a direct question under section 2 on the winding-up of the agency. It's a direct question about what the minister has said — that those programs will be somehow protected. The question is: how so? How will it be protected? Where will the funding sources come from? I ask the minister to answer the questions.

[1645]

**The Chair:** Member, I do believe you're speaking about future policy directions, and your question is not related to this section, section 2. Please, would you direct your question as it relates to committee stage on section 2.

**J. Kwan:** It is, Mr. Chair. I have tried to make the link, and I'll make the link in another way.

This act before us, Bill 69, is called the Open Learning Agency Repeal Act. In it, there's a section, section 2, which deals with the winding-up of the agency. Within that section, there are sections 19, 20 and 21, which talk about the transition process, how that winding-up may take place and the approval procedures it needs to go through. In there, it tells you that a board of one or perhaps not more than 11 would be established, and they would be charged with the responsibility of winding up the Open Learning Agency.

Then they will go and supposedly do consultation, not for the public's information but for the secret information of the minister, and then make a report to the minister, who will then also go behind closed doors and make a decision around the winding-up of the OLA — this transition period. This is what we're talking about: the winding-up of the Open Learning Agency, the establishment of a board that will supposedly go and do public consultation. Information, however, would not be shared with the public. Information is to be shared with the minister only, and decisions will then be made.

Then I asked the question about the existing services for those who now access Open Learning Agency services: what would happen to them? The minister said: "Don't worry. Be happy. All of that is covered because BCcampus will cover it." She said it outside of the House, and she said it in this House. The member for Delta North asked the question, and the minister said it's BCcampus. They'll be dealing with all of this stuff. When that question was asked at that time, it was within the realm of the Open Learning Agency, so now I ask a further question.

For BCcampus to be doing this work, where will the resources come from? What challenges will they face? I ask the minister: for this transition period, how will that take place? Where will the resources come from to wind up the OLA, which is exactly what section 2 is speaking to — the winding-up of the Open Learning Agency? How will that transition take place? Where will the resources come from to do that transition work? This is exactly what this section of the bill speaks to.

**Hon. S. Bond:** The winding-up of the Open Learning Agency will see some of the services that are cur-

rently provided by the Open Learning Agency transferred to other public post-secondary institutions. BCcampus is a collaborative on-line learning process. There is no place other than a collaborative approach between 27 different institutions.... That's BCcampus.

In essence, the issue is not related to this section of legislation. The transition says and the comments I have made are that those services will be transferred to an existing public post-secondary institution. All of those institutions will then work together to create the initiative called BCcampus, so in effect, BCcampus will be a collaborative effort of 27 existing post-secondary institutions. The services go to an institution, not to BCcampus. BCcampus is a collaborative effort of 27 institutions.

**J. Kwan:** But what resources will be provided for this transition period, if any? Maybe there aren't any. Maybe there are none at all. What resources will be provided?

**Hon. S. Bond:** The budget for the Open Learning Agency will continue to be in place, and we anticipate actually generating savings as we move those programs and services into existing public post-secondary institutions.

[1650]

**J. Kwan:** What resources are being committed to the transition period for the board to be doing their work as they wind up? Is there no budget for the board?

**Hon. S. Bond:** The existing budget of the Open Learning Agency.

**J. Kwan:** The Open Learning Agency's budget, which is providing for the programs.... Those dollars will then be transferred to the board. The dollars that were reserved for programming will be taken away for transition purposes. That's what the minister just said. The transition funding will now come from the Open Learning Agency budget. The budget for the OLA is supposed to provide for programming. That money will now be transferred to the board for the purposes of transition.

It begs the question: how well will the services be provided? How well will the services be provided, given that the money that was dedicated for service provision and for programming will now be redirected for transition?

Can the minister tell us how extensive the role of the private sector will be in this new model? WebCT, which is a U.S. firm, already runs BCcampus. Can we assume that they will continue to provide OLA services?

**Hon. S. Bond:** I'm happy to clarify the information about WebCT. WebCT is a platform used by most of North America to host programs. The fabulous news about the programs that will be on BCcampus is that

they're developed, created and operated by some of the best faculty at the best public post-secondary institutions in Canada. Those are done here in British Columbia — created and developed right inside our own institutions. WebCT is simply a platform used by half of North America.

**J. Kwan:** How extensive will the role of the private sector be in the new model?

**Hon. S. Bond:** At this point, the legislation today allows me to ask a board to prepare a transition plan that will bring options to me as minister. Obviously, as they move forward, there will be a role for the public institutions in this province. We will be exploring all of the options out there in terms of the role of who should provide these services.

**R. Stewart:** I ask the minister, then.... The last two questions have related to this new model. Yet I'm looking at a piece of legislation that seems to be intended to wind up the old model. I'm going to ask the minister: in what way have existing advanced education institutions around this province been unable to deal with the distance learning needs of British Columbians across the province? In what way have the existing institutions not been able to deal with this, so that the Open Learning Agency, which we are trying to wind down, had to fill a void?

**Hon. S. Bond:** In fact, what we have found is that the institutions in British Columbia have been creating exciting on-line learning opportunities for the students in this province. In fact, there are approximately 2,000 credit courses offered by distance education through public post-secondary institutions. I should point out that the Open Learning Agency offers 200 of those.

In effect, an agency that was at one time the sole.... Its sole mandate was to provide distance education. In fact, the system has moved far beyond that in terms of the number of courses offered. What we want to do is take the best parts of the Open Learning Agency and have another public post-secondary institution take care of those pieces. But in fact, this is the next phase in moving our students into enhanced opportunities.

The system is responding. It is exciting in terms of the number of courses. We believe that those services provided by the Open Learning Agency can actually be taken care of through a public post-secondary institution.

[1655]

**R. Stewart:** Well, I thank the minister. The member for Vancouver–Mount Pleasant also referred to the funding, I guess, of the Open Learning Agency being transferred to a board to be dealt with in some transitional way. I wonder: isn't that the same board that currently allocates the funding of the Open Learning Agency? And wouldn't that board then simply be told to take the resources of the Open Learning Agency and work through a transition plan to wind down the Open

Learning Agency? Is that what we're trying to do? It seems relatively well laid out here in the legislation. I just wondered if, in fact, I understand it correctly.

**Hon. S. Bond:** That's precisely what we're trying to do. The Open Learning Agency will continue to operate on a day-to-day basis the way it does today. We are asking the board to gather information through, I might add.... When we discuss the issue of consultation, I actually think it's extremely reasonable to look at a two-year transition period with discussion about what the best pieces and the best places are. So, in fact, you're right. The board that's currently managing the OLA will continue to manage the OLA. They will simply be asked to look for the best options to continue to protect and provide services through alternative methods.

**J. Kwan:** With the exception of this: the board is being charged to run the OLA, also now to do a transition winding-down of the OLA. And they're to take the moneys from the budget that is allocated for OLA services to do the winding-down as well. As we know, transition costs money. As we know, process costs money; consultation costs money. There is no budget set aside for the transition other than the OLA budget, and that budget will simply take moneys away from programming, so let's be clear about that. Let's be clear about that, in case anybody missed that information, because you certainly cannot glean that information by reading the act. You cannot. That information is not clear or readily available, and I want to make it very clear to British Columbians that's what the government's doing.

The second thing is that when the minister says, "Oh, and by the by, it's a very reasonable thing when we put out a two-year transition period," the only difference is this. There is a foregone conclusion that the minister has already decided, and that is that she will shut down the Open Learning Agency. That's why the act is called the Open Learning Agency Repeal Act, so let's be clear about that information.

The Open Learning Agency services and programs — the minister says part of that information, part of that service, will become part of BCcampus, and they're to be transferred to BCcampus. She says there will be other providers, as well, as this is a collaboration, she identifies. What other providers are envisioned? Does "transfer" mean sold or privatized?

**Hon. S. Bond:** As the board works to prepare the transition plan, they will be looking at a number of options and alternatives. Those options and alternatives will come to the minister as a result of the discussions that will take place over the next number of months and, in fact, year.

**J. Kwan:** So, the answer is yes. It would include options to privatize and sell off OLA. That's what you translate the minister's answer as. That's how I translate it. She doesn't want to use those words perhaps,

but that's one of the options she'll be looking at — make no mistake about it.

The core review of the Open Learning Agency, under the heading "K-to-12 Education," states: "There seems to be no question that publicly supplying K-to-12 education is the right thing to do and that there is a legitimate and essential role for government. It also seems clear that the availability of distance education is an important feature of the system." Yet Open School is not going to be part of BCcampus, and the Ministry of Advanced Education is ending its funding for Open School at the end of this fiscal year. Why is Open School not staying in the public sector? Why is this essential and legitimate function of government being privatized when the government themselves have identified it? Through the FOI process, the opposition does have a copy of the core services review around the Open Learning Agency.

[1700]

**Hon. S. Bond:** Open School is a contract with the Ministry of Education because it deals with K-to-12, and in fact, that contract will not be renewed. But the Ministry of Education is currently looking at alternative ways of providing those resources.

**J. Kwan:** That's the practice of the government: cancel their services and then think of what alternative ways, if any, they would fill the void with. That's the practice of this government. By the Minister of Advanced Education's own admission, Open School's contract will be cancelled. Then they'll look to see whether or not a new program will be in its place; yet in the core review of the Open Learning Agency, which the opposition has obtained through the Freedom of Information Act, the document itself acknowledges that K-to-12 education is....

**The Chair:** Member, could you please be seated. I think we're getting off track here again. I'd like you to just focus now, please.

Please be seated. I just want to make sure that we keep focused on this particular bill, Bill 69, committee stage on section 2. You're dealing with the Ministry of Education at this point in time, so I think we should stay focused on the Open Learning Agency.

**J. Kwan:** We are dealing with an act that will repeal the Open Learning Agency, Bill 69. The question I am asking the minister relates to the Open Learning Agency, the functions of it and demise of it, which is now what we're debating under Bill 69.

From the government's own admission in their core review, the K-to-12 Open School is important. I read a quote from this document that the opposition received through the FOI process: "There seems to be no question that publicly supplying K-to-12 education is the right thing to do, and there's a legitimate and essential role for government. It also seems clear that the availability of distance education is an important feature of that system."

The Open Learning Agency provides for that distance learning. We are talking about, under Bill 69, why the government is winding down the Open Learning Agency, taking away a service that the government themselves, through their core review, have established to be an essential role for government. That is the point that I'm making, Mr. Chair.

Yet on the question asked about how to fill the void, there is nothing in place to fill the void right now. It is the habit of this government to cut services first and then worry about the consequence later and whether or not there's anything that will fill in the hole. This relates directly to Open Learning Agency on Open School learning for the K-to-12 sector.

The core review also makes the following statement: "There is little or no data...."

**The Chair:** Member, will you please be seated. I would ask you once again to stay focused on committee stage, Bill 69, section 2, "Winding up of Agency." Please stay focused on that section.

**J. Kwan:** Let's be very clear, on winding up that agency, what the ramifications are, what the government has established to be important and essential government services through their own core review of the Open Learning Agency. It is the winding-up of essential core services that the government themselves have identified to be essential services to be provided by government, which we're now losing through Bill 69, the Open Learning Agency Repeal Act.

[1705]

There is a direct link to what I'm asking the minister with respect to the Open Learning Agency and the winding-up of the Open Learning Agency. In the core review, the statement: "There's little or no data available to help determine how efficient the Open Learning Agency is compared to other institutions and agencies in the system in terms of distance course development or distance course delivery." The footnote to this states: "OLA's average cost per FTE is the lowest in the system. However, the most appropriate comparison would be with average and marginal distance education costs, and that information is currently not available."

This is important information to be brought up in light of a debate around the winding-up of the Open Learning Agency. The government says it can, through some other means, deliver better services for Open Learning Agency students. Yet the government actually doesn't know. It has little or no data to back up that claim that somehow other providers will be more efficient. That's from their own core review. I didn't make up this information, Mr. Chair. It is from the government's own core review information on the Open Learning Agency. These statements are found within it.

Does the minister have this data, and if she does, will she share it with the House?

**Hon. S. Bond:** What information we have is that the Opening Learning Agency provides some excellent opportunities for students in the province of British

Columbia, so in fact we recognize that. We would agree with the member opposite that there are some essential components. What we've said we're going to do is actually take those components, transfer them to a public post-secondary institution and continue to offer those very services through the public post-secondary institution.

**J. Kwan:** Well, then what that tells me is this: the minister has no data with respect to the efficiency of the OLA compared to other institutions and agencies. She doesn't have this information to make that comparison. Yet she has already come to the foregone conclusion that the Opening Learning Agency is to be wound up. We're now in the debate on Bill 69 about winding-up the Open Learning Agency.

Why has the minister decided to go ahead with this plan to wind up the Open Learning Agency in the absence of any qualifiable data that the current system does not work and that she needs to transfer the Opening Learning Agency programming somewhere else and then, therefore, to wind up the Open Learning Agency by introducing Bill 69, the Open Learning Agency Repeal Act?

**Hon. S. Bond:** We actually think it's good government to look at ways to be efficient with public taxpayers' dollars. The great news about this is that the piece we're talking about winding up is the agency. We're going to actually keep the services that are going to benefit that unique group of students who use Open University and Open College, for example. In effect, we want to be able to keep those very important programs. We believe that we can carefully actually save taxpayers' dollars, increase opportunities and enhance access for the students of this province. I think that sounds like a pretty good combination.

**J. Kwan:** How can the minister claim she's actually engaging in good management, when she doesn't have any information? No data was provided to her to show that the Open Learning Agency is inefficient or that other agencies can operate in a more efficient way. Most people who engage in good management will get the facts before they make a foregone conclusion on how to act. That is anything but good management.

It is absolutely astounding that from the government's own report on the core review services, they are not able to come up with data that says the Open Learning Agency's work is somehow less efficient in comparison to other agencies. They don't have that information. They have already decided, though, that the Open Learning Agency must be repealed. The act must be repealed, and we must now engage in a process of winding the agency up.

[1710]

If you ask me, it's a backwards approach to management. One would have thought you would have gotten the information before you made a determination. Is it really more efficient? Can we actually get the services better provided for British Columbians through some other means? You would do that home-

work before you decide: "Oh, let's just kill the Open Learning Agency." That's good management, according to this minister and the Liberals.

Page 26 of the core review states:

"The conclusion from this analysis is that there are many options that could be considered for organizing the functions that are currently performed by the OLA, some of which have the potential for regenerating efficiency savings. While there are many feasible approaches, the following are three options which may be useful in focusing discussion on whether to make changes and what sort of changes should be explored further."

Could the minister tell us which option she chose?

**Hon. S. Bond:** The option I chose was the one I said I was going to do all along, which was to consider the future of the Open Learning Agency and the development of a new on-line learning strategy for the students of British Columbia. That's exactly what we did. We looked at a new way of moving students into the twenty-first century. We looked at creating an on-line learning strategy, and we looked at the future of the Open Learning Agency in light of the development of that initiative.

**J. Kwan:** Well, the minister chose to close the Open Learning Agency. We are now debating Bill 69, which will actually wind up the Open Learning Agency. This is in spite of the information the minister got from her own report, which says: "The Open Learning Agency's average cost per FTE is the lowest in the system. The most appropriate comparison would be the average and marginal distance education costs, and that information is currently not available."

That is coupled with the information that says there is little or no data available to help determine how efficient the OLA is compared to other institutions and agencies in the system in terms of distance, course development or business course delivery.

The government, the minister, chose an option that said: "The Open Learning Agency should be shut down. We will bring in legislation — Bill 69, the Open Learning Agency Repeal Act — and kill the Open Learning Agency even though we do not know whether or not, right now, the Open Learning Agency itself is providing the most cost-effective, efficient service to British Columbians for distance learning."

I think it's a shame. It's a backwards approach to addressing issues. I think it's anything but good management. Clearly, as we have established in this debate, this minister and this government are anything but transparent in their approach. Worst of all is that they have already come forward with a foregone conclusion of what they want to do. They have already decided what it is they want to do, and they are making a mockery of the notion of consultation by pretending that they are going to go through a consultation process.

Section 2, sections 19 to 22 inclusive approved.

Section 3 approved.

Title approved.

**Hon. S. Bond:** I move the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 5:13 p.m.

The House resumed; Mr. Speaker in the chair. [1715]

### Report and Third Reading of Bills

Third reading of Bill 69 approved on the following division: [1720]

YEAS — 49

Coell	Hogg	Halsey-Brandt
Hawkins	Whittred	Cheema
Hansen	J. Reid	Santori
van Dongen	Barisoff	Nettleton
Roddick	Wilson	Masi
Lee	Thorpe	Murray
Collins	Clark	Bond
de Jong	Stephens	Neufeld
Chong	Penner	Jarvis
Anderson	Orr	Harris
Belsey	Long	Chutter
Mayencourt	Trumper	Johnston
Bennett	McMahon	Bray
Les	Locke	Suffredine
MacKay	Cobb	K. Stewart
Lekstrom	Brice	Sahota
	Hunter	

NAYS — 2

MacPhail Kwan

Bill 69, Open Learning Agency Repeal Act, reported complete without amendment, read a third time and passed.

**Hon. G. Collins:** I call second reading of Bill 74. [1725]

### Second Reading of Bills

FOREST AND RANGE PRACTICES ACT

**Hon. M. de Jong:** This is a day that has been long in coming and one that I and, I think, many of the members of this House — and more particularly, many British Columbians — have been looking forward to for the better part of the last half-decade. In talking about

the Forest and Range Practices Act or, as it has become known, the results-based Forest Practices Code, I thought that I might begin today by reminding the House and, through the House, British Columbians how this project and initiative came to be.

We often, as members of this government, refer to a document called the *New Era* document. It is a political document, and it is one that those of us who were elected, 77 of us, ran on in the last election. It said some pretty specific things. This might be one of them.

In moving second reading, Mr. Speaker, I wanted to refer back to some of those specific promises — actually, one in particular. In a document that is renowned for its specifics, for its comprehensive approach to the issues that were and are facing British Columbians, the party that I ran for, the B.C. Liberal Party, had some very specific things to say about forestry.

One of them was this, and I will quote from the document: "Streamline the Forest Practices Code to establish a workable, results-based code with tough penalties for non-compliance." Each one of those words was carefully chosen and carries with it significant meaning and significant implications for how we conduct forestry and how we conduct forest management within the province of British Columbia. Beyond that, it represents a pledge. It represents a commitment from my colleagues and I that this was something we intended to do.

I say that in part because there are those who now — yesterday, today and I suppose in the days ahead — will suggest that somehow this initiative, this legislative initiative that has engaged the involvement of so many stakeholders in our forest economy in British Columbia, has emerged out of the blue somehow or that this is something the government has conjured up and that my colleagues and I have decided would be a good idea for some nefarious political purpose. In fact, it represents the following through, the honouring, of a specific commitment.

I understand that there are people who are philosophically opposed to the direction we are moving in. That's fine. That's what democracy is all about. I understand that they are going to be aggressive and passionate in their debate of this issue. I suspect that we will see some of that from members of the opposition. That is also what this chamber is about and what the passage of legislation through the Legislature is designed to be about.

Let no one suggest that this is anything other than a government honouring its commitment to British Columbians, because that's what this bill represents. There are those who took issue with other initiatives on the part of this government — on our first day in office, providing a significant, dramatic tax relief to an over-taxed population, similarly a specific commitment that we have made.

[1730]

The criticisms are fine, but let no one suggest that somehow we have manufactured this in the last several months or that somehow we have conjured this up as

an issue for ourselves. It is the fulfilment of a very specific promise we laid out in a document that spoke to how we intended, upon election, to help revitalize a forest sector in British Columbia that has for too long suffered under an amount of red tape that was wholly unsustainable and that was suffocating the industry that remains the lifeblood of our province.

There's another introductory remark I wish to make. It relates — and I'll come back to this — to the title of Bill 74. I rather suspect the debate that will take place in this House, particularly as it relates to members of the opposition, is going to focus entirely on forestry, forest licensees — and at the risk of trying to anticipate the nature of the debate — and the large licensees, the big companies. The title of the act is the Forest and Range Practices Act. There are a lot of other people who work on our land base for whom this legislation has particular relevance.

One of those groups are range users — the ranchers, the cattlemen. Their involvement in this process — and I will come back to this later — I think speaks volumes about the attempts, the genuine efforts that the government has made to incorporate the views of all British Columbians for whom this legislation has relevance. The cattlemen, the ranchers, when we talked about things like compliance and enforcement, said: "You know, you guys in government have to start thinking about the unique situation and circumstances we face. Talk about compliance and incentive."

I think that's a heck of a good idea. When they suggested we needed to incorporate some flexibility in the enforcement of grazing schedules, that made a lot of sense. When ranchers and cattlemen said, "We'd like a little bit of credit for good practices and for maintaining good practices over an extended period of years," that made sense to me. Those are features of this legislation that I am particularly proud of and will want to come back to and talk about a little bit later.

The point I want to make is that as we begin to wrap our minds around this legislative framework, how it might be applied on the ground and how it represents a truly different way of managing our forest resource and our land base in British Columbia, let us not forget that its application extends far beyond those large licensees that people, particularly critics, like to evoke in support of their criticisms and arguments against.

I suppose the first question I feel an obligation to address during the course of this debate is: why? Why a results-based code? Why the Forest and Range Practices Act? Why not just continue as we had for the better part of a decade? You know, we have in this province.... I think we need to say this more. I think we need to promote the reality that we have the best products in the world when it comes to wood products.

[1735]

Without a doubt, our quality assurance, our consistency, is without equal anywhere you go in the world. That's because we've got the best people. We've got the most highly trained. We've got the best when it comes

to scientific background, whether it is in product development, in the technology of production, of processing, and particularly when it comes to practising sustainable forestry on the ground. We've got the world leaders, and don't let anyone tell you otherwise. The world comes to British Columbia to learn how to do this better. That is an advantage we should not only not ever forget but that we should be exploiting and telling the world about.

If that's the case, I suppose someone might argue: "Why do you have to change, then? Why do you have to change one of the two guiding statutes that govern how we conduct forestry in British Columbia?" My answer to them is pretty straightforward, because in spite of those advantages I have just laid out, we have a cost-competitive problem in British Columbia. It's not the same everywhere. It varies depending on whether you're on the coast or in the interior. We talk about the interior, and there's actually more than one interior. There's a northern interior, a central interior, a southern interior.

Depending on where you are, that competitiveness issue manifests itself in different ways, but it is there right across this province. If there is one thread that ties it all together, it is the thread of red tape that a previous administration wove and cast over our industry in a way that has threatened to suffocate it. Even as I say it, I should be cautious, because the competitiveness issue that we have facing us in British Columbia forestry is not restricted to the Forest Practices Code. There are other issues.

The world has changed. British Columbia used to enjoy an incredible advantage in forestry that related to the fact that we were one of the main players in the marketplace. We certainly weren't competing with wood products out of places like Latvia, the Baltic states and Scandinavia. Who would have thought...? Dare I say that there are members in this House who were intimately involved in forest management policy a few decades ago? I wonder if those people could have anticipated that we would today be competing with products out of Russia. Some, perhaps, had more foresight than others. I'm not sure I would have. I'm not sure I would have foreseen that day; yet here we are. There are different expectations on the part of British Columbians about how we make use of our land base, and that has reflected itself in land use planning and in the creation of parks. There's a different attitude. That's good. There's a different attitude on the part of our customers the world over. They have different expectations, and we know that in the past they have focused on British Columbia.

They will continue to focus on British Columbia. We will continue to enjoy that scrutiny. I say "enjoy," because there are two ways of looking at that. We can feel maligned. We can feel targeted. But do you know what? The better way to look at it is as a challenge that we are up to meeting when it comes to sustainably harvesting our forests and being a showcase for the world on how sustainable forestry can be conducted. That's what this legislation is all about: ensuring that

we continue to be that showcase in a way that doesn't sacrifice our competitiveness.

[1740]

In that context, we have this regulatory regime that has made a tough situation worse and has added disproportionately, I would argue, to the bureaucratic burden that operators — whether they are large licensees, small licensees, woodlot owners, cattlemen — have been forced to abide by in British Columbia. We can talk in general terms about what that impact is, but the best way to assess it is to consider its impact on people. When an industry of the import that forestry is to British Columbia — it is still the V-8 engine that drives our economy — begins to sputter, people hurt. Communities hurt, and it has been sputtering over the past decade.

That has been tough, and it has been made worse by a Forest Practices Code that was heavy on regulation — in fact, disproportionately heavy, in my view — and added to the cost problem. In making that point, I suppose some may accuse me of exaggerating the argument, but I don't have to look any further than comments from the previous administration, comments from previous Ministers of Forests. Remember, the Forest Practices Code was introduced in 1994 and fully implemented in 1995.

By 1999, the then NDP Minister of Forests was acknowledging that fully a billion dollars' worth of costs had been added to doing business in British Columbia with no appreciable benefit — a billion dollars ripped out of the economy, with no appreciable benefit. Having recognized that fact, the previous administration took some steps to address that point. I'll get to that in a moment, because there is recognition due for having taken those steps. But you can understand the cynicism and skepticism that exist in forest-dependent communities right across British Columbia, because these were actions taken by a government, the previous administration, under a marquee that began with this phrase: "Not one job will be lost."

Not one job will be lost. How many thousands were? I'm not certain what is worse: the ultimate disappearance of those thousands of jobs or the fact that they were so callously misled by the previous administration about the impacts of those policy choices, because they were deliberate choices. The impacts and the results were known, and the conscious decision to proceed was made. I have to assume that a similarly conscious decision not to fully disclose the impacts of those decisions was made. British Columbians deserve better.

If governments are going to make the kinds of decisions that the previous NDP administration made, then they should be prepared to acknowledge the costs associated with those decisions, and they didn't. They didn't acknowledge the costs in job loss — in fact, quite the contrary. It was a previous NDP Premier, I think, who stood up and said it was the most exciting day of his life in public life in announcing something now long forgotten, a jobs and timber accord that was going to produce thousands of jobs.

I don't have to rehash history. That's from another day, but it is difficult not to conclude that it added insult to injury for so many communities and so many families who knew in their hearts that those policies and that Forest Practices Code were having precisely the opposite effect. It was driving their employers and, therefore, those workers out of business and out of work.

[1745]

It had a dramatic effect, the previous code, on the cost of doing business — some estimates as high as \$12 a cubic metre. Now, in a business that at times can be very marginal at best, that is sufficient to render any number of businesses not just uncompetitive but uneconomic. The previous administration never directly acknowledged those additional costs or the impact they were having but did so implicitly, by virtue of the action they had taken.

I was going through some of those old files, and I came upon a commentary from the then Minister of Forests, Mr. Zirnhelt, in 1998, as that administration began to address the mess they had created, where he acknowledged that the changes they were proposing then were designed to take forest management policy farther along the path of.... Guess what he referred to. Guess what that NDP Minister of Forests said his objective was in the evolution of forest management policy.

**An Hon. Member:** What was it?

**Hon. M. de Jong:** He said in 1998: "We need to move farther along the path to a results-based Forest Practices Code." The previous administration didn't do anything about it in 1998. They certainly didn't follow that advice. They didn't do anything in 1999, didn't do anything in 2000, didn't do anything in 2001, and costs continued to mount. Today we're doing something. But when members of the opposition stand up and decry the fact that the government is acting on its very deliberate commitment, I urge them to think back to what their own NDP Minister of Forests said in April of 1998, when he acknowledged that the direction this must go is the very direction we have embraced by virtue of Bill 74.

Well, let's talk about the results-based code. Let's talk about what it actually represents, what it means in terms of on-the-ground practices, how it's to be enforced and how it's to be applied. When it was fully enacted in 1995, the original code required government approvals at six separate stages. There were six operational plans that government had to approve before a tree could be cut. I talked about what the previous administration did in 1998. To their credit, they recognized, in part, that that was simply unworkable, and they reduced it to three.

By virtue of Bill 74, the Forest and Range Practices Act, we are reducing that to one — a single, comprehensive, all-inclusive, forest stewardship plan that makes provision for public commentary and public involvement, which lays out and confirms the objec-

tives that are going to be provided for statutorily and which provides the degree of detail that would allow for meaningful commentary. That will be the document. That will be the plan that government approves, and approves in a timely way. But there will be an entire set of prerequisites that must be met before that approval process can be completed, and the obligation lies with the licensee — that proponent, agency or individual wishing to commence that harvest activity — to ensure that plan is complete.

[1750]

What's at the root of this? Clearly, it is to ensure that we maintain the highest environmental standards. That is very much at the heart. We think we can do this better. I was reading through some of the scenarios that actually exist under the present Forest Practices Code. This one was brought to my attention. Under the existing code you can have a company out there with an approved plan that says it will build three landings and four kilometres of road and plant a thousand trees per hectare after harvesting. Under the existing code, that same company can actually face sanction and penalty if they discover, through innovation and better science, that they can build fewer landings and fewer roads and plant more trees. Because we have this overly prescriptive legislative framework, they are actually in jeopardy of running afoul of the law if they employ that ingenuity and experience in finding a better, more environmentally sustainable way to conduct forestry.

Part of this is about creating a legislative framework in which that innovation can be allowed to prosper and be applied. Now, I don't apologize for a moment in saying that this is an objective we intend to realize, because — you know what? — we've got a lot of skilled professionals out there — again, as I said earlier, the best in the world, the best foresters in the world, bar none; the best agrologists in the world without exception; and biologists who have a contribution to make in the planning process and in the operational processes that simply haven't been utilized the way they should be. They will be, with the passage of this and subsequent legislation that is going to set up in British Columbia, unlike any other province in Canada, a college of biologists so that that degree of professional accountability can be brought to bear to ensure that we are actually practising the highest standards, maintaining the highest standards and meeting those environmental objectives we have set for ourselves.

I think it's also fair, as we consider this matter, to examine the track record of people practising forestry on our land base. I am told that in each of the past three years, Forest Service officials have conducted upwards of 47,000 or 48,000 inspections. The compliance rate was in excess of 97 percent. That's not perfect; we can do better. When there is non-compliance, that's bad, because that usually means there has been environmental degradation. But let us not, as we embark upon this exercise, allow those who would conjure up a picture of an industry or a ranchers association or woodlot

owners who get up every morning thinking and plotting about ways to decimate our environment.... Let us not be taken in by that misguided attempt to impugn the motives of the people who actually operate on our land base.

The facts are exactly the opposite. The facts cry out for a realization of the fact that the vast majority of people — whether they are foresters involved in a major licensee's operation, whether they are loggers who are members of the IWA, whether they are woodlot licensees, whether they are cattlemen or ranchers — care about their environment. They live in those communities. They understand that their future, the future of their communities and the future of their families depends on applying proper notions of stewardship. It does a disservice to them and it offends me when people suggest otherwise. The compliance record, at a minimum, verifies and is evidence of what I have just said.

[1755]

Perhaps I again recklessly anticipate some of the arguments one might hear, but there is another indication of the commitment that exists broadly within British Columbia to the notion of sound environmental stewardship. One can say the motivation is somewhat self-serving, but nonetheless, it is a reality that in British Columbia we have more licensees involved in either acquiring or having obtained certification than anywhere else in Canada. There are differing certification models, but those are actions that companies, that operators, have taken of their own volition to ensure that we and they have the ability to say to our international marketplace: "We take this seriously. We want to demonstrate that we are employing the latest practices, that our practices are consistent with sound environmental management."

Again I say to those who would impugn the motives of the licensees and the professionals they employ: look at the evidence. Words are easy, but look at their deeds. I am mindful that it is that bad apple or apples out there that we must guard against and ensure that they aren't provided with the opportunity to give British Columbia a black eye. But let us not tar all of those individuals who have dedicated their lifetimes to practising sustainable forestry with the brush that says they are out to cause irreparable environmental harm.

We are going to rely on professionals in ways that we haven't in the past. We are going to, in subsequent legislation, make changes to the Agrologists Act to bring it up to date, changes to the Foresters Act, and introduce, as I said earlier, a college of biologists act. Now, that is not — and I want to be clear about this, and I know we'll talk about this later in the debate — as a way of transferring responsibility from licensees. They will remain the primary object of interest from the Crown, because that's who the relationship is with contractually: Crown to licensee. The licensees and the woodlot owners and the ranchers will have the option and, in many cases, the expectation that they will employ the services of those professionals that are out

there and have the experience necessary to guide them in conducting their operations properly.

I want to, and I will, talk about how the government and this legislation provide for the setting of standards and objectives, how it manages for particular values — soil, water, wildlife, biodiversity, visual quality, cultural heritage. I want to talk about the forest stewardship plan and how integral a part of this legislative framework that becomes. I want to talk about compliance and enforcement, and how we're going to have a dedicated core of professionally trained people in ways that British Columbia never has, and how we're going to get them out from behind a mountain of paperwork at their desks in their office and actually get them out on the land base. Imagine that: Forest Service officials actually out in the forest. There's a novel thought.

I want to talk about all of those things, but I am also mindful that, sadly, that hour has come when, despite encouragement from my beleaguered colleagues, I must move that, though I reserve my right to resume participation in this debate, the House rise and adjourn debate on Bill 74.

Hon. M. de Jong moved adjournment of debate.

Motion approved.

Hon. M. de Jong moved adjournment of the House.

Motion approved.

The House adjourned at 6 p.m.