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3RD SESSION, 37TH PARLIAMENT

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THURSDAY, NOVEMBER 21, 2002

The House met at 2:04 p.m.

Introductions by Members

Hon. T. Nebbeling: Today we have two guests in the House, Joop and Agnes Corijn, from Holland. Mr. and Mrs. Corijn have just arrived from Holland to take on the post of consul general in the province of British Columbia and are visiting us today to make themselves known to us here in Victoria. I ask the House to join me in welcoming them to their new home and to British Columbia.

J. MacPhail: We really have to do something, Mr. Speaker. I have news to announce, again.

Interjections.

[1405]

J. MacPhail: Well, how many times do I have to bring it to the Speaker's attention? It is surprising how quickly this came about. Sean Leslie joined the press gallery weeks ago, and it turns out he's been infected — affected. [Laughter.] I'd like to welcome both Sean Leslie's wife and his second daughter, Tessa, born last week.

An Hon. Member: We're going to have to put the stork report on the orders of the day.

Mr. Speaker: Not only that, but now it's a communicable disease.

B. Locke: It is my pleasure to welcome in the precinct today 25 grade 11 students from L.A. Matheson Secondary School in Surrey and their teachers, Cheryl Paul and Peter Hatto. Chaperoning this great group of students are Connie Lucyk, Shelley George and Corri George. I want to especially welcome these students. They face some significant challenges in their student body with the tragedy of a former grad, Ms. Sandeep Sangha, and two nights ago the collapsing of their school gymnasium roof. This school has faced some difficulties, and they deserve our praise for their strong community and school spirit. They are a class act, and I ask the House to make them welcome.

J. Bray: Joining us today in the House are several members of the Engineers Wives Association of Victoria. These women are the real partners of some of our local, hard-working engineers. I would ask the House to please make them very welcome today.

Statements (Standing Order 25B)

VICTORIA POLICE SERVICES

S. Orr: I rise today to share my experience on my drive-along with the Victoria police chief, Paul Batter-

skill, and his team on Halloween night. I have been out with the police many times before, but never on a really busy night. My experience started at 9 p.m. and continued until 4 a.m., when I bailed — exhausted, cold and frustrated — feeling a little guilty, as the team I was with was still going full tilt.

We started at a Halloween family fun evening in the Fernwood area that everyone was enjoying and, sadly, saw it turn into an angry crowd of young people as the mob mentality started to take over. They became even angrier as police arrived. However, had police not arrived and carefully kept breaking up the crowd, the evening could have ended up quite differently.

I saw the Fernwood Community Centre sustain fire damage from fireworks thrown into a bush that caught fire, which moved into the roof of the centre. The police and fire department did an excellent job of containing it quickly. I saw a police member sustain a burn when a person threw a firework directly into his face.

We moved swiftly through the night, dealing with such issues as children who'd had their candy stolen by a person threatening them with a knife, a beating that left a man unconscious and bleeding from severe head wounds, several swarm beatings, a cocaine overdose, domestic disputes and several impaired drivers. We then moved to dealing with the nightclub crowd exiting the clubs at 2 a.m. It was amazing to watch our police handle call after call.

When I finally lay my head on my pillow, I had the sad realization that virtually all the evening's criminal activities had been precipitated by drugs and booze.

I take my hat off to the Victoria police. They do a commendable job.

BURQUITLAM LIONS CARE CENTRE

H. Bloy: I want to tell the Legislature of a movement that is bringing a commonsense approach to caring for our seniors. The Burquitlam Lions Club, which operates the Burquitlam Lions Care Centre, recently adopted the ten principles of the Eden philosophy at its long-term care facility.

There are ten guiding principles in the Eden philosophy that encompass real-life concepts like dignity, trust and companionship. The aim is to eliminate loneliness and boredom to allow our seniors to be active and engaged. The results are far-reaching — busier, happier, healthier seniors. Healthier seniors will erase some of the strain we are currently facing in our health care system.

[1410]

The Burquitlam Lions Care Centre in my riding of Burquitlam, the New Vista Society in my colleague Patty Sahota's riding of Burnaby-Edmonds and many others in North America are trying to change the way we approach seniors care. They recognize that seniors do have the same aspirations and goals to participate in the community as they did when they were young. Not only do they have those goals, but they need them. This makes perfect sense to me. I know that our gov-

ernment also cares about the health and well-being of seniors and is looking for new models of care, like supportive living, that give seniors the appropriate levels of care while maintaining their independence and freedom to be active members of our community.

I want to congratulate the Burquitlam Lions Care Centre; the driving force behind bringing the Eden philosophy, Ms. Renee Danylczuk; and all the staff at the centre for working together at one level to make their place a place to come to live.

ECONOMY OF INTERIOR B.C.

D. Hayer: It is easy to identify problems and offer no ideas on how to correct them. That's why today I want to talk about solutions and how people who live and work in the interior of our great province want to be part of those solutions.

Last week I toured the Cariboo on my way to the first annual B.C. Natural Resource Forum, held in Prince George and hosted by our MLA for Prince George North. I have read many stories about economic situations and met with various delegations who have travelled to Victoria, but I wanted to experience for myself the conditions up there.

My first stop was in Williams Lake, home to the members for Cariboo South and Cariboo North. While there, we met with people in the community to hear their concerns about the softwood lumber dispute, about the miles of red tape holding back prosperous mining industry and about challenges in the ranching industry. The next day I was in Quesnel to meet with members of the Cariboo Gur Sikh temple, and I spent time discussing what is needed to rejuvenate a stalled economy up there.

In Prince George I was at the Guru Gobind Singh Sikh temple and then met with people from Fair Value Homes and Hayer Homes, along with many others. While in Prince George, I also had the opportunity to take a helicopter tour and see firsthand the magnitude of the destruction caused by the pine beetle epidemic.

My final stop was the natural resource forum. The turnout was impressive. More than 1,400 people attended. Sixteen MLAs, including four cabinet members, were also there in attendance, because we care about each and every community in the province.

This forum was about opportunities. That's what the residents of the interior, the Cariboo and the north want: an opportunity to succeed, the right to raise their families in their communities and an opportunity to contribute to B.C.'s success. Despite the bumps in the road, together we can make B.C. number one again.

Mr. Speaker: That concludes members' statements.

Oral Questions

SERVICES FOR WOMEN

J. Kwan: Within blocks of the Legislature, the Sandy Merriman house provides a vital day service to

some of the most vulnerable women in our society — homeless women, street workers and women fleeing abusive relationships. It provides a place for women to have showers, to do their laundry and to get a break from the streets. Because of the Liberal cuts, Sandy Merriman's day program is closing.

To the Minister of State for Women's Equality: could she tell these women where they are supposed to go now that the government has taken away the only support service or source of support that's available to them?

Hon. L. Stephens: This government is committed to making sure that the women in the province get the kind of services that they require, and that's why we have protected all of the essential priority services to women. We are making sure we have funded all of the transition houses, all of the safe homes, all of the counselling services for women and for children who witness abuse. We are doing everything we possibly can to make sure that women are well served in the province of British Columbia.

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

[1415]

J. Kwan: Certainly, the cuts to the Sandy Merriman place do not serve well the women who need and use the program. Forty women a day use the Sandy Merriman's day program. As I said, these are the poorest, most vulnerable women in our society. They didn't get a tax cut. Many are just struggling to stay alive. Now they have nowhere to go except back into the streets.

Will the Minister of State for Women's Equality ensure that every dime her government has cut from the Sandy Merriman Shelter is given back before there's a tragedy in our community?

Hon. L. Stephens: This government, frankly, shares the member opposite's concerns about women and the difficulties they are facing. I think all of us understand that there are individuals in our society who do need all the help we can possibly provide. That is one of the reasons why this government is going to be introducing a safer community strategy to deal with these kinds of issues that we have all identified, and we all believe strongly that we need to make sure that those vulnerable people in our society are indeed cared for.

Mr. Speaker: The member for Vancouver–Mount Pleasant has a further supplementary.

J. Kwan: It certainly is a strange way for the minister to show and share the concern — by taking away services for women who live on the streets. That sure is a strange way to show you're concerned.

The minister is not only cutting Sandy Merriman centre's funding. In Kelowna, services for women are on the chopping block as well. For 14 years the Belaire

Women's Recovery Centre in Kelowna has been providing a superb service to women recovering from alcohol and drug addiction. It provides a safe, professional and caring place for women to get back on their feet. This weekend the Belaire Recovery Centre is closing because the government refuses to pay the workers who care for these women a decent wage. They refuse to recognize the contribution they make to the lives of the women living with addiction.

Can the Minister of State for Women's Equality tell these women, who are losing their detox centre, where they are supposed to go to get well now?

Hon. L. Stephens: Again the member opposite has highlighted an issue that is of grave concern. I think all of us will understand and agree that the services for individuals and women who are dealing with these very, very serious issues of addictions and substance abuse are ones that we are all struggling with. I think what we are doing is making sure that through the health authorities and the other ministries of government, we are making available these services to these vulnerable people — people, really, who do need to have those kinds of services to make sure they can face the future with confidence.

QUALIFICATION FOR DISABILITY BENEFITS

J. MacPhail: Can the Minister of State for Mental Health please tell us whether he or anyone else in his government has determined the extent of the human misery that has resulted from his government's misguided and mean-spirited policy attacking people with disabilities?

Hon. G. Cheema: Let me just explain to this member that the issues of mental health are important to us. The Ministry of Human Resources is now transferring 5,000 mental health clients to the new "persons with a disability" category. That's good news for mental health.

My office, the Ministry of Health Services, my advisory council and provincial advocacy associations like the Canadian Mental Health Association have been working hard with the Ministry of Human Resources to resolve this issue, and my office has received positive feedback. This afternoon the Coast Foundation sent me a positive message, saying: "Thanks for the great news. This will be a great relief to many thousands of patients with mental illness in this province. Many thanks for working so hard behind the scenes to make this happen." That's what we do.

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

[1420]

J. MacPhail: Despite how much the ministry of truth tries to put a positive spin on their own news release, here's what happened. This government, this

Minister of State for Mental Health, put people with mental illness through incredible pain and anxiety by subjecting them all to an unbelievable review, a 23-page review, merely to once again have to prove that they do have a disability. These are people with mental illness. Here's what happened after this government saw the pain that they were putting on it. For people who were on disability and subject to the review, the ministry said: "The Ministry of Human Resources, upon further review, is now able to exempt 5,000 of these...clients with a mental illness from that review." Weeks after putting them through the pain and anguish, today that's what's announced.

Will the Minister of State for Mental Health apologize today to the thousands of people he represents, the thousands of people that he is supposed to represent at the cabinet table who have been hurt and abused over the past months?

Hon. G. Cheema: The only cruel thing, the only cruelty, was what happened to mental health when they were in power. This is the government which did not....

Interjection.

Mr. Speaker: Order.

Interjection.

Mr. Speaker: Let us hear the answer.

Hon. G. Cheema: That was the government that did not fund the mental health plan. This is the first time in B.C.'s history that the mental....

Interjections.

Mr. Speaker: Order, please. Will the Leader of the Opposition please come to order. Order. Order. Please continue.

Hon. G. Cheema: This is the first time in B.C.'s history that mental disorders are now defined in the legislation. For the first time, social functioning has been recognized in the regulations. The episodic natures of mental illness are recognized in the performance of daily activities. Eating disorders, anxiety disorders and substance-related disorders are now recognized in the process. These are all important for us. We have made a lot of progress. The only complaint from the NDP is that they did not deliver what they said. They are the only ones who deceived the patient with the mental health in this province.

L. Mayencourt: There are British Columbians living with other forms of disabilities who have also received reassessment forms and are worried about the impact this will have on their benefits. Can the government please tell us what is being done to ensure all individu-

als currently on disability 2 status are able to adequately complete their reassessment forms?

Hon. G. Hogg: On behalf of my colleague the Minister of Human Resources, who is at a national conference with respect to these matters with other ministers, he understands there has been some unease with respect to the problems in the community process. As a result, he and his staff have been working on this matter for some time, and they have announced there will be an extension of the deadline for the completion of these forms from January 15 until March 15. There will be two months further for those forms to be completed.

It should also be pointed out that with this 23-page form, which has been referred to, the client actually fills out three pages of that, and the MHR offices are there, able to assist and direct people to appropriate community resources for filling out the forms.

There's a 1-800 number which is available. The number has been printed on all correspondence. The ministry also funds the Canadian Mental Health Association to assist ministry clients in filling out the forms.

Finally, there is an extensive list of health professionals who can complete sections 2 and 3 of the forms, the 20 pages. For filling out those forms... Health professionals, the doctors who they primarily have contact with on a regular basis, receive \$130 for filling out that section, and health professionals, for the final section, receive \$75. They've been well compensated and supported and given more time for those forms.

L. Mayencourt: I'd like to go back, if I may, to a question to the Minister....

Interjection.

[1425]

Mr. Speaker: Order. We'll wait until the Leader of the Opposition settles down. Then we will continue with question period.

L. Mayencourt: I'd like to go back to a question to the Minister of State for Mental Health. Under the Employment and Assistance for Persons with Disabilities Act.... There are a large number of British Columbians with mental illnesses with the assessment form that they're filling out. I've spoken to people with the Canadian Mental Health Association and the Coast Foundation in my constituency, who have been advocating on behalf of those patients. Can the Minister of State please clarify how the government is resolving the issues for those 5,000 clients?

Hon. G. Cheema: Thank you for the question. This member has been working hard along with the Ministry of Health Services, my advisory council, the Coast Foundation and Canadian Mental Health Association. We are, as of today, transferring these 5,000 clients with a mental illness to the new "person with a disability" category. This is great news for patients.

Interjections.

Mr. Speaker: Order, please. We cannot hear the answer, so I would ask the minister to please start over. Would you please say it again.

Hon. G. Cheema: The Ministry of Human Resources is presently transferring 5,000 patients with a mental illness into the new category of "person with a disability." That's good news for patients. This will help the patients with mental illness. This has been done because we have been consulting. We have been consulting with the advocacy organizations. We've been consulting with the Coast Foundation. We have been consulting...

Interjections.

Mr. Speaker: Order, please. Order.

Hon. G. Cheema: ...with the Canadian Mental Health Association. We have done the consultation, and the Ministry of Human Resources has resolved this issue. This is great news, and we should move on.

FOREST INDUSTRY MARKETS IN CHINA

H. Long: My question is to the Minister of Forests.

Interjections.

Mr. Speaker: Order, please.

H. Long: The ongoing softwood lumber dispute....

Interjection.

Mr. Speaker: Hon. member, order, please. Please proceed.

H. Long: My question is to the Minister of Forests. The ongoing softwood lumber dispute has painfully illustrated the dangers of being overly dependent on one market. In order to diversify B.C.'s forests markets, the ministry has recently travelled to China, where last year alone there were over ten million housing starts. Can the Minister of Forests tell us what progress was made on his trip?

Hon. M. de Jong: Last week, in fact, along with the member for Vancouver-Kensington, I was in China, and I'm obliged to him for leading me around his ancestral homeland. I was pleased with several features of the meetings that took place and pleased with the invitation we received from the Shanghai government to participate — that is, B.C. companies — in the establishment of a satellite community based on Canadian urban planning, Canadian wood products, Canadian design.

I was impressed with the negotiations that have taken place with a B.C. company, Spruce Capital Homes, and their active participation in the establish-

ment in the Beijing area of a community called Vancouver Village. I was also encouraged by the discussions we had with the Beijing Olympic Committee around our proposals and encouragement for the use of wood, specifically B.C. wood products.

But I'm also realistic. It's a big chore. Cracking that market in a meaningful way is going to require a lot of work, and key amongst the things left to be done is the achievement and finalization of a wood standards building code. We are working actively with Chinese officials to ensure that that takes place.

[End of question period.]

Reports from Committees

J. Nuraney: I have the honour to present the report of the Special Committee to Appoint a Police Complaint Commissioner. I move that the report be taken as read and received.

[1430]

Motion approved.

J. Nuraney: I ask leave of the House to suspend the rules to permit the moving of a motion to adopt the report.

Leave granted.

J. Nuraney: In so moving the adoption of the report, I wish to make the following comments.

On behalf of Special Committee to Appoint a Police Complaint Commissioner, I'm pleased to submit this report to the House, which recommends that Dirk Ryneveld, QC, be appointed the police complaint commissioner for the province of British Columbia.

Mr. Ryneveld has more than 30 years' experience in the legal profession, most of which was spent here in British Columbia as a deputy regional Crown counsel. For the last four years, he has been serving as a senior trial attorney with the United Nations at The Hague. It is the belief of the committee that Mr. Ryneveld meets the overall objectives to fully implement the spirit of the police complaint legislation and the recommendations made by the Special Committee to Review the Police Complaint Process. He is fully conversant with part 9 of the Police Act. He has the ability to promote community outreach programs, and he is an advocate for alternative dispute resolution processes which were recommended by the committee.

Throughout his career, he has demonstrated great sensitivity in working with people from all walks of life and bringing them together to resolve their differences. We believe that Mr. Ryneveld is eminently qualified to undertake the responsibilities of the police complaint commissioner. I am confident that the province will be well served by his appointment.

I would also like to thank the members of the committee for their hard work and cooperation throughout this exhaustive process.

Mr. Speaker, I move that this report be adopted.

Motion approved.

J. Nuraney: I ask leave of the House to permit the moving of a motion requiring the Lieutenant-Governor to appoint Mr. Dirk Ryneveld, QC, as the police complaint commissioner for the province of British Columbia.

Leave granted.

J. Nuraney: By leave, I move that this House recommend to Her Honour the Lieutenant-Governor the appointment of Mr. Dirk Ryneveld, QC, as a statutory officer of the Legislature to exercise the powers and duties assigned to the police complaint commissioner for the province of British Columbia in accordance with part 9 of the Police Act.

Motion approved.

Orders of the Day

Hon. G. Collins: I call committee stage debate on Bill Pr403.

Committee of the Whole House

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

The House in Committee of the Whole (Section B) on Bill Pr403; J. Weisbeck in the chair.

The committee met at 2:35 p.m.

Sections 1 to 4 inclusive approved.

Preamble approved.

Title approved.

D. Jarvis: I move that the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 2:36 p.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

Bill Pr403, Hansler Ozone Canada Inc. (Corporate Restoration) Act, 2002, reported complete without amendment, read a third time and passed.

Hon. G. Collins: I call committee stage debate on Bill Pr404.

Committee of the Whole House

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

The House in Committee of the Whole (Section B) on Bill Pr404; J. Weisbeck in the chair.

The committee met at 2:37 p.m.

Sections 1 to 4 inclusive approved.

Preamble approved.

Title approved.

R. Nijjar: I move that the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 2:38 p.m.

The House resumed; Mr. Speaker in the chair.

**Report and
Third Reading of Bills**

Bill Pr404, Gold Standard Resources Ltd. (Corporate Restoration) Act, 2002, reported complete without amendment, read a third time and passed.

Hon. G. Collins: I call third reading of Bill 74.

Third Reading of Bills

FOREST AND RANGE PRACTICES ACT

Bill 74, Forest and Range Practices Act, read a third time and passed.

Hon. G. Collins: I call committee stage debate on Bill 72.

Committee of the Whole House

LOBBYISTS REGISTRATION
AMENDMENT ACT, 2002

The House in Committee of the Whole (Section B) on Bill 72; H. Long in the chair.

The committee met at 2:40 p.m.

Sections 1 to 3 inclusive approved.

Title approved.

Hon. G. Plant: I move the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 2:41 p.m.

The House resumed; Mr. Speaker in the chair.

**Report and
Third Reading of Bills**

Bill 72, Lobbyists Registration Amendment Act, 2002, reported complete without amendment, read a third time and passed.

Hon. G. Plant: I call committee stage of Bill 77.

Committee of the Whole House

ACTING POLICE COMPLAINT COMMISSIONER
CONTINUATION ACT

The House in Committee of the Whole (Section B) on Bill 77; H. Long in the chair.

The committee met at 2:43 p.m.

Sections 1 and 2 approved.

Title approved.

Hon. R. Coleman: I move that the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 2:43 p.m.

The House resumed; Mr. Speaker in the chair.

**Report and
Third Reading of Bills**

Bill 77, Acting Police Complaint Commissioner Continuation Act, reported complete without amendment, read a third time and passed.

Hon. G. Plant: I call committee stage debate on Bill 76.

Committee of the Whole House

COLLEGE OF APPLIED BIOLOGY ACT

The House in Committee of the Whole (Section B) on Bill 76; H. Long in the chair.

The Chair: The committee will take a short recess.

The committee recessed from 2:45 p.m. to 2:56 p.m.

[H. Long in the chair.]

On section 1.

J. MacPhail: Yesterday I indicated to the legislative chamber that we would be supporting this legislation — for the benefit of the government, just so they know, in terms of the questions I'll be pursuing.

One of the questions I had for the minister, and I thought maybe the definition.... Oh, I'm sorry — it's under the applications. I'll let section 1 pass.

Section 1 approved.

On section 2.

J. MacPhail: I'm looking for a place in which I can explore this area with the minister. I thought perhaps this was the best area. Perhaps the minister can tell me if this is the first jurisdiction that has a college of applied biology.

Hon. M. de Jong: That's my information.

J. MacPhail: Yes, and that's my information as well. Can the minister perhaps outline for us some of the challenges that exist? Or has he had any reports about the challenges that exist in other jurisdictions in terms of bringing in a college of applied biology? The profession has been urging this across the country — the setup of such a college.

Hon. M. de Jong: I think there are probably two issues. One relates to the practice of biology itself, and it's reflected in the definitions section. The breadths of scope.... There are so many different types of biologists that bringing a sense of coordination to a professional group with such a diverse range of involvement has apparently complicated the matter.

[1500]

I'm also told that one of the things that distinguishes British Columbia from other jurisdictions, happily, is that we actually have something of a history around professional accountability legislation for resource professionals. For example, most other jurisdictions do not have a Foresters Act.

Now, that is right-to-practise legislation, and this is right-to-title legislation. But there is a history here in B.C. that lends itself to this kind of statutory recognition around a particular resource profession, which simply doesn't exist in other jurisdictions. I think our expectation, and certainly the expectation on the part of biologists in other jurisdictions, is that this will represent something of a breakthrough and may be duplicated elsewhere in the country.

J. MacPhail: What process did the minister go through in order to ensure that the challenges around this matter — although I always put this in the context that we support this — are met?

Hon. M. de Jong: In terms of the development of this legislation, two things are probably most relevant. It won't, I'm sure, surprise the member that we worked pretty extensively with the biologists association itself. The process was assisted to a certain degree by the fact

that they existed and continue to exist as a society and, within that guise, had extensive interaction with other resource professionals. That's where the second component to this to address some of those challenges that the member was referring to....

Always, I think, when governments embark upon these kind of exercises, it elicits a reaction from others, who begin to worry about how the recognition of one jurisdiction is going to impact on their jurisdiction or their historical jurisdiction. I think I can report, with relative certainty, that the foresters, the agrologists and those other resource professionals with whom we also worked in the development of this.... I don't think it's any great secret that we are also looking at updating the Foresters Act and legislation for the agrologists, so it very much was something of a package — not a package deal but a package bit of work. All of those professionals seem content with how we have addressed the component parts and the collective.

J. MacPhail: I've had experience in establishing one professional council, the midwifery professional college. Is there anything in place for monitoring and review over the course of the next 12 or 18 months of the establishment of the college and perhaps allowing for change if necessary?

[1505]

Hon. M. de Jong: Well, to answer the question directly, there isn't a statutory provision that speaks to the issue the member has raised. There is, however — and there is a clear understanding on the part of the members — a council of resource professionals who were intimately involved in the development of this regime and an understanding between that agency and government that at the conclusion of a year of operation, there will be a review of the application of the law and an enumeration of any difficulties that have arisen.

J. MacPhail: What's the time frame for establishment?

Hon. M. de Jong: There are, I am advised, some transitional measures for the biologists — who are now a society — to attend to, and we're anticipating full implementation in the spring.

Section 2 approved.

On section 3.

J. MacPhail: This is the section where it establishes the College of Applied Biology. Can the minister point me to another college that would be a model for how this college is established?

Hon. M. de Jong: I apologize for the delay, hon. Chair. The presence of the word "college" — it's why I was having the discussion with Mr. Grieve — would suggest you could look to a body like the College of Physicians and Surgeons. Of course, it exists at a different scale, although it does function in part as a self-

regulating body and as an advocacy body for its members. However, it might be more appropriate to examine a body like the agrologists association or even the foresters association. I will — and we may get to this later in the discussion — alert the member to the fact that when we got to the disciplinary components of this, we did look at models such as that which exist within the Law Society and that type of body and did draw from that.

Section 3 approved.

On section 4.

J. MacPhail: Can the minister explain the relationship between the council and the college?

[1510]

Hon. M. de Jong: The corporate entity, as it were, is the college, but the council operates on a day-to-day basis to enact, rescind or amend rules. The council is responsible for establishing the guidelines and the set of rules by which that corporate body, the college, operates.

Section 4 approved.

On section 5.

J. MacPhail: Section 5 is the organization of the council. It is my experience that a council has members who represent what is sometimes called the public interest. Is there such a group here?

Hon. M. de Jong: If I understand the question correctly, I think the answer lies in subsection 5(2), which contemplates the appointment of what I will call lay members.

Sections 5 to 19 inclusive approved.

On section 20.

J. MacPhail: This was my other and last major area of interest. Section 20 is part of part 4, which talks about the protection of the public interest. Clause 20 is the standards of conduct and competence. This College of Applied Biology is self-regulating, I remember. Is that correct?

Hon. M. de Jong: Yes.

J. MacPhail: I await the day where a head nod can be translated verbally, but you probably have to have hair to do that.

Perhaps the minister, then, could explain, just in general terms, how the self-regulating college will set standards of conduct and competence while protecting the public interest.

Hon. M. de Jong: Just to help me, is the member interested in the procedure by which that occurs? I think she's indicating that she is. Excuse me.

[1515]

The rules will exist at different levels. I think the member's primary interest at this stage of the discussion relates to rules of professional conduct, which most of these self-regulating agencies have. The process, I am told, would involve an initial establishment by the council of those rules of professional conduct. My discussion, and what I wanted to be able to provide to the member, was an indication of how the membership itself is involved in the initial establishment of those rules of professional conduct.

What the act contemplates is the establishment by the council. It doesn't stipulate at the initial stage what the involvement by the members would be. There is, however, under section 7, I think, a provision by which the membership or a member could challenge a component of those rules or other rules or challenge the council on a matter. There's a process laid out by which that could occur involving 50 members petitioning for a meeting. So the council will then, presumably in concert with the membership, have initial responsibility for the establishment of that code of professional conduct. Thereafter it will be an evolutionary process involving exchanges between the council of the day and the members.

Sections 20 to 33 inclusive approved.

On section 34.

J. MacPhail: Section 34 deals with appeal, and it's the right of appeal for the member of the college who has, I assume, had some action taken against him or her, probably disciplinary. I note that prior to that, there's statutory requirements for panels to conduct hearings, what happens if there's a failure to attend, the right to counsel, witnesses, costs, review on the record. So all of those issues are addressed.

The appeal is to the Supreme Court, which perhaps the minister.... It makes sense to have it appealed to the Supreme Court, but in terms of administrative law and establishing new administrative law, is this the current or common way of allowing for appeal?

[1520]

Hon. M. de Jong: I am advised, first and foremost, that this is the mechanism that exists in the Foresters Act, but I'll go further than that. Generally speaking, my recollection from years ago is that there are two routes one can take in providing for an appeal. This provides a right of appeal in specified circumstances. It does restrict that right to the situation or circumstances that are called for and talks about restricting the appeal to questions of law or jurisdiction, so that privative clause exists. Absent this section, and an applicant or respondent who wants to be an appellant would be forced to invoke provisions of the Judicial Review Procedure Act.

The intention here is to provide a right of appeal. I agree with the member that in circumstances where ultimately the right to ply one's trade is serious enough

that providing that right of appeal is justified, though we do define the circumstances under which that right of appeal can be exercised, there is a broad body of law defining the application of these types of privative clauses.

Sections 34 to 40 inclusive approved.

Title approved.

Hon. M. de Jong: I move that the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 3:22 p.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

Bill 76, College of Applied Biology Act, reported complete without amendment, read a third time and passed.

Hon. M. de Jong: I call for continued second reading debate on Bill 75.

Second Reading of Bills

FORESTS STATUTES AMENDMENT ACT (No. 2), 2002 (*continued*)

J. MacPhail: I adjourned debate last night. I just have a few other comments to make just to reiterate that Forests Statutes Amendment Act (No. 2), 2002, is the bill — there is a piece — that provides for the direct awarding of a major licence to first nations, and we will debate that at committee stage. The other part of the Forests Statutes Amendment Act accomplishes two other things: to provide for a transition and a blending of the dual process — which will exist until I think March 31, 2004 — of the use of the Forest Practices Code or the use of the Forest and Range Practices Act. I will, at committee stage, be ensuring that that transition process works, is fair and is actually making both processes less cumbersome. That will be the nature of the debate.

The third aspect of the bill is that there will be a transfer of responsibility to the Minister of Sustainable Resource Management for land use planning in this province. It was a triple responsibility before under the Minister of Forests, the then Minister of Environment — now Minister of Water, Land and Air protection — and the Minister of Sustainable Resource Management. I will be noting that with interest.

[1525]

I thank the minister for providing me with the up-to-date progress report on the land use planning process.

There's a lot of work to be done still in the area of making sure that land use plans prevail in our province. That work is not easy work. Each and every one of us knows that concluding land use plans in this province takes a huge amount of commitment from each and every stakeholder, whether that stakeholder be a community leader, first nation, environmental or non-governmental organization, forestry worker, union, forestry company, mining company, natural resource company or tourism association. There is a huge amount of commitment from all of those people in society to bring about a land use plan that works for the benefit of all British Columbians.

Some may say that the progress to date has been slow. I don't accept that. It has been challenging to sign off on land use plans. This morning I met a man from Anahim Lake who was extremely proud that his area has led in the land use planning process and can serve as a model to everyone else. He was extremely proud of it. Their commitment as a community and as all the stakeholders grows every day to deliver on their land use plan. But there are areas where progress has been less speedy. Without assigning any responsibility or blame for that, I hope it is the Minister of Sustainable Resource Management's commitment to conclude land use planning in a way that allows every proponent, every stakeholder in our province, to have a say and feel comfortable about the outcome of the decision. In my view, speed and imposition from on high, imposition from executive council, on land use planning simply does not work.

The last point I want to make to the Minister of Forests is that while all of this work proceeds and will continue to proceed as the regulatory regime for both Bills 74 and 75 takes place, there is much work left to be done in reinvigorating a fragile forestry sector. There are outstanding matters that are affecting our communities every day: the lack of resolve in the softwood lumber dispute; the awaiting by everybody of tenure reform and a move to market pricing and, as importantly as anything else, this government's resolve to not allow abuse of a ban on raw log exports. This becomes increasingly important as I visit communities, particularly on the northern Island and in northwest British Columbia, although it is an issue for everyone in the province — the increasing permission to allow raw log exports.

Those issues face the industry, face the government and, most importantly of all, demand resolve in a way that stimulates our economy not just for the immediate future but for the generation of our children and then our grandchildren as well. Whenever we refer to our children and our grandchildren, it has a hollow ring to it sometimes, coming from politicians — the lofty ideals that we often don't engage in — but in this particular case it's absolutely necessary.

[1530]

While many talk about the emergence of the new economy in British Columbia and celebrate that, we must also grasp that so much of our economic activity is still generated by natural resources. Amongst our

natural resource-based economy, forestry stands at the top of the list. Those are comments that I make only as a way of saying that any priority this government gives to moving on those issues will be welcomed and supported by the opposition.

Mr. Speaker: Second reading debate on Bill 75. The Minister of Forests closes debate.

Hon. M. de Jong: I thank the member for her notice of those issues that we will canvass at the committee stage and for her thoughtful comments on second reading, and I move second reading.

Motion approved.

Hon. M. de Jong: I move that the bill be referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Bill 75, Forests Statutes Amendment Act (No. 2), 2002, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Hon. M. de Jong: I call for committee stage debate on Bill 73.

Committee of the Whole House

COMMUNITY CARE AND ASSISTED LIVING ACT

The House in Committee of the Whole (Section B) on Bill 73; H. Long in the chair.

The committee met at 3:32 p.m.

On section 1.

J. Kwan: I think the minister is a little bit anxious because she doesn't have her staff with her. Perhaps we can wait for a few minutes before we start.

Hon. K. Whittred: Before we start, I would just like to take this opportunity to introduce my staff who are with me today. On my immediate right are deputies Penny Ballem and Paul Bailey, to Penny's right is Andrew Hazlewood, and behind are Kersteen Johnston and Stephanie Sainas.

J. Kwan: Thank you to the minister for the introduction of her staff that are accompanying her today to debate this bill.

The first section of the act, of course, deals with definitions. There are a number of questions that I have with respect to that.

My first question to the minister is: what was the rationale for the switch from the term "resident" to "person in care," and who was consulted with respect

to this change? Why was "resident" added back in but refers only to the assisted-living component of the act? [1535]

Hon. K. Whittred: "Person in care" and "resident" are used because, number one, the bill addresses two levels of care. We have added the section that deals with assisted living. Therefore, to distinguish between them, "person in care" refers to those individuals who would reside in a residential care facility, the higher level care facility, and "resident" would be confined to the assisted living.

In response to her question about who we consulted with, we had a very broad consultation process over several months — community hearings in several communities as well as a number of written responses and responses on the website.

J. Kwan: I just want to be clear, because we're debating right now in the Legislature the Residential Tenancy Act as well. I am advised by the Solicitor General that the Residential Tenancy Act would not apply to the residents that are defined under this act. Is that correct, then? The only act that is applicable in terms of protection for this group of residents would be, then, Bill 73?

Hon. K. Whittred: Yes, Mr. Chair. This bill, to the member opposite, applies only to health and safety. Issues that are concerned with consumer protection and residential tenancy are presently being looked at by the Ministry of Community, Aboriginal and Women's Services. That will be something that they will pursue over a period of time.

J. Kwan: So is that to say, then, there is no piece of legislation that would now apply for residents who are in, let's say, assisted-living services, which would provide them any rental protection outside of health and safety protections?

Hon. K. Whittred: The member is correct about the consumer protection for people who reside in assisted living and other types of supported living. I might add, though, for the member, that this has been the case for some time, which is why the Ministry of Community, Aboriginal and Women's Services is actively looking at this. We have a commitment from them that they will pursue it over the next several months.

J. Kwan: No, my understanding is that on the rental protection side, the Residential Tenancy Act actually applied for those living in assisted living. So if there were residential tenancy issues that became a problem, there would be a recourse, and that would be through the residential tenancy branch.

Under the debate with the Solicitor General on the new Residential Tenancy Act, that would no longer apply for those who are living in assisted-living situations. I had assumed that that protection would be here under this act. Now the minister has just said no, that is

not the case. That kind of protection would not be afforded to residents of assisted-living accommodations. So that means there's a lapse in time for which there is no rental housing consumer protection availability, then, for this group of individuals.

How many people does the minister expect would not get any protection, then, during this period?

[1540]

Hon. K. Whittred: This act is about health and safety. That is the jurisdiction of this act, and CAWS has undertaken to look at the consumer protection aspect. There is a difference of opinion amongst the legal experts as to exactly the status of the consumer protection, and that is why it is being actively looked at by CAWS.

J. Kwan: It's problematic, and I hope the minister sees where the problem lies. Here we are in the Legislature with a whole bunch of new acts coming forward. We have the new Residential Tenancy Act that exempts a group of people from consumer protection in the rental situation. We have a new act that's introduced, and presumably, as the minister has said, she has gone out and done consultation. There is still a gap that exists, though, for this group of people who will still not get consumer protection.

In the meantime, supposedly, the Minister of Community, Aboriginal and Women's Services is going to bring forward some other piece of the act that will look at that, but it's nowhere in sight. There's a gap, a lapse in time, if you will, where these people won't actually get any consumer protection, and in my view, that's a bit of a problem. You can't look at issues just from a silo point of view and sort of say: "Don't worry. That will come in time." How many people does the minister expect would be living in assisted living who would fall under this act? How many people would be impacted?

Hon. K. Whittred: Currently at this time, there are about 200 people, publicly funded, living in assisted living.

J. Kwan: This is about health and safety. So there are about 200 people that are now living in assisted living. How many people have been dislocated from long-term care and intermediate care facilities?

Hon. K. Whittred: To my knowledge, no one in the province has been dislocated from continuing care. I would remind the member that we are discussing the definitions.

J. Kwan: What the minister has said is simply untrue. In the last while in the Legislature, the opposition has brought forward cases of people who have been evicted from their long-term care facilities, and they're without a home. In fact, it was just this week that I brought forward a case where a woman who is suffering from advanced Alzheimer's is being evicted from

her home to go back to live with her husband, who also has a multitude of health challenges. He is unable to take care of her.

So we know of at least one, and that's actually not the only case. There were many other cases that were brought to this House. I know there's a constituent of mine I spoke with, a 105-year-old woman who has been displaced from her home, a long-term care, intermediate care facility in my community — Cooper Place. It's not true to say there hasn't been anybody, because there has been.

[1545]

How is this relevant to this definition of the act? In this definition, the minister says the term "resident" means a person who resides in a community care facility. Then you have the other term, "person in care," which means a person who resides in or attends a community care facility for the purposes of receiving care. These two categories of people that are supposed to get health and safety protection are being impacted. What I'm interested in is how many people would be impacted by this act as it currently, right now, says. The minister says 220. How many more people who would fall under the "person in care" category have now lost that status and been moved into some other category, whether it be "resident" or just a person back home? I'm trying to figure out what the greater ramifications are with respect to this act. You can't sort of just look at it by definition purposes; you have to look at the definition relative to what it really means in the community. That's what I'm trying to get at. Could the minister try again and give us a truthful answer?

Hon. K. Whittred: In terms of the act, the member might want to note that the act defines two kinds of facilities. A community care facility is where a person in care lives, and an assisted-living facility is where a resident lives.

J. Kwan: I do understand who lives where under the two kinds of facilities. I'm asking the minister how many people live in these facilities. Those who were living in long-term care facilities that are no longer living there because this government has actually evicted them from their homes — how many of them have lost their status as a person in care? It's not that complicated.

Hon. K. Whittred: This act covers a number of facilities. It covers community care facilities, which include child care facilities. It includes group homes. It includes assisted living. It can include other types of facilities where care is given. In the province we have approximately 25,000 residents who are in long-term care facilities. We have 4,600 licensed child care facilities. We have, as I've said, approximately 200 publicly funded assisted-living beds. I do not have the numbers for the group homes.

J. Kwan: What the minister has given me is how many units, if you will, or beds exist in the different

kinds of care facilities. My question to the minister is this: how many people, out of the 2,500 units that do exist in long-term care, have now lost their long-term care beds?

[1550]

Hon. K. Whittred: I wonder if the member could give some direction about where this is going in terms of the definition. I'm not sure what the relevance is.

J. Kwan: Let me explain to the minister once again what the relevance is. Here we have Bill 73. Bill 73 is an act that is entitled Community Care and Assisted Living Act. Within it there is a whole range of different clauses all the way up to section 58, which deals with the living conditions of those who fall under this act. In the definition section we have two kinds of groups of people who would fall under this act. One is entitled "person in care." The other is entitled "resident." By the minister's own admission.... She already just stated in the House there are approximately 2,500 people who live in long-term care facilities, who fall under the "person in care" definition. We also have about 4,600 people who fall into the child development component in terms of the people in care and then about 200 people that fall under assisted living, which is the "resident" definition.

What I'm interested in is how far this act is going to impact the various people under the different definitions of the act as it pertains to them. Those who were in long-term care facilities who are no longer living in long-term care facilities — I would like to know how many of those people have actually lost the definition as a person in care, because they were formerly in long-term care facilities that would fall under this act. Because of the government cutbacks, because of the eviction that the minister has actually foisted on the community, there's a bunch of people who no longer fall under this definition. How many of those no longer fall under this definition? How many of those fall under the "person in care" definition, and how many of those fall under the "resident" definition?

Hon. K. Whittred: In the public system there are, as I said, approximately 25,000 patients. On any given day in the health system that number may change slightly as people go for tests, go from a bed in the hospital to a long-term bed or any other number of options. But that number remains fairly constant. There are, as I said also, about 22,000 child care spaces. There are, in addition to that, group homes. There are approximately 200 publicly funded assisted-living spaces, and there are, as near as we can determine, about 2,000 to 3,000 private assisted-living units.

[1555]

J. Kwan: The minister can read her list all she wants. She's not answering the question. My question to the minister is this: how many people has this government, this minister, her ministry served notice to — the people who were formerly living in long-term care

facilities who are no longer going to get their home in a long-term care facility? How many people will be displaced, will no longer have the definition of a "person in care" under Bill 73 applied to them under Bill 73, the Community Care and Assisted Living Act?

Of those people who lost their homes, how many people would then fall into the new category of definition, "resident," under Bill 73? How many people? That's the question I'm asking the minister.

Do not get up, please — through you, Mr. Chair, to the minister — and read off a list of how many beds exist, because that question will come when the beds start to shut down. I'll come back to that question, but right now that's not the question I'm asking. I'm asking how many people have been displaced from their homes, from long-term and intermediate care facilities.

Hon. K. Whittred: "Person in care" means a person who resides in a community care facility for the purpose of receiving care. That definition is broad enough to include all of those individuals who live in the various kinds of facilities that I have described. We have not evicted a single person from any facility in this province. There will be no person who qualifies in terms of needing high-level care, who would be moved to another level of care unless they specifically wished it. That is the policy that is in place. It has been in place, and it will remain in place.

J. Kwan: That is simply untrue. We have cases of people....

The Chair: Member, I think you have pursued this line of questioning quite extensively.

J. Kwan: Yes, I have.

The Chair: If you could just move on to a new line of questioning. The minister has given you her answer on what she believes.

J. Kwan: Thank you, Mr. Chair. The fact of the matter is that the minister did not answer the question, and she's denying that people have been evicted from their homes. The reality is that people have been evicted from their homes. Just this week the opposition raised the question in this House of a woman who is suffering from Alzheimer's in a long-term care facility bed. She has been given notice that she must leave, and she has to go home to live with her husband, who also has multiple health challenges. So to suggest that nobody has been displaced or is in the process of being displaced is simply untrue.

The minister says: "Well, okay. It's the changed criteria." Let me perhaps try the question this way. If it's the changed criteria that have caused people to not be eligible for the long-term care facility beds, then let me ask the minister this question. As a result of the changed criteria for those who were eligible for long-term care beds, who would fit under the definition "persons in care" under Bill 73? How many people

were deemed to be ineligible to date to qualify to stay in a long-term care facility bed?

The Chair: Shall section 1 pass?

J. Kwan: No, I'm not finished with the questions. I'm still waiting for an answer from the minister.

The Chair: Shall section 1 pass?

[J. Weisbeck in the chair.]

J. Kwan: It's not good enough for this minister to sit there and be silent and not answer the questions. It's not good enough. There are people across the province right now to whom this act is supposed to apply, under which they're being displaced, under which definitions of how they qualify for protection for health and safety protection would change. British Columbians and members of this Legislature have every right to know how many British Columbians are being impacted. If the minister doesn't know the answer, I expect that it is her job to find out the answer.

[1600]

It is not good enough to sit down and hide and not provide answers to this House. I ask the minister once again the question: how many people are not eligible for long-term care bed facilities under the definition of the Liberal government? How many have been evicted or displaced or are in the process of being displaced to date?

Hon. K. Whittred: I repeat once again: a person in care is one that lives in a residential care facility, a community care facility. That might be an elderly person requiring care. It might be a child in a child care setting. It might be a disabled youth. It might be someone in the community-living sector. All of those would be applicable and would be a person in care.

J. Kwan: I've just found *Hansard*. The question was asked, actually just yesterday — those people who have not been displaced that I just imagined somehow.... Let me just quote from *Hansard*:

"Jim and his wife Frances O'Conner have lived in the Kootenays for 57 years. Jim is 78; his wife is 77. Frances O'Conner has been living with Alzheimer's for the last six years. Recently Jim had a major abdominal surgery, and he's had a weak heart. Frances has been in a respite bed since July, but because of government cuts to long-term care beds in the Kootenays, Frances will be sent home next week to live with her very ill husband. He can't take care of her. They're both too sick."

The question was to the Minister of State for Intermediate, Long Term and Home Care: is this her idea of a care plan for seniors — to force one very sick senior to take care of another?

The second question.

"Frances O'Conner had a bed before this government started to shut down long-term care facilities. Frances and Jim have pleaded with the government for help. They've written to the Premier. They've written to the minister for long-term care. Their daughter told the minister that her family has to come to the realization

that if they do not get 24-hour care for her mother, there will be a disaster.

"The Premier wrote back telling them to explore other options. The clock is ticking. Next week Frances will be forced out to go back home into the care of her husband, who is just unable to provide the physical and mental care or to have the stamina to provide the support for his wife.

"Will the minister ensure that by the end of the week, long-term care is provided for Frances O'Conner?"

Now, the minister's answer talked about how great and wonderfully they're doing in creating these 5,000 beds over the next five years. Too bad, because Frances O'Conner is not going to get those beds. In this instance, I know of at least one case, and I can actually go back to *Hansard*, because there are many other cases which the opposition brought to this House as examples of people losing their long-term care beds, who now no longer qualify under this act for health and safety protection.

You can say that it is an eligibility problem or however you want to cast it. The reality remains the same. For those seniors who have been displaced or given notice that they're going to be displaced, that they're without a home and without the protection this act is supposed to bring to them under the definitions of persons in care or a person in residence....

I asked the question. The minister cannot come up with an answer on how many people have been displaced or are in the process of being displaced. I can speculate on that.

[1605]

The other question is this: of those 200 beds that exist in assisted living, how many of those are accommodating people who have left long-term care facilities because government told them they are no longer eligible?

Hon. K. Whittred: This bill is about providing a regulatory framework to ensure that people who live in care are safe. That is the purpose of the bill, and I believe that I have addressed the question regarding the definition.

J. Kwan: This bill is equally applicable for the opposition and British Columbians to ask the question: how many people are being impacted? How many people will lose their status who have the definition of "person in care" as it exists under this bill, who will no longer have that because government has thrown them out of the long-term care beds? That is an equally applicable question, Mr. Chair, and I would like to know how widely spread are the people who are impacted in that category as it is applicable under Bill 73.

The Chair: Member, I believe this question has now been asked three or four times, and I would suggest that the member be seated, please. I would suggest that probably you should move your questioning along to another question.

J. Kwan: The trouble is that the minister has not answered the questions. I suspect I know why. The

minister does not want British Columbians to know how much they're hurting them. Just like what we just heard in question period today, the Minister of Human Resources and the Minister of State for Mental Health made a big news announcement saying: "Wonderful, hurray, hurray, we're now going to make...."

The Chair: Member, please be seated. I don't think we should be reliving question period today. Let's keep our questions....

Member, be seated, please. I don't think we should be reliving question period today. Let's refine our questions to this section and refine them to committee stage as well.

J. Kwan: Yes. I'm trying to ask the question relative to this section of the act. I've gotten no answer from the minister to date on how widespread the implications of this bill are, who is being impacted and who's going to be not impacted because they've lost their home so that the definition of person in care will no longer apply. The minister says that she's already answered the question and that everything is wonderful, but the minister has not answered the question. Let's be very clear about that. The minister has not answered the question.

For all those ministers who pretend that they're doing something good when they actually cut people with disabilities off or threaten to cut them off, causing some 5,000 people to go through tremendous anguish, anxiety and concern — causing some people to commit suicide and die as a result of that.... That is a problem. I would like to know how many people are being impacted by this bill.

More specifically, I would like to know how many people that formerly would have qualified under the definition of persons in care in Bill 73 are being impacted and have now lost that status as a result of the Liberal government's changes in the long-term care bed facility eligibility criteria, thereby displacing people. They have displaced people already or are in the process of displacing people.

Frances O'Conner I raised as an example, and yes, I quoted it from question period, because it was a direct example of how someone was directly impacted by this government, which is in the process of displacing her, so she will no longer....

The Chair: Member, will you please be seated. I have asked you to please move on. You have asked this question four times now. You're being repetitious. I am not asking you; I am ordering you to move on to another question.

Member for Vancouver-Mount Pleasant. Please proceed.

J. Kwan: Well, that was very helpful. Thank you, Mr. Chair.

Then let me ask the minister this question. I want to ask the question, then, in terms of resident definition. How many of those 200 or so people under the resident definition — 220, to be more specific, that the minister

has said it now applies to — were new and were put in there as a result of them losing a long-term care facility bed?

[1610]

Hon. K. Whittred: As I have said to the member opposite, there are approximately 200 assisted living...that are publicly funded in the province. There are probably 2,000 to 3,000 that are private. To my knowledge, the vast majority of those people have moved into assisted living from their homes.

J. Kwan: Specifically, how many people moved from their homes, and how many people were moved in from other care facilities such as long-term and intermediate care facilities?

Hon. K. Whittred: I know that not a single individual has moved without it being their choice.

J. Kwan: Is Frances O'Conner a figment of my imagination, then? Is her family, who has contacted the opposition with this concern, just imagining it? Did the children who are concerned about their parents somehow just dream it up that Frances O'Conner is being evicted from her home, back home to live with her husband, where he cannot provide for the health care support that his wife will need? Are these people fake, unreal? Are they from a different planet and don't exist? Is that what the minister is saying — that all those people who advise us, that have contacted us, that we have been in contact with are actually just figments of my imagination? Or is it the case that minister is living in an entirely different world herself?

Hon. K. Whittred: The member asked me the question of how many people have moved from residential care to assisted living, and I answered the question. Probably none — but certainly no one has moved without it being their choice.

J. Kwan: How many people who now live in the long-term care facility, the 25,000 or so that the minister advises...? How many of those are there, and of those who left as a result of the government's directive that they must leave, how many of those left on their own accord?

Hon. K. Whittred: Mr. Chair, I wonder if we could ask how this relates to definitions.

J. Kwan: Let me explain that one more time. Bill 73 is the bill that we're now debating, the Community Care and Assisted Living Act. Under this bill, section 1 is definitions. Under the definitions, there are different categories of people that would apply in the different kinds of care facilities to which protection under Bill 73 is supposed to apply.

Under one category, which would be the "person in care" category, meaning "a person who resides in or attends a community care facility for the purpose of

receiving care...." There's another category called "resident." A resident is defined as a person who resides at an assisted-living residence.

What I'm trying to figure out, to which I have not been able to get an answer for the last 15 minutes or so from the minister, is how many people would no longer have the community in care definition apply to them. As a result of the government changes in determining who is eligible for long-term care beds, they will no longer have Bill 73 apply to them.

[1615]

Alternatively, I'm equally interested in finding out those who would fall under the definition of "person in care" would be in the new category under this act called "resident" because they have been moved from a long-term care facility into an assisted-living facility. That is how it is relevant. How many people would be impacted by this bill and in what ways? That's the least one would expect the minister to be able to answer. They're fairly basic, fundamental questions — the ramifications of this bill, the application of it and who would be impacted and how.

Hon. K. Whittred: I repeat once again that this bill is not about eligibility for care. It is about providing a legal framework for a variety of individuals who would live in a community care facility, and it is about ensuring that their health and safety is protected. I repeat, Mr. Chair: it is not an eligibility bill. It is not a funding bill.

J. Kwan: Nobody is asking the minister what the eligibility criteria would be. Nobody is asking the minister that. I am simply asking the question: how many people would no longer have this definition? I'm not even asking the minister how much money is being saved by the government. I'm not asking those questions at all. She might be conscious of that, because that's what the impacts are. What I'm asking is very clear and is completely relevant to this act and to this section of the act.

When we debate legislation, one expects to know how the piece of legislation is going to impact the public, who it is going to impact, how many people it is going to impact and in what ways. That's usually what happens in the House when we debate these bills and when we ask these questions. What are those ramifications? Is it good? Is it bad? Who does it apply to? If so, who is being impacted?

Those are the questions I'm asking the minister. I'm not asking about the eligibility criteria at all. I just want to know how many people would no longer have that qualification, the definition of person in care as it applies under this act, taken away from them because they have lost their home.

Hon. K. Whittred: Some of the things we do know are that we have a growing and expanding seniors population. We know we have more population in children and families. We know we have an increasing population that will fall within the framework of per-

sons in care. We estimate that over the next several years, we are going to need a number of new spaces in the system to care for those people. We believe we will need more residential care beds, and we believe that we will need more assisted-living beds.

I would estimate that we are going to need many more beds, and that is in fact why we have put a plan in place to address that, but that is not the purpose of this bill. The purpose of this bill is to address the regulatory framework ensuring that the people in care — whether they be the elderly, children or handicapped young people — have a healthy and secure environment in which to live.

J. Kwan: All this stuff the minister said is not for the questions I'm asking, so she can rightly get up and say that these things are not relevant. Well, that's because she's not answering the questions. If she answered the questions, then they would become relevant for the debate. It's that simple. It doesn't get any more complicated than that. A question is asked, and an answer should be provided. That's all. That's all I'm asking. Then we can move on.

[1620]

What is the estimate from the minister of how many people out of the 25,000 people...? Out of the 25,000 beds that exist in a long-term care facility, how many of those either have lost the access to a bed or are in the process of losing their access to those beds?

The Chair: Member, it would appear, once again, you've asked this question several times. You may not like the answer the minister is giving, but that is the answer she is supplying, so I would suggest moving on to a new question.

J. Kwan: Well, the trouble is this. It's not that I don't like the answer. The issue is that the minister did not answer the question. You actually start to think this is question period, because usually that's what happens. When one asks a question, there's no answer forthcoming. This is not question period; this is debate of legislation. Debate of legislation is for the opposition, for members of this House, for British Columbians to find out about a particular bill that is being debated. What it means....

The Chair: Will you please sit down. I think we're quite aware of what happens at committee stage. The fact of the matter is, member, that you're being tedious and repetitious. You've got an answer. Move along to a new question.

J. Kwan: Apparently the minister is not aware of what the process is, because questions have been asked, and there have been no answers given. I apologize if I'm being tedious. If that's what I'm doing, I apologize. I apologize for being tedious in trying to find out what the impact of this bill is for British Columbians, but it's my job to do exactly that — to find that out. No answer has been forthcoming.

Let me ask the minister this question. Maybe she'll know. If she doesn't, she should find out the answer for this House and for members of this House. It's not good enough — when we're debating a bill and questions are asked and answers are not given. It's simply not acceptable in this House. Let me ask the minister this question. The minister says: "Don't worry. We've evicted nobody. We've not displaced any person in our community who lives in long-term intermediate care facilities." That is simply a lie.

Can the minister then tell me, first of all, the breakdown of beds that exists within each community? Out of the 25,000 beds that exist, how many in what community and the number count that now exists, so that I can have a better understanding of those 25,000 — the definition of persons in care, how many would be applicable in what community?

Point of Order

Hon. K. Whittred: Mr. Chair, I believe I heard the member say I was not truthful to the House. I take exception to that.

The Chair: Member, the minister has complained that you have misled the House in a statement you made. Not misled — rather, you basically accused her of not telling the truth. I would like to have you withdraw that statement.

[1625]

J. Kwan: Well, the information the minister provided — on the point of order, Mr. Chair — does not match the reality. When she says the government has not displaced anybody or is not in the process of displacing anybody, it's simply untrue. I actually just highlighted a case, Frances O'Conner, who has been displaced and is in the process of being displaced by the government. How do you explain that? Did I just make that up, Mr. Chair? That is simply the truth. It is the truth as it is being presented.

The Chair: Member, please be seated.
On a point of order, Minister of Forests.

Hon. M. de Jong: I appreciate the passion the member brings to the debate, but as an experienced member of the House, she has been asked by the Chair to withdraw the remark, and I think the member understands her obligations in that situation.

The Chair: Member for Vancouver-Mount Pleasant, for the information of the Chair, please, did you accuse the minister of lying?

J. Kwan: We can check the *Hansard Blues*, Mr. Chair. What I said to the minister was that the information she provided is incorrect.

The Chair: Yes or no? Member, I asked you a question. Yes or no?

J. Kwan: My answer is: the minister's answer is incorrect and is not the truthful information.

The Chair: Please be seated. I asked a simple question of whether or not you accused the minister of lying. Yes or no?

J. Kwan: Well, what I asked the minister....

The Chair: Member, will you please be seated. I asked you a very simple question. Yes or no — did you accuse the minister of lying?

J. Kwan: I have asked the minister very simple questions, and I have not been able to get the answer. Let me tell you my answer to your question, Mr. Chair. What I asked the minister was very clear. I asked....

The Chair: Member, I asked you a very simple question. Please be seated. I asked you a very simple question. The minister has complained to the Chair that you have accused her of lying. Did you or did you not accuse the minister of lying — yes or no?

J. Kwan: My answer is this, Mr. Chair. What I asked the minister....

The Chair: Yes or no?

J. Kwan: Mr. Chair, I'm entitled to answer a question in the way I wish to — am I not?

The Chair: Member, I've asked you a very simple question. Yes or no — did you accuse the minister of lying? She has addressed the Chair that you have accused her of lying. I'm asking you now: did you accuse the minister of lying — yes or no?

J. Kwan: What I have said, Mr. Chair, is that the minister has provided information that does not match reality, and I've said that.

The Chair: Member, that's not the question I asked. Please be seated. You're obviously.... I don't know how much more clear I can be, but I've asked you a very simple question. I've had a complaint from a member of this House that you've accused her of lying. I'm asking a very simple question. Yes or no — did you accuse the minister of lying? If so, withdraw it.

J. Kwan: No, I didn't.

The Chair: Thank you very much.

Debate Continued

J. Kwan: My question to the minister once again....

The Chair: Member, you've answered the question. You've said no, you haven't, so please proceed. We are

on section 1 of Bill 73 in committee stage. Please proceed.

J. Kwan: I asked then.... Thank you, Mr. Chair. I ask the question to the minister once again. If she says she has not displaced anyone or is not in the process of displacing anyone from long-term care facility beds, how does she explain Frances O'Conner's situation? I asked a simple question of the minister too, and I, too, expect an answer — through you, Mr. Chair, to the minister.

The Chair: Shall section 1 pass?
Member for Vancouver–Mount Pleasant.

J. Kwan: Well, gee, how the rules work in this House. No answers forthcoming from the minister, but let me ask the minister this question on section 1. Oh yes, the House Leader has come in. He's settled the rules in this House. The minister doesn't have to answer the questions. The minister doesn't have to answer the question. Under this new era of the Liberals, the ministers do not have to answer questions in the House. There's another standard that is being set. Unbelievable, absolutely unbelievable.

An Hon. Member: Do you have a question?

J. Kwan: Yes, I do, actually. Frances O'Conner — is she a real person who lives in Kelowna, or is she just a figment of my imagination, or does she not exist?

The Chair: Member, would you please be seated. Would you please be seated.

Once again, we're not going to relive question period. You've asked this question several times. I would ask you to move along. Ask another question.

J. Kwan: Well, why Frances O'Conner is relevant is this.... Frances O'Conner....

[1630]

The Chair: Member, I asked you directly.... Please be seated. Please be seated. I asked you directly to move on to another question. You have asked that question several times. Move on to another question.

J. Kwan: Does the definition of person in care apply to Frances O'Conner?

The Chair: Shall section 1 pass? Member for Vancouver–Mount Pleasant.

J. Kwan: This is unbelievable. This is absolutely unbelievable. You ask a question of the minister; no answer is forthcoming. The Minister of Finance, the House Leader, says you don't have to answer the question. We have a situation....

Interjection.

J. Kwan: I was asking broad questions, and the minister couldn't answer those either. Maybe I should

ask the Minister of Finance these questions. Maybe he can give the answers. Maybe he can answer for all the ministers in this House. Obviously, perhaps that's the approach.

To suggest that questions about how many people would be impacted by this bill, how many people would lose the definition of a person in care, are somehow not relevant when we're discussing the exact bill on the people who would be impacted — this supposed health and safety protection that is supposed to apply to them; that we no longer know how many people who once had that protection no longer have that protection applied to them.... We no longer know? Or the minister is refusing to answer those questions.

But do you know what, Mr. Chair? I don't think this government cares. I don't think they care. They just pay lip service, as though somehow they care. When it comes right down to it to get the facts before us as we're debating this bill, it is relevant to the definitions of the act. We're not getting any of that information forthcoming. So much for an open, transparent new era under the Liberals. Ask questions all you want; no answers will be forthcoming. That is the reality of it.

Interjection.

J. Kwan: Yes, the question is in order. Are you in the chair? Who is in the chair? I'm actually kind of confused. Is it the Minister of Finance? Probably, because he actually directs traffic in this House and decides who gets to answer what question and whether or not they should answer questions.

The Chair: On the section, please.

J. Kwan: On the section, section 1. Who will be drafting the regulations that further define these terms?

Hon. K. Whittred: Mr. Chair, I did not hear the question. I wonder if the member could repeat it.

The Chair: Member for Vancouver–Mount Pleasant, repeat the question, please.

J. Kwan: I'll do it very slowly for the minister. Who will be drafting the regulations that further define these terms?

The Chair: Member, that is not appropriate. Member, please be seated. That is not appropriate to mock the minister. Member for Vancouver–Mount Pleasant, please repeat the question.

J. Kwan: Thank you, Mr. Chair. I'm not mocking anyone. I'm repeating the question slowly for the minister so she will be able to hear the question. Let me repeat the question one more time: who will be drafting the regulations that further define the terms?

Hon. K. Whittred: The government, Mr. Chair.

J. Kwan: Would that be the Minister of Finance?

J. Les: I have some questions on section 1 of the act. In my riding and around the province, there are a number of facilities that we refer to as supportive-living accommodation. These facilities have been very successful and have very capably...

Interjections.

The Chair: Members, please.

J. Les: ...cared for people in their senior years. I've had several calls in the last several weeks from the owners of these supportive-living facilities.

Interjections.

J. Les: Mr. Chair, I wonder if you could bring the member for Vancouver-Mount Pleasant to order so that we can have some orderly debate in this House.

The Chair: Member, let's have some quiet in here and have just one person speaking, please.

J. Les: The owners of these supportive-living facilities are somewhat concerned that this act might apply to them, so I would ask the minister several questions. The first one would be: what exactly is meant by the definition of prescribed services? I realize that is still subject to the writing of regulation, but could the minister give us some indication today of what is meant by prescribed services?

[1635]

Hon. K. Whittred: Yes, and I thank the member for his question. Prescribed services are the means that are being used to define what an assisted-living residence is. These prescribed services are as follows, and they will be prescribed in regulation: (1) regular assistance with the activities of daily living such as eating, mobility, dressing, grooming, bathing or other personal hygiene; (2) administering and monitoring the taking of medication; (3) central storing or distribution of medications; (4) maintenance or management of residents' cash resources or property; (5) monitoring of food intake or therapeutic diets; (6) structured behaviour management and intervention; and (7) psychosocial rehabilitative therapy or intensive physical rehabilitation therapy.

I would like to add to that, because I know the issue the member is addressing, and that is whether or not retirement residences that offer meals, housekeeping and alert systems would qualify as assisted living. The answer to that is no. Within the definition of this act, they would have to go beyond that, and they would have to offer housing. An assisted-living residence specifically must address housing, the hospitality — which is the meals, the housekeeping and activities — and one or two of the prescribed services that I have mentioned.

J. Les: So for clarification, those facilities that supply simply housing, hospitality and housekeeping,

along with 24-hour monitoring.... Those types of facilities will not be required to be licensed or registered. Is that correct?

Hon. K. Whittred: That is correct. A facility which offers housing and hospitality services, which would normally include meals, housekeeping and perhaps a safety alert system, would not be assisted living and would not be subject to this act.

J. Les: I have a further question on section 1(b), which refers to the designation by the Lieutenant-Governor-in-Council of an assisted-living residence. Can the minister help me and explain to me under what circumstances there would be such a definition by the Lieutenant-Governor-in-Council? Would that be a random designation? Under what circumstances, or what are the parameters under which such a designation would apply?

Hon. K. Whittred: That particular clause is part of the act to give a bit of flexibility around the act. This is new legislation, and we are dealing in a new area of assisted living. It means if there are areas that might be in a grey zone or might become an issue that is raised in a community, there is a means to address the issue. It is there, really, with the expectation that it probably would not be used or would rarely be used, but it is there if needed.

[1640]

J. Les: I have one further question, and that relates to the definition of employee. The way the act is written, it includes a volunteer. That may or may not be interesting. I wonder if the minister could elaborate as to why a volunteer has been classified as an employee for the purposes of this act.

Hon. K. Whittred: The reason that is included really refers to section 18. If the member would like to have a look at section 18 of the act.... Section 18 of the act is the one that ensures undue influence will not be used by any employee to unduly influence one of the residents in terms of financial inducements, and the category of volunteer is included to ensure that all possibilities have been included in that clause for the protection of persons in care.

J. Les: Just a follow-up question then, if I might. The designation of a volunteer as an employee does not then obligate owners of these facilities to provide any type of employee benefits or anything along those lines?

Hon. K. Whittred: No, it does not.

The Chair: Member for Vancouver-Mount Pleasant on section 1.

J. Kwan: On section 1. Who will be consulted with respect to the drafting of the regulations?

The Chair: Member, how does this relate to section 1?

J. Kwan: Drafting of the regulations relative to the terms that are described under section 1.

The Chair: Okay.

Hon. K. Whittred: As I've already indicated to the member opposite, there has already been extensive consultation with the community. There was extensive consultation with people who work in the field. There was extensive consultation with stakeholders in this area. We received many, many responses through community meetings, our website and written responses. It may be of interest to the member that the greatest number of responses really were around the child care regulations, not around the adult care regulations.

J. Kwan: The question to the minister is this: who will be consulted for the drafting of the regulations? Maybe the minister's already consulted people on the regulations. Maybe she already has the regulations all laid out. If she does, why doesn't she bring them before this House for debate?

Hon. K. Whittred: The consultation process that has taken place will continue. The same people will continue to be consulted as the regulations are drafted.
[1645]

J. Kwan: The minister's just committed that she will be consulting the same people for the development of the regulations. Will the draft regulations be released prior to their getting final approval?

Hon. K. Whittred: The existing regulations, those regulations that are there under the existing Community Care Facility Act, continue to be in place. These are, as we speak, undergoing review. They will continue to be reviewed, and stakeholders will continue to be consulted.

J. Kwan: Will the draft regulations be released, prior to final approval, to the public for input, suggestions, consultation?

Hon. K. Whittred: Mr. Chair, I wonder if we could refocus on section 1, the definitions.

J. Kwan: I was asking the minister the questions about draft regulations as they pertain to the definitions of the terms under section 1, definitions. The minister says she'll commit to consultation, and those people will see it with respect to the regulations, so I'm asking the minister: will she commit to releasing the information to the public prior to final approval? That's the focus. That's how it relates to section 1 — pertaining to the terms and the definitions listed under section 1.

Point of Order (continued)

Hon. M. de Jong: On a point of order, hon. Chair. I alluded to this earlier in a point of order.

These debates in this House work because they are guided by a set of time-honoured rules — and yes, there is passion. Earlier in this debate there was a lengthy exchange between the Chair and the member for Vancouver–Mount Pleasant around a very serious allegation, an allegation that a minister of the Crown had lied.

These debates don't work at all if there is any lingering doubt in the mind that all hon. members are telling the truth and therefore conducting themselves honourably. The member was provided with a number of opportunities to confirm that fact and, in the time-honoured tradition of this place, to withdraw those unparliamentary remarks. Now, I have the *Hansard*, and I'll quote from it. This is the member for Vancouver–Mount Pleasant: "The minister says: 'Don't worry. We've evicted nobody. We've not displaced any person in our community who lives in long-term intermediate care facilities.' That is simply a lie."

I can think of no more direct accusation of dishonesty than that. That's troubling enough for me, because it goes to the heart of what guides us in this place. But the Chair then provided that member, in response to a point of order, with four or five separate opportunities to acknowledge the remark and to withdraw it. I'm not certain whether the member, in denying that she had made the remark, intended to mislead the House or has done so inadvertently, but I think the course that this member must now travel is clear. I hope, through you, hon. Chair, that she will acknowledge the very serious error in her ways and take the appropriate action.

The Chair: Thank you, minister.

Member, the comment that was made is obviously unparliamentary and is not accepted within this House as a parliamentary statement. I would ask you very simply to just withdraw the comment, and then we can move on in the debate.

J. Kwan: Thank you, Mr. Chair. If I offended anybody in this House, I withdraw. If I've offended anybody in this House, I withdraw, but the reality is this.

The Chair: Unconditionally, member. Please withdraw the comment, and let's move on with the debate.
[1650]

J. Kwan: On the point of order the Minister of Forests raised, the question and issue that has been brought before this House on a simple question....

Hon. G. Collins: Did you call someone a liar or not? If you did, withdraw. That's the point of order.

J. Kwan: I answered that question already, but I wish to raise...

The Chair: Member, order, please.

J. Kwan: ...another point of order.

The Chair: Order, please. Please be seated. I have asked very simply, member. This comment that was made is not parliamentary language. I'm asking you very, very simply, so we can move on with this debate, to withdraw the comment unconditionally. It is not debatable. Nor will we get back to debating what you said, or whatever. The fact is you made a comment that was not parliamentary. Please withdraw it, and we will move on.

J. Kwan: Thank you, Mr. Chair. As I said, if I offended anybody, I withdraw those comments.

The Chair: Unconditionally, member.

J. Kwan: I withdraw those comments, Mr. Chair. But on a point of order....

The Chair: Thank you very much.

J. Kwan: I'd like to raise a point of order myself, if I may, Mr. Chair.

Would you please advise, then. When I asked the question of the minister, where Frances O'Conner is being displaced from a long-term care facility, and the minister advises that nobody is being displaced, is that misleading the House?

The Chair: Member, that is not a point of order. This is part of the debate; it's not a point of order. Member, I would suggest possibly you have withdrawn the comment. Let's deal with the bill, Bill 73, section 1. We're in committee stage. Let's move along. You obviously have a number of questions you would like to ask, and I suggest we move along.

Debate Continued

J. Kwan: I want to ask the minister this question, then, getting back to the issue. Frances O'Conner has received notice that she must leave. When the minister says she is not being displaced from her long-term care facility.... Could the minister please explain how, when Frances O'Conner is actually being displaced, it matches with her words when she says she's not being displaced?

Hon. K. Whittred: I cannot address individual issues within the confines of this bill, and I ask, once again, that we return to the issues around part 1, which is definitions.

The Chair: Point well taken. Member, move on to a new line of questioning, please.

J. Kwan: Frances O'Conner, who is actually a person in care....

The Chair: Member, I asked you to please move along to another question.

J. Kwan: We're talking about the definitions section — "person in care," a person who resides in or attends a community care facility for the purpose of receiving care.

The Chair: Member, I believe we have already spoken to that particular question numerous times. I cautioned you that you were being repetitious on that particular question. I would ask you to move along to another question.

J. Kwan: Well, thank you, Mr. Chair, for that guidance, but the issue has just been raised by the Minister of Forests himself — to talk about discrepancy in words. I am raising the question in relation to the definition of "person in care." The reality is that what the minister has said doesn't match what's happening. A person in care would be a person like Frances O'Conner, as it applies under Bill 73. That is no longer applicable to her. That is the reality we're dealing with. Yet the minister has just advised me that is simply not the case. Who's wrong? Am I wrong, or is the minister wrong?

I suspect we're not going to get an answer from the minister, because this government will not own up to what they have done to the community and take responsibility. That's all I'm asking: for the minister to take responsibility under this bill, under this section of the act, under the definition of "person in care" — to take on that responsibility to say who is applicable, who is not applicable, who it applies to, how it has impacted people. That's the whole purpose of the debate. Obviously, we're not going to get any of the answers from this minister or from this government, I anticipate. That is the reality.

[1655]

Then let me get back to the question around regulations. The minister did not answer the question on whether or not draft regulations would be released for further consultation and input from stakeholders relative to this section of the act, "Definitions," section 1. Will the minister commit to releasing the regulations prior to it coming into force? If the Minister of Finance wishes to answer the question or tells the Minister for Long Term Care how to answer, well, I suppose that happens, too, in this House, and that is exactly what is happening.

Hon. K. Whittred: There is broad consultation going on as this bill is being reviewed. I would remind the member that this bill replaces an existing one. The current regulations are still in place, and they are being reviewed. There is ongoing consultation as those regulations are reviewed. There is no plan at this time to release a set of regulations at some point in time. This is an ongoing process.

J. Kwan: It would have been so much simpler for the minister to say, "No, we will not be releasing the draft regulations for input," and that's what she's fi-

nally come out to say. This process of debate in committee stage on Bill 73 would go a lot faster if the minister would just get up and answer the questions. That's all I ask, Mr. Chair. It's not that complicated. It really isn't all that complicated.

Hon. G. Collins: Quit whining and ask a question.

J. Kwan: Asking questions, according to the Minister of Finance, is somehow whining. Good God, how dare anybody ask this government any questions at all?
Sibling group....

Hon. G. Collins: There we go. Now we have a question.

J. Kwan: If the minister, Mr. Chair, wishes to take the questions and replace the Minister for Long Term Care, he could do that. He could do that.

Interjections.

The Chair: Order, members. Let's have one conversation going here.

J. Kwan: Yes, thank you, Mr. Chair.

Members of this House.... Well, actually, I know there's one minister who wants to be all ministers, and that's clear: the Minister of Finance.

On the question around sibling group....

Interjection.

J. Kwan: It's tough, isn't it? It must be tough, Mr. Chair. It must be tough for the Minister of Finance.

Hon. G. Collins: Back to whining again. You almost asked a question. You almost got there. Keep going.

The Chair: Member, you have the floor. Proceed with your question.

J. Kwan: Thank you, Mr. Chair. I was confused for a minute. I thought the Minister of Finance was trying to take the floor, but you know, good God, if anybody should put tough questions....

Interjections.

J. Kwan: If anybody should ask tough questions of this government, God forbid, then that's deemed to be whining, deemed to be people who are ignorant, deemed to be people who are just special interest groups.

Hon. G. Collins: Ask the question. We're waiting for it.

J. Kwan: Tell that to the 5,000 people who suffered under the Minister of Human Resources, who were subjected to a review for the disability qualification.

God forbid for those people, because then they must just be whining, including those who have committed suicide or attempted suicide. That's the attitude of this government. Unbelievable, absolutely unbelievable. Must make you proud.

The Chair: Member...

J. Kwan: Question on sibling group.

The Chair: ...let's proceed. Proceed, please — committee stage, section 1.

J. Kwan: Thank you, Mr. Chair. I appreciate your guidance, as always, in this House.

On section 1, "sibling group," the definition with respect to sibling group. In this definition it states that sibling group is a group of three or more children who reside in the same household and are in the care of a person who is, with respect to each child, the child's parent, custodian, guardian or the spouse of such a person, or a group who is recognized by the director of licensing to be a sibling group.

[1700]

Could the minister please advise whether or not there's any age application to this group of siblings? Is there an age limitation — 17, 18, 19, 20, 12, five, seven?

Interjections.

The Chair: Order. Minister....
Listen to the answer.

Interjections.

The Chair: Order. Order, please. Order.

Interjections.

The Chair: Order. Sit. Member. Would all members come to order, please. Let's confine our comments to the debate of this bill. Minister.

Hon. K. Whittred: In fact, Mr. Chair, if the member looked at the definition, she would see that "child" means a person under the age of 13 years.

J. Kwan: So for those who fall outside of that age group, would they not be defined as a child? At 15, would they not be defined as a child, then, under this age group? Are they defined, then, as an adult?

Hon. K. Whittred: The group between the ages of 13 and 19 is defined in the act as youth.

J. Kwan: Are there any exceptions in terms of the age application?

You know, the members might think this is kind of cute in this House, and they can make all kinds of sly comments about it.

The Chair: Let's just ask the questions.

J. Kwan: Well, here's the question.

The Chair: Confine your comments to the questions of this bill.

J. Kwan: Here's the question: is there any flexibility with respect to the age?

The Chair: Thank you.

J. Kwan: It's a very legitimate question, Mr. Chair.

The Chair: Yes, it is, and let's allow....

J. Kwan: And people are trying to make fun of these questions as though somehow they're not relevant.

Hon. K. Whittred: The definition of sibling group, Mr. Chair, is precisely the same as it was in the old act. We have added to this act the definition of youth, and that has been put in there so that the act may more properly respond to the needs of youth as opposed to the needs of young children.

J. Kwan: The question to the minister is: would there be flexibility in the definition as it relates to the ages of those who fall in the gap, perhaps?

Hon. K. Whittred: The member may be interested to know that sibling group is a definition that applies to child care situations, and youth is a definition that would apply to group home definitions primarily.

In terms of flexibility, there is at this time not intended to be flexibility around these definitions. If the situation arises where this is an issue, it's certainly something that we can address at a later date.

J. Kwan: What does the minister mean when she says she'll address it at a later date?

[1705]

Hon. K. Whittred: The purpose of creating legislation is not to address situations that we're not aware of. We're not aware of any situation that would not be met by these two definitions — one of "sibling group," which addresses children in a child care setting, and the other, "youth," which is in a youth setting of some sort.

J. Kwan: Well, under this definition, it says a child is somebody who is under the age of 13. What if you're 13? Are you a child, or are you a youth?

Hon. K. Whittred: The definition of "child" means a person under the age of 13, so a 13-year-old would not be defined as a child.

J. Kwan: If you have a situation, then, where you have a sibling group from the same family.... Let's say there are two under the age of 13 and then another one over the age of 13. They're in two different categories. How will they be placed? Will they be in the same facility?

Hon. K. Whittred: This definition is there to accommodate family child care settings. As I've said before, this bill is not about eligibility; it is about putting in place the regulatory framework to ensure that those children are safe. This definition is there to define what a sibling group is within a household that might be offering family day care.

J. Kwan: Well, that is the question. Sometimes in family day care a group of siblings come together. There could be a range of ages — seven, ten, 15, 14 or 13, for that matter. The family may well want them to go into the same place so they don't have to go into different places. I understand the purposes of the act and who it provides for, but would the family then be able to access the one care centre? There's an age definition that might preclude them from being able to do that.

[1710]

Hon. K. Whittred: This definition does not preclude that. That would be entirely appropriate within this act.

J. Kwan: The age doesn't matter. It's just for the purposes of defining or categorizing a person, but its application in real terms — as it applies in the community, in facilities, in centres and so on — would not make one iota of difference. In other words, sibling groups would not be split up as a result of the age determination.

Hon. K. Whittred: No, there would be no splitting up of family groups.

Section 1 approved.

The Chair: I'm going to call a five-minute recess.

The committee recessed from 5:10 p.m. to 5:18 p.m.

[J. Weisbeck in the chair.]

Section 2 approved.

On section 3.

J. Kwan: This section deals with the director of licensing. The rationale, as I understand it from the government, is that the new act has a broader designation authority. Any public servant, as opposed to someone in the ministry, would fall under the director of licensing.

The director now actually has a broader delegation of authority. Anyone with suitable qualifications, rather than the person in the ministry.... How I read that is that this permits greater flexibility to choose an appropriate person for the duties. Could the minister please advise who she envisions will be the director of licensing?

Hon. K. Whittred: We have a director of licensing, and that position will continue.

J. Kwan: That person reports to whom in the ministry?

Hon. K. Whittred: The director of licensing reports to the director general of health and wellness.

J. Kwan: Who in turn reports to the minister — the deputy or...?

Hon. K. Whittred: The deputy minister.

[1720]

J. Kwan: This section of the act allows for the director to delegate authority to anyone with suitable qualifications. Will there be parameters that are set out in terms of what those suitable qualifications might be?

Hon. K. Whittred: The director of licensing has powers to delegate, and the expectation is that the powers of delegation would continue much as they are now to the medical health officers in the health authorities.

J. Kwan: Is that the only person to whom the responsibilities could be delegated to — the medical health officer? Is that what the minister is saying?

Hon. K. Whittred: The director of licensing has the broad power to delegate others beyond the medical health officer. That would only be done on a case-by-case basis, as necessary by some unique circumstances.

J. Kwan: What will be the parameters for suitable qualifications?

Hon. K. Whittred: That question would depend very much on the circumstances of the particular issue that is being investigated. The person would be qualified according to the unique requirements of whatever the particular case involved is.

[1725]

J. Kwan: Then that applies only on investigation issues into a particular case? Or is it just broader than that in terms of whatever the responsibility the director of licensing has? If the director feels that work should be delegated to somebody else, then the director of licensing would have the authority to do so.

Hon. K. Whittred: Yes, if the member would look to the "Powers of director of licensing," I think her question might be clarified.

For example, if you look at (b), "inspect or make an order for the inspection of any books, records or premises in connection with the operation of a community care facility," that is an example of where the director of licensing might want to delegate someone with some very specific qualifications in terms of doing a very specific kind of task for a particular issue that will have arisen.

Beyond that, it is the medical health officer that is delegated to carry out the day-to-day responsibilities that are incumbent in this section.

J. Kwan: I actually have a few more questions pertaining to this section, but I do understand that the L-G is actually in the precinct and ready to be in the House at 5:30.

I would move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 5:27 p.m.

The House resumed; Mr. Speaker in the chair.

Committee of the Whole (Section B), having reported progress, was granted leave to sit again.

Mr. Speaker: Hon. members, I've been informed that the Lieutenant-Governor is in the precinct, and she'll be here momentarily. I would ask members to please remain in their seats.

[1730]

Royal Assent to Bills

Her Honour the Lieutenant-Governor entered the chamber and took her place in the chair.

Clerk Assistant:

Vital Statistics Amendment Act, 2002

Open Learning Agency Repeal Act

Lobbyists Registration Amendment Act, 2002

Forest and Range Practices Act

College of Applied Biology Act

Acting Police Complaint Commissioner Continuation Act

Hansler Ozone Canada Inc. (Corporate Restoration) Act, 2002

Gold Standard Resources Ltd. (Corporate Restoration) Act, 2002

Law Clerk: In Her Majesty's name, Her Honour the Lieutenant-Governor doth assent to these acts.

Hon. I. Campagnolo (Lieutenant-Governor): You may think us a trifle overdressed today. I should explain to you that we are in the process of awarding 53 valour and meritorious service award medals to the municipal police of British Columbia and to the RCMP, who have done outstanding work...in the name of the Queen.

Her Honour the Lieutenant-Governor retired from the chamber.

[Mr. Speaker in the chair.]

Hon. G. Collins moved adjournment of the House.

Motion approved.

The House adjourned at 5:35 p.m.