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(Entered Confederation July 20, 1871)

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**5TH SESSION, 37TH PARLIAMENT**

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Morning Sitting

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THURSDAY, OCTOBER 21, 2004

The House met at 10:04 a.m.

Prayers.

### Orders of the Day

**Hon. G. Collins:** I call second reading of the Social Service Tax Amendment Act (No. 2), 2004.

### Second Reading of Bills

#### SOCIAL SERVICE TAX AMENDMENT ACT (No. 2), 2004

**Hon. G. Collins:** I move that Bill 76, Social Service Tax Amendment Act (No. 2), 2004, be now read a second time.

[1005]

Government took a very difficult decision in Budget 2002 to raise the provincial tax rate to 7.5 per cent from 7 per cent. The decision was necessary to ensure that our priorities of restoring sound fiscal management, revitalizing the economy and putting patients and students first would not be jeopardized by the need to provide almost \$400 million in additional compensation to retain doctors in the province as a result of an arbitration that landed on our desk shortly before the budget was to be introduced.

Raising taxes was the last thing the government wanted or intended to do. It was, however, the best option available to us at that time. We took the decision to raise the sales tax rate. When we did that, I said that we would look at reducing it as one of our top priorities when the structural changes we were making as a government began to pay dividends, as our fiscal house came back into order, as our economy grew and as our budget moved back into surplus.

As British Columbians all know, the hard work that they've been doing over the last number of years has paid off. We are now projecting a substantial surplus for 2004-05 and into the future. As a result, I am extremely pleased to be able to reduce the sales tax rate back to 7 per cent, effective midnight last night.

Mr. Speaker, many of the decisions we've had to make over the last three years have been difficult. I'd like to thank all British Columbians for their patience as we followed and prepared a foundation for a strong and growing economy. That foundation is now in place. Our plan to balance the budget and revitalize the economy is working. B.C.'s economic growth continues to be robust, reflecting solid employment gains, near-record activity in the forest sector, higher energy and mineral prices and higher activity in those sectors as well, sustained housing market activity and very strong retail sales.

All other provinces, with the exception of Alberta, have a provincial sales tax, and none of them have rates that are lower than what we see here in British Columbia. Moreover, British Columbia continues to

provide many more consumer exemptions than any of the other sales taxes that exist in other provinces.

The tax cut will put about \$270 million back into the pockets of British Columbians each and every year. By doing it today, partway through the fiscal year, we're able to add \$130 million back into the pockets of British Columbians, starting last night. This will further enhance business competitiveness across the province. When the sales tax rate was increased in 2002, the refundable B.C. sales tax credit, which is a provision that's provided to lower-income individuals and families, was raised from \$50 to \$75. We're going to leave that in place at the \$75 amount. That puts about \$20 million back into the pockets of low-income families each and every year, and we're going to leave that in place, despite the lower 7 per cent PST as opposed to the 7.5 per cent.

I am pleased to move second reading of Bill 76.

**J. Nuraney:** I rise in support of this bill — not just rise, but I am ecstatic about it. As you know, when we assumed government some three and a half years ago, we had inherited a nightmarish account of what was happening in terms of the finances of our province. Not only were there deficits, but in view of the creative accounting the previous government had made, we were not really sure as to what the position of this government was, as we assumed office, in terms of its finances.

We have seen in the last three years the work of our Minister of Finance, which is absolutely commendable, in not only tightening the belt but making sure that the fiscal responsibilities and management were very astutely done. I think this is something that we have not only been very happy to achieve but have had compliments on right across the nation. We have finally managed to not only balance the budget but show a surplus.

The second challenge, of course, was how we spend our surpluses. There are three things that have happened in this bill that I wish to highlight. One is the fact that we are so fiscally responsible that we are able now to not only balance the budget but show a surplus and now have the good choices of how we need to assign this surplus. The benefits that arise out of the good management and out of the tightening of the belts by all British Columbians and the sacrifices they made in the last three years I say must now go to the benefit of all British Columbians. What this bill also indicates to me is that this government is listening to the needs of our province.

[1010]

The third thing which I think is very important to me is a sense of integrity. The Minister of Finance, when he did have to raise the tax, mentioned that as and when the time will permit and as and when we have our financial house in order and as and when we will be able to afford it, we will return this money back to the citizens of British Columbia. That happened last night. That is happening through this bill.

This reinstates the sense of integrity. This reinstates the fact that we are here with a very serious purpose in

mind. I also think that this dispels the cynicism among people that politicians do not keep their promises. This is another one of the many promises that this government made and is fulfilling today.

I would also, in conclusion, like to applaud the Minister of Finance for his excellent work in this regard. I'm very proud to support this bill.

**Mr. Speaker:** The Minister of Finance closes debate.

**Hon. G. Collins:** While I thank the member opposite for his comments and his encouragement, as I said yesterday, it's really the people of British Columbia over the last three years who've been very patient as we've struggled on their behalf, making very challenging decisions at times to turn British Columbia's fiscal house around, to get our economy on a new trajectory where we see continued growth and, really, an incredibly prosperous future for the province of B.C. As I said yesterday, I wanted to thank British Columbians for paying that extra half a percentage point for the last two and a half years.

It wasn't something that we wanted to impose on them. It wasn't something, I'm sure, that they wanted to have to pay, but I wanted to thank them for doing that over the last three and a half years and thank them for their patience over the last two and a half or three years as we've turned this province around, making challenging choices to the point where we are seeing pretty incredible economic growth here in British Columbia — very broad based. We're now also seeing — which I think is almost miraculous — that the rest of the country is noticing as well. Even the Toronto media are making note of the fact that British Columbia really is the place to be.

There was another story in the newspaper today about British Columbia being the place of choice for Canadians. The influx of other Canadians moving to B.C. because they see this province as the land of opportunity is something that.... For me, if you throw all the other economic measures together, that is the one that really says something to me. It says that British Columbians are choosing to stay here, whereas before, under the NDP, we saw them leaving in the tens of thousands. Not only are British Columbians choosing to stay here, but some of those tens of thousands that left when the NDP were in office are coming back to British Columbia. That's encouraging as well. What's even more significant is that people from right across Canada and, indeed, across the United States and around the world — highly skilled, highly trained, talented individuals — are choosing British Columbia as a place to come to raise their families, participate in the economy, invest, create jobs, create intellectual property, do all the types of things that are really good, healthy signs of a vibrant economy.

British Columbians, I think, have all worked very hard over the last three years to try and make that happen, working together to get that done. It's certainly something that I know British Columbians don't want to lose. There was a lot of hard work over the last

three years by everybody, and it's certainly something they don't want to give up. I'm very happy that we're able to do this very small change — but something that I think the people of British Columbia have earned. We're very pleased to be able to do it and to do it now so that they'll have about \$130 million left in their pockets this year that they wouldn't have if we had waited until the spring to do this legislation.

Again, thanks to my colleague and thank you to members of the House, but more importantly, I think, thanks to British Columbians for their hard work over the last three years.

**Mr. Speaker:** Hon. members, the question before the House is second reading of Bill 76.

Motion approved.

**Hon. G. Collins:** I move that the bill be placed on the orders of the day for consideration by a Committee of the Whole House at the next sitting of the House after today.

Bill 76, Social Service Tax Amendment Act (No. 2), 2004, 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. G. Collins:** I call committee stage debate on Bill 74.

[1015]

#### Committee of the Whole House

##### MISCELLANEOUS STATUTES AMENDMENT ACT (No. 3), 2004

The House in Committee of the Whole (Section B) on Bill 74; J. Weisbeck in the chair.

The committee met at 10:19 a.m.

Sections 1 to 13 inclusive approved.

On section 14.

**J. Kwan:** On section 14 of the bill, it repeals section 95(d)(i) and substitutes the following wording: "a registrant or licensee and is acting in accordance with the conditions of registration or of the licence, or." It refers, of course, to the Gaming Control Act.

My question to the minister.... Well, first of all, could he advise the House: what is the purpose of this change? Let's start from there.

[1020]

**Hon. R. Coleman:** This is basically an unnecessary part of the act. It was actually a drafting error. It was contained in a previous piece of legislation.

What it essentially says is that the Lottery Corporation authorizes people to sell them equipment, but we

already register and license everybody that sells the equipment to begin with. Gaming audit and investigations already licenses these folks, so to say that the Lottery Corporation now has to go through another authorization when we already do it is just redundant.

**J. Kwan:** When the minister says the Lottery Corporation sells equipment, is he talking about selling it to retailers who, for example, have a 6/49 machine in their store? Are we talking about those kinds of sales? What are we talking about, exactly?

**Hon. R. Coleman:** No. These are individuals who would supply equipment to the Lottery Corporation or the odd charity, not actually retailing. If I'm not mistaken — I believe I'm right — we don't sell the 6/49 machines. We own them, and we rent them out. It's the same with all things, like.... All slot machines and tables are actually the property of the Lottery Corporation. Every casino in B.C..... They're not owned by the service providers. These are people who would sell equipment to the corporation, but they need to be licensed through GAIIO, which they already are. For them to reauthorize is just redundant. That's all.

**J. Kwan:** I just want to be 100 percent sure that this section of the act has nothing to do with the expansion of gaming that the government has embarked on. As we know, the government has doubled gaming in British Columbia, by the Solicitor General's own admission. The government has expanded gaming and most recently has expanded gaming into the Internet. I just want to make sure that this section of the act has nothing to do with the expansion of gaming that this government is undertaking.

**Hon. R. Coleman:** The member is correct. This is just an administrative requirement.

Sections 14 to 17 inclusive approved.

On section 18.

**J. Kwan:** Section 18 deals with the Motor Vehicle Act, which is also the Solicitor General's area. In this section, section 18, on page 3 of the bill, it reads: "Section 60(11) of the Motor Vehicle Act, R.S.B.C. 1996, c. 318, is repealed and the following substituted: (11) Subsections (9) and (10) and this subsection are repealed on December 31, 2006, or on an earlier date specified by regulation of the Lieutenant Governor in Council."

Then, if you look over to the explanatory notes, it actually says: "extends the duration of a sunset clause." My question to the minister is: why is this necessary?

**Hon. R. Coleman:** We had put into place, in case there was a disruption of service at ICBC, to be able to let a person's driver's licence automatically be open until the end of the dispute if there was a disruption

and they couldn't renew their driver's licence.... This just extends that sunset clause.

[1025]

**J. Kwan:** Does this extension of that sunset clause have anything to do with the current bill that has been introduced in the House on the drinking-and-driving issue?

**Hon. R. Coleman:** No, it has nothing to do with Bill 66. It's strictly a case of if there was a disruption of service.... There could be, on any given day, 10,000 or 20,000 British Columbians that would need to renew their driver's licences. If they couldn't, then they wouldn't, theoretically, be allowed to drive unless we put this in so that we would be able to have the superintendent have the authority to allow that to be extended until such time as they would be able to get their licence.

**J. Kwan:** Is the minister expecting a strike or some sort of disruption?

**Hon. R. Coleman:** I do not, actually. I mean, there has been no contract in place for some time. My understanding is that the parties are back at the table in mediation. That mediation is going to start shortly, and the results of that, although not binding, may lead to a settlement with regard to the ICBC staff. Obviously, that's about the depth of my knowledge of the negotiations that I would enter into a debate on with regard to ICBC. I think that given the climate and given how we haven't had a disruption, no, but this is something just in case.

Sections 18 to 37 inclusive approved.

On section 38.

**J. Kwan:** I think I have a couple of simple questions on section 38.

I read in the second reading debate by the Attorney General, in his remarks, that he states:

"...amendments to the Community Charter and the Vancouver Charter ensure that interim amendments made by regulation through the Community Charter Transitional Provisions, Consequential Amendments and Other Amendments Act, 2003, will be now enshrined in the Community Charter and the Vancouver Charter."

Then it goes on to say:

"Specifically, this amendment to the Community Charter continues to ensure the tax-exemption eligibility for community care facilities and registered assisted-living residences operating under the new Community Care and Assisted Living Act. This addresses a technical issue arising from the phase-in of the Community Care and Assisted Living Act. Also consequential to this phase-in, Bill 74 amends the Community Charter to remove references to private hospitals."

Then it continues on to say:

"The amendment to the Vancouver Charter, section 2.1, adds a provision to clarify that definitions from the Community Charter and the Local Government Act apply to the application of those acts to the city of Vancouver."

It stops there. Those are the references related to the Vancouver Charter.

I wanted to get some clarity from the government. First of all, the city of Vancouver operates under the Vancouver Charter, and they have not yet been rolled into the Community Charter. Is that right?

**Hon. G. Plant:** That's correct. This amendment clarifies the application of relevant definitions in provincial local government legislation to the city of Vancouver, which has its own legislation. I'm told that the amendment addresses a technical difficulty which arose between the Local Government Act, the Community Charter and the Vancouver Charter in light of a recent court decision. This created the effect that definitions of the Local Government Act and now the Community Charter, which were meant to apply to the city of Vancouver, were held not to apply.

This court decision was not foreseen. We had not actually intended to remove the application of the relevant definitions of those acts to the city of Vancouver. There was an interim regulation passed under Bill 76, and I think that's referred to earlier in this bill that's before us, Bill 74, way back in section 5. It has the extraordinarily terse title of Community Charter Transitional Provisions, Consequential Amendments and Other Amendments Act, 2003. That regulation reinstated the application of these definitions.

[1030]

The intention behind this amendment is to continue the effect of that interim regulation, providing for the application of definitions of the Community Charter and the Local Government Act to the Vancouver Charter. In effect, I think it's fair to say what we're doing here is restoring what was the originally intended state of affairs.

**J. Kwan:** Is the city of Vancouver aware of these amendments, and what is their response to them? Are they okay with it?

**Hon. G. Plant:** They have been consulted. They are aware, and they have no issues with these amendments.

Sections 38 to 41 inclusive approved.

Title approved.

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

Motion approved.

The committee rose at 10:31 a.m.

The House resumed; Mr. Speaker in the chair.

### Report and Third Reading of Bills

Bill 74, Miscellaneous Statutes Amendment Act (No. 3), 2004, reported complete without amendment, read a third time and passed.

### Tabling Documents

**Mr. Speaker:** Hon. members, I have the honour to present the auditor general's 2004-05 report No. 4: *Internal Audit in Health Authorities: A Status Report*.

**Hon. G. Collins:** I call Committee of the Whole for consideration of Bill 66.

### Committee of the Whole House

#### MOTOR VEHICLE AMENDMENT ACT, 2004

The House in Committee of the Whole (Section B) on Bill 66; J. Weisbeck in the chair.

The committee met at 10:35 a.m.

On section 1.

**J. MacPhail:** This section of the Motor Vehicle Amendment Act, 2004.... I just want to say, Mr. Chair, that this bill is about changing the law around drunk driving. Section 1 introduces a new offence of failure to stop a vehicle when being pursued. Can the minister describe the intent of this, please?

**Hon. R. Coleman:** This is a housekeeping thing. The federal government and the Criminal Code put this new offence in for failing to stop for a police officer to be included as an offence under the Criminal Code. We're including it in here so that we have the ability to suspend the driver's licence if the offence takes place.

**J. MacPhail:** Did that come out of the consultation?

**Hon. R. Coleman:** No. This is an amendment to the Motor Vehicle Act. This was something that came to our attention, as is normal with driving offences and the Criminal Code that we have to do from time to time. It's not part of the consultation.

**J. MacPhail:** I reviewed the consultation carefully. There were many things in the consultation that I can't find in the bill. I want to ask about those, if I may. There were several recommendations made during the process of the consultation. Mr. Chair, I think this is the appropriate section to do that.

We understand that Mothers Against Drunk Driving, referred to as MADD.... Mr. Chair, just for the benefit of Hansard and the public, when I say MADD, I am referring to Mothers Against Drunk Driving. I hope that it can be identified that way in *Hansard*, but I'll check later, if I may. Mothers Against Drunk Driving, MADD, had asked the government to bring in a 30-day licence suspension for anyone who blows .05 percent or over on a breathalyser. What was the reasoning behind the government not including that in the legislation?

**Hon. R. Coleman:** The consultation paper wasn't something that said everything was going to happen

that was in the consultation paper to start with. During the consultation this particular aspect of it was not supported by a number of people.

If the member takes note, we also floated out there a discussion with regard to whether there should be a provincial offence of .05. That wasn't supported by MADD, and it wasn't supported by law enforcement, because they were concerned that that would be moving to the decriminalization of impaired driving. Although it was something that was in there for discussion, we didn't actually do it. This is no different.

[1040]

One of the challenges we face as we go through this, as we try and put these things together, is that taking away a driver's licence for 30 days at .05 leads us to some administrative issues, some court issues and some Charter issues. We've tried to stay within what our advice is that we can accomplish as a province. We feel that we have done that, but I know that this was one of the ones that some people liked. Manitoba, I believe, is the only province in the country.... But it's at .08, and it's a 30-day suspension for impaired driving under the Criminal Code. Jurisdictionally, Charter-wise, it was something we felt we couldn't accomplish.

**J. MacPhail:** Just on the consultation, perhaps the minister could just outline quickly.... I've got a lot to debate here on this matter, so I don't plan on prolonging this debate, because it's very important. What happened to the consultation after it concluded via submission? What then happened between that time and the introduction of this bill? Who was consulted? Who participated in the forming of the ideas contained in this legislation?

**Hon. R. Coleman:** Maybe I'll just try and answer the member's question this way. After the consultation — and I'll give you the results of the consultation, if you like — we then had workshops with the stakeholders: up to 20 different groups, including Mothers Against Drunk Driving, the B.C. Association of Chiefs of Police, the BCAA, the B.C. Safety Council, different people involved in the health issues and all that. We outlined the results of the consultation to them and then had a discussion about what could or couldn't be achieved. In total, 201 questionnaires and 39 written submissions were received. As well, 60 participants representing 37 organizations attended stakeholder forums.

Of the strategies presented on the discussion paper, there was strong support for increased public awareness, increased impaired driving education in schools and a renewed enforcement strategy, implementing a user-pay rehabilitation program. There was moderate support for providing promotional material for liquor establishments; enhancing server intervention and enforcement; requiring offenders to purchase and use ignition-interlock devices; creating a provincial offence for impaired driving under the Motor Vehicle Act that could be used in limited circumstances — that was an issue that wasn't supported by the groups I mentioned

earlier, because they were concerned about the decriminalization; and implementing a user-pay interlock system which would be used in place of work-related provisional licences.

There was a lower level of support.... The lowest was reducing the blood alcohol content and requiring a 90-day prohibition — from .08 to .05. There was lower support for establishing a provincial offence and implementation of provisional licences.

**J. MacPhail:** Those stakeholder meetings were with everybody present at the table together? How did the consultations with the stakeholders take place? Just describe them physically, if you would, and tell me when and the frequency of them.

**Hon. R. Coleman:** In the one meeting, the participants were all there. Subsequent to that, I met individually with some of the organizations, including Mothers Against Drunk Driving on a couple of occasions. There were other groups as well. Obviously, the B.C. Association of Chiefs of Police reviewed this at their annual meeting and had a presentation. I believe it was the director of police services or the superintendent who was involved in that. So basically that's the process.

[1045]

We could provide the member, I suppose, with a list of meetings and locations and what have you if she so desires. We don't have that here today, but certainly, we could give her an update as to where those took place and who with. I do know that there has been tons of discussion around this issue, and I do know that we've been driven by what could be accomplished and what we could balance with the law.

**J. MacPhail:** Yes, I'd appreciate that. I think I'm not understating or overstating the case that there was a very mediocre, under-enthusiastic response to the minister's legislation. It would certainly be helpful to know why that less-than-enthusiastic response came about.

MADD was also asking the government to change the graduated licensing program to enact a zero breath-alcohol content limit up to the age of 21. Was this contemplated in the government's reform of drunk-driving laws, and what conclusion was reached?

**Hon. R. Coleman:** First of all, with the novice two-year period, it doesn't matter what age you are. It is zero blood-alcohol content. It has been in place since last October when we made the changes. If you're 35 and you're in a novice program, the zero percent alcohol applies to you just like if you are 17. It will continue to do so because we obviously can't discriminate over one age group with regard to that.

I should point out to the member, though, that in 2003, MADD checked the provinces and territories for 16 impaired driving programs. With this legislation, we have 12 of the 16 in place. This is the highest total of any province or jurisdiction, tied with Ontario.

The issue around what the other four were that MADD wanted us to do.... It was on MADD's list —

right? One was systematic sobriety checkpoints. They wanted those out in the field. In fact, we think our CounterAttack checkpoints are an enhancement to the traffic enforcement team, which is out there now and adding more people on a regular basis. The police choose the time and location of checkpoints — strategically based on when they expect people to drink and drive, obviously.

We think we meet the systematic checkpoint concern of theirs through our CounterAttack, which many of the jurisdictions across the country tell me is second to none. That's because of the unique relationship in this province between us and ICBC and having the ability to enhance those programs.

The ability to demand a field sobriety test. Only one of the provinces is credited with having this measure. In fact, traffic officers in B.C. are routinely trained in the recognition of impairment by drugs and alcohol, and they're fully able to use that training at the roadside and to investigate.

As a matter of fact, hon. member, with regard to that aspect, one of the things MADD was concerned about.... In March 2004 the RCMP took some of the enhanced enforcement moneys from ICBC for the road safety stuff to train a number of officers from around the province on how to get a warrant to obtain blood samples from injured people at accidents and how to better recognize sobriety and that sort of thing. Using a training-the-trainer model, these officers are now out training highway patrol and general duty officers in all detachments. The plan is to have all general duty officers and highway patrol officers trained at a higher level to deal with blood samples as well as sobriety no later than April 2005. They've actually been out there doing that.

The next one that was on their list was passive alcohol sensors. No jurisdiction is credited with having the statutory authority to use passive alcohol sensors. That's because no additional legislation is needed. We haven't put in the legislation because if it was an identifiable thing that we felt could be used in the future, once we were comfortable with the reliability, we'd be able to do that by regulation.

The only one we didn't do, and that's the one we mentioned a minute ago, is a vehicle forfeiture at .08, which is a Criminal Code offence. Manitoba is the only province that impounds for 30 days with regard to that.

[1050]

Now, having said that, this legislation puts us ahead on a number of issues. On graduated licensing, we're ahead; on CounterAttack, we're ahead. Suspensions for convicted drinking drivers are among the toughest in the country. Our response to 24-hour driving prohibition is tough. Get two of them and their licences will actually be suspended. We're the jurisdiction that's initiated that. Administrative driving prohibitions are tough here. The programs we're putting into place relating to the other things.... There's a whole litany of things we do in this province that are very good and that I think are very well founded.

I'm pretty comfortable with this package. It not only deals with impaired driving but deals with it in a way that we are able to do it within the opinions that we had. Certainly, one of the weakest opinions we looked at with regards to vehicle seizure was the impoundment of 30 days on the .08 criminal offence, because we needed to have a different authority on that.

That's where we would be with regards to that, and that's how we got to where we are. Certainly, I recognize that and have had many conversations with Mothers Against Drunk Driving, at a local level, on a provincial level and with their national body. I am not sure.... I mean, they always like us to go further. But as they grow to understand this, I think their initial reaction is being subdued somewhat from their initial reaction to what they saw in the legislation, once they got to understand what we were trying to accomplish here.

**J. MacPhail:** Well, I'm not speaking for MADD, and I don't think the Solicitor General should either. I'm just dealing from what they asked for in terms of the consultation. Certainly, when I said the reaction was subdued to unenthusiastic, that was beyond MADD as well.

These are first steps. I acknowledge that. I also acknowledge that these are the only steps that the government has committed to doing. That's what the government said out in the hallways to the media. This is all they're doing — all the Liberal government is going to do around drunk driving. This is it.

The government of Ontario made ignition interlocks mandatory for reinstatement of a licence upon the first impaired-driving offence. What is the experience of Ontario on that, and why did the British Columbia government choose not to follow that lead?

**Hon. R. Coleman:** Obviously, we're trying to achieve a balance. The Ontario situation is way too new. We don't know the results. It's way too new to have any measurements to know how it's working with regards to that.

We have a very strong administrative penalty program in British Columbia. When you're charged with impaired driving, we actually take your driver's licence away even before you go to court. We did about 8,000 of those administrative-type penalties last year. I think that taking the driver's licence away is an important aspect of what we do. It probably focuses the mind. We do know that on repeat offenders, interlock does have some value. That's why we've chosen to do that.

In addition to that, though, I think it's a piece of this legislation that.... When I talk to the public who have been calling, frankly, I have not yet had a negative e-mail or phone call about this legislation to me personally through my constituency office or by e-mail. What we're doing on prohibited and suspended drivers is going to be a huge asset to the communities. The one thing we do know is that people get prohibited and suspended, and then they choose to drive anyway. I think we have to focus on that.

I know the member is speaking about one organization that's in and around the road safety issues, par-

ticularly MADD, whose particular issue is impaired driving — almost solely. I think the most telling thing was an e-mail I got from a 23-year-old young woman yesterday, who was involved in a motor vehicle accident when she was 19 years of age. The friend that was driving the vehicle broke her neck and had the halo for a while. This young woman has had a soft-tissue injury and has been unable to work full-time for the last five years. She wrote me personally — unsolicited, out of the blue — to congratulate me after seeing what we'd done, saying it was the right thing to do. That's the type of response I've had from a number of people.

[1055]

I have heard from two families that I know have lost loved ones in accidents and who have both applauded the initiative. I think there's always another tool you might find, and if we find it, we'll use it.

We have not said we're not doing anything more, but we're not doing any more at the present. I really think it's important to give these changes and initiatives an opportunity to work, to see how they're going to improve the issue in and around impaired driving and the frequency of driving, and then measure that. As we go through it, I'm sure, as times change, law enforcement and communities will give us other tools or other suggestions with regards to tools we can use.

We knew when we started this process that we couldn't do everything for everybody. What we had to do was sort of try and find the balance to get some very good enhancements with regards to the issues in and around impaired driving in our communities. If you take this package along with our graduated licensing and what we do with 24-hour suspension today, I think we've come a very long way.

**J. MacPhail:** Well, Mr. Chair, I fully appreciate the sentiment of people who call in, who have been deeply and unalterably affected by drunk drivers. They deserve every ounce of attention through stronger laws that any government can get.

But it's a bit disingenuous to somehow suggest that the minister wants to see how these changes work, when he's playing catch-up to other jurisdictions. I mean, driving drunk has the same consequences whether in Ontario, British Columbia or Hawaii. Let's be clear on that. It has the same consequences. We have experience in other jurisdictions about tough laws on drunk drivers.

Let's look at the Ontario situation. I looked across the spectrum, and I wanted to see why British Columbia had fallen from second place, second-best jurisdiction in the year 2000, to eighth — eighth down the totem pole in the ratings for dealing with drunk drivers. It's because other jurisdictions have moved up, have done so much more.

Here's Ontario. Ontario made this claim on their website — that they lead the way in combatting drinking and driving through some of the toughest laws and programs in North America. Well, here's what they've done. Perhaps the minister can comment on this — about why they have done these things and he hasn't.

One, they have an immediate licence suspension for 90 days — immediate — for anyone who blows over .08 or who refuses a breath test, in addition to any criminal charges a driver faces in court. British Columbia has that. That's what the minister was just bragging about. But that's Ontario. Stiff fines — \$5,000 to \$25,000 for a first conviction and \$10,000 to \$40,000 for subsequent convictions. Longer suspension periods — one year for a first conviction, three years on a second conviction and life for further convictions. We don't have that here. Mandatory alcohol education and treatment, a three-step program: assessment, education and treatment, and follow-up assessment that drivers must complete. I'll get to that in a moment. Vehicle impoundment — minimum of 45 days for anyone caught driving while their licence is suspended. An ignition-interlock program — after mandatory programs, drivers can only get licence back if they agree to have ignition interlock installed in a car for a minimum of one year with longer terms for repeat offenders.

Did the minister consider these laws that are already in place in other jurisdictions?

[1100]

**Hon. R. Coleman:** Let me clarify for the member. Anybody charged with .08 and over in British Columbia gets a 90-day suspension. That's what you read out from Ontario. The stiff fines are Criminal Code and are set by the courts. The suspensions are the same.

The mandatory vehicle rehabilitation program.... We're not just going to do impaired driving. We can actually put people on 24-hour suspensions into a mandatory rehab program. That does not exist in Ontario or other jurisdictions.

The vehicle impoundment the member mentioned, which is 45 days, is going to be 60 and 90 here. On the ignition-interlock we feel that to manage it properly and to do it right, we'll put interlock on those repeat offenders. We will look at how that works and how Ontario works to decide whether we're going to expand that model to what the member talks about.

We're not in the business of copycat. We're in the business of trying to create legislation for our province. You know, we aren't going to do everything exactly the same as each other's jurisdiction, as the member well knows from her experience.

In addition to all of what we're talking about here today, we have, as far as I'm concerned, a better CounterAttack program. We have an integrated traffic unit that's coming up and rolling on funds that used to be spent by the corporation on paying overtime to police officers to actually target enforcement and issues in and around impaired driving and other traffic issues. As I said earlier, we enhanced the graduated licence program in the province and the training for police officers at all levels. On the 24-hour prohibition we can also seize the vehicle.

We can stand here and debate whether we should have done something differently or not. I believe we're moving in the right direction, and I think we've moved very well in the right direction considering where we

sit compared to the rest of the country. I guess we could debate here this morning whether we should have interlock on the first offence or not. It's not in this legislation, and it's not our intention at this time to implement it at this stage.

**J. MacPhail:** I'm sorry. The minister must have misunderstood about the fines. The fines are for first convictions, which in Ontario are \$5,000 to \$25,000 for a first conviction, compared to his legislation that he just introduced, which is....

Interjection.

**J. MacPhail:** Sorry. The offence is listed under section 10 of the minister's legislation. We'll discuss this under section 10. The fines that the minister has put in place for a first conviction range from \$500 to \$2,000 whereas in Ontario those fine ranges are \$5,000 to \$25,000. But we'll deal with that under section 10.

I'm a little bit taken aback that the Solicitor General would say they're not in the copycat business. Well, Jeez. If something's working to prevent people's lives from being lost and drunk drivers from killing others or themselves or from putting others at risk, bring on the copycats. Bring them on. I certainly see that combating drunk driving is exactly the kind of copycat government legislation we would want — where it's working.

[1105]

Now let's look at Manitoba. Manitoba got the top rating and certainly is considered, I think amongst all experts, the lead in combating drunk driving. Here's what their model includes: vehicle impoundment for driving over .08 or refusing to provide a breath or blood sample; vehicles driven by suspended or disqualified drivers will be impounded; owners must pay the costs of towing and storage plus an impoundment fee before the vehicle is released; permanent loss of one's vehicle if you're a drunk driver, even first offenders convicted of killing someone or causing bodily harm — permanent loss there; increasing the driver's licence suspension, ranging from one year to life; zero blood alcohol content for new drivers — that exists here; applying all impaired-driving sanctions to off-road vehicles. I'd be interested to know the minister's view on that. New drivers who violate the zero blood alcohol content restriction are subject to a 24-hour immediate roadside suspension and are required to attend a show-cause hearing to consider a further driver's licence suspension.

An assessment by Addictions Foundation of Manitoba of the driver's alcohol or drug use is required after an alcohol- or drug-related driving suspension, and the driver may be referred to an educational workshop, a program for high-risk drivers or an Addictions Foundation of Manitoba treatment program. The driver may also lose his or her licence and be disqualified from driving a motor vehicle or an off-road vehicle until the alcohol or drug use is under control.

Manitoba also has additional consequences if a person's blood alcohol level is over .08. If one refuses to

provide a breath or blood sample to police, there will be additional consequences. Here they are: an immediate automatic three-month administrative licence suspension; vehicle impoundment; a mandatory impaired-driver's assessment, at a cost of \$300; a licence surcharge premium of up to \$999 to the Manitoba public insurance; and completion of a driver's exam or driving course, at a cost of \$35 to \$120. Where are the gaps between Manitoba and British Columbia, and is the minister considering filling those gaps?

**Hon. R. Coleman:** How about the gaps when you were government? We've actually gone out and done some work here to try and improve impaired driving. To all of a sudden get a holier-than-thou attitude about what we've done because you think that maybe some jurisdiction does something and we don't do another and we do some things better than others....

Let's deal with this. Vehicle impoundment at .08 and a Criminal Code offence — no, we don't do that. A 24-hour suspension we do; impoundment for prohibited drivers we do. Impoundment, towing and pay costs that... For any impoundment or towing with regard to the stuff we have before us, it's the same thing: they have to pay for it. The one-year-to-life with a suspension — we've got that. Zero blood alcohol content for novice drivers — we already talked about that earlier.

We don't have anything in front of us in this legislation, nor did it come through the consultation in anything that I saw, about off-road vehicles. The 24 hours with the hearing and the show-cause, whether it be suspended, we have. Assessment after suspension we have. The driver disqualified until they've gone through treatment and they have a drinking problem under control — we have that. The three-month administration suspension we have, and a number of the other things. And we have some more punitive penalties on prohibited and suspended drivers.

[H. Long in the chair.]

Frankly, over the last two years I've spent a great deal of time measuring and balancing these in discussions with staff and with the public, and I think we've come a long ways. I think we have a good piece of legislation before us. The member will be able to sort of poke at it from other jurisdictions, saying: "You should have done this, but maybe you shouldn't have done that." I'd like to hear from.... I guess I won't, but maybe the member can tell me which ones she supported and which ones they didn't put in, in the ten years they were government.

[1110]

It was a challenge for me as minister working with some complex files, working with our B.C. Association of Chiefs of Police, our local detachment commanders, our traffic people, to find out what tools might work for them, working with the organizations, the traffic safety groups to find out what they thought would work for communities, and trying to come back with a

package that had some consensus to it and also that we thought would work. I think we've achieved that.

In the future, certainly now that the member's brought up the whole thing with regard to off-road people, I guess we'll have that discussion. Nobody else has brought it up to us. Some of the other things that we would look at we would be able to do administratively as we proceed to improve this thing even further.

**Hon. S. Brice:** I ask leave to make an introduction.

Leave granted.

### Introductions by Members

**Hon. S. Brice:** Joining us in the gallery today are the students from Beaver Lake Elementary in my riding of Saanich South. They're in grade 5. They're here with their teacher, Mr. Hamm, and some students' parents. I'm very pleased that they're here this morning, particularly to hear the discussion on this important issue of safety on the streets and the consequences for drunk driving. I would ask the House to please make them welcome.

### Debate Continued

**J. MacPhail:** I'm offended by what the Solicitor General just said. Here's why. There were huge changes made to fight drunk driving throughout the 1990s. It began in the 1980s — at the end of the 1980s — and there were huge changes. That's why the province received the second-highest rating for combatting drunk driving in the year 2000 — the last year of my government. So nobody's on their high horse. We worked really hard.

Then there was a B.C.-shattering event that occurred in January 2003, and it was this government that made commitments.

Interjection.

**J. MacPhail:** Let's just not get there. I'm having a reasonable discussion about what the potential is and what was promised, both morally and legally, after the government had a Premier who was convicted of drunk driving. So let's just stop, and let's just try to get about what's best for drunk driving and what the people of British Columbia expected from this government after their Premier was convicted of drunk driving. That's what put it on the agenda. That's why we are here today.

I have a comparison chart so we can get the best legislation possible in British Columbia now, Mr. Chair — not to see whether these changes work in British Columbia. The progress that was made in British Columbia came to a grinding halt in the year 2001 — a grinding halt — and this is what we have to replace it. So let's just stop with the politics, because the politics on this issue can get really nasty — really nasty. They haven't so far.

What issues does the minister discuss with his colleagues across Canada around drunk-driving laws? What is the forum for discussing this?

**Hon. R. Coleman:** Let's be clear. Whoever is in government takes tools that they find in other jurisdictions and not always all the tools, whether it is a previous government to this one or this one. They pick the tools that they think will work in their jurisdiction in consultation with the people in their jurisdiction who are in law enforcement and otherwise. Then they also look at how the law may have changed with regard to the Charter and some decisions that took place as you go through that. You seek legal advice as you try and make your changes to come into legislation. This is what we think we can accomplish.

[1115]

Having said that, the member asks me where the discussion about impaired driving takes place on a national level. That takes place at a federal-provincial Justice ministers level. I don't know that we've ever actually had impaired driving on the agenda. I know we've had a discussion informally — I have — with a number of people across the country with regard to the level of blood alcohol that's required for an impaired-driving conviction in this country, which drives a lot of the agenda, frankly, because the Criminal Code is .08. Whether we could move that down to .05 through the federal government.... The member would be well aware, because she did serve in cabinet in another government, that changing federal legislation is not something that happens very quickly. I haven't seen any initiative at the federal level with regard to them addressing their impaired-driving laws that they have at a Criminal Code level.

Certainly, my advocacy has been that I think we should have the discussion and look at the ability and the impact of what going to .05 would be and also at the level of penalties that exist for impaired driving. Just so the member knows, I have taken a continued position — one that has not changed since I became the Solicitor General — that I don't believe that the courts, with regard to offences involving injury and death involving an impaired driver, take this offence at the Criminal Code level seriously enough. I don't believe there should be conditional sentences for someone that uses a car in a manner, when they're impaired, that kills somebody. I think we have to send a tougher message at the Criminal Code and the justice level in regard to them.

Unfortunately, we can't put in place minimum sentences when we're trying to parallel the Criminal Code. We can't do a number of these things that our communities are frustrated by, which none of us has any control over. What we're trying to do is make it as punitive as possible with what we can do provincially with legislation within the realms of the advice that we have. That's the case.

I will tell the member this, and I will put it on the record, just so we're clear: I started looking into impaired driving and having discussions with the Attorney General long before the incident in Hawaii. I'm not

going to draw into a discussion about that particular incident. I think that when we're moving to where we have 12 of 16 things in place that every other jurisdiction in the country has; when in addition to that we hit all the other ones in a way that for the most part is the way it should be; when we've enhanced our traffic enforcement and enhanced all the things we've done in the last few years.... I'll give the member credit. For instance, the graduated licensing program was started under her government. I also give our guys credit for the fact they went out and looked at what the impact of enhancements to that program would be and came back with the statistical information, and we made the changes to improve it. That's good. I think it is good in all aspects.

I know that this is an issue that is emotional. This is one that some people have one opinion on, others have another opinion on, and there is no universal opinion as to what exactly will work in every jurisdiction or any jurisdiction. We continue to improve. This body of work won't stop; it will continue. If we find that other things are working as we assess it or find new things that could come on the marketplace to our advantage, we think we need to do that.

We actually have one car manufacturer now — I think it is in Sweden — that's actually putting interlock on the manufactured car. In a few years we may be in a position where that can be on any car and would be a huge asset to society. But those manufacturing automobiles are going to have to make that decision at that level.

I've been there, frankly. I have seen this personally, and I've seen the families personally. I balance that with my job as minister to try and get the most effective impaired-driving package available or possible for us, working within the parameters I'm given, and I think we're close. Are we perfect? Never. Can we get better? Yeah. That's why we won't stop working on it.

[1120]

**D. Jarvis:** I wanted to just add a brief comment and ask the minister a question, seeing we are on the subject. I want to tell him, and I'm sure he knows through the second reading, that I support his bill. I think he has done a good job at this point, and we've achieved a certain amount of balance. His rehab programs are great.

But an alcoholic is an alcoholic forever. You ask an alcoholic, and he will tell you that he is an alcoholic forever. There are times when the breakdown occurs. What my concern is.... I'm a hard-liner on this one — about life suspensions. I appreciate that what he's done is try to achieve this balance and that he will make changes if necessary down the line. But I was wondering if he has ever considered the possibility of having, down the line in the future, a life suspension for a non-conformist alcoholic that is continually being charged with drunk driving year after year or in multiples of years. Is he able to give that maximum charge of the life suspension, or is he subject to the federal Criminal Code aspect of it?

**Hon. R. Coleman:** We have it now. We can suspend a licence for life now. The way we approach it and the

way this legislation will allow us to approach it in the future is that the mandatory rehab, if they ever want to get their licence, has to take place. We have to be comfortable that they have their drinking problem in check before we will allow them to get their licence back. In cases of those and other people that are second-time offenders and more, repeat offenders, in some of the other aspects like 24-hour suspensions, not only do we have the mandatory rehab program in this legislation, but we also have the interlock for those folks.

We do have the ability now with the lifetime suspensions, and we have done that. Usually what happens is that about year 5, if they have achieved rehabilitation and they've gotten their substance abuse problem in place, they can reapply to the superintendent, who can then make a decision on whether they get their licence back or not.

Section 1 approved.

On section 2.

**J. MacPhail:** Mr. Chair, section 2 gives the superintendent the ability to require a driver with a poor driving record to take a driving course, other remedial courses or an interlock-ignition program before getting their licence back. It's up to the superintendent to make that call. There is no specific mention of a record of driving while drunk in this section. Why not?

**Hon. R. Coleman:** This section catches them all — not just impaired drivers, but those with bad driving records, etc. We deal with the impaired-driving side of it in section 20 of the bill.

**J. MacPhail:** What does "all" mean — old people or what? Who else would be captured by this?

[1125]

**Hon. R. Coleman:** This section is basically a new tool. It not only catches people who would have a 90-day administrative suspension because they blew over .08 before they went to court. We do about 8,000 of those a year. We had 24-hour suspension patterns tied in with driving habits. Were they bad drivers in other aspects? It also catches people that would have multiple speeding tickets or street racing and what have you. It allows us to send any one of those people to a remedial program — including medical conditions — to retrain them as drivers.

Basically, it's a new tool that allows us to send people with bad records and other issues of driving concern to remedial functions of training to improve their driving in order for them to get their licence back. That's what this catches. It also catches, obviously, any of the issues in and around alcohol, and section 20 deals with the issues in and around alcohol related to Criminal Code offences.

**J. MacPhail:** This is interesting. Perhaps the minister could explain to me what programs will be made

mandatory and what the nature of the program is. Tell me what it is for a person who is a drunk driver or a person who is a speeder? What are the programs, and where are they available?

**Hon. R. Coleman:** It authorizes the superintendent of motor vehicles to require a driver to take a driver training course, a remedial program or an ignition-interlock program if he or she considers it necessary. This allows us on the administrative side, if we identify somebody that's had multiple 24-hour suspensions, to actually put them into mandatory rehab. It also allows us, with people that have had 90-day suspensions with regard to impaired driving — and looking at their driver's record — to send them to mandatory rehab. It also allows us to do the mandatory rehab on anybody convicted of impaired driving.

In addition to that, looking at a driving record that comes to the attention of the superintendent, the superintendent has the ability to send them to an existing driver training school, for instance, where they can either have an update on their knowledge of the rules of the road or whatever — seeing as there seems to be a difficulty with their pattern of driving with regard to that — or retesting to maintain their driver's licence. So it allows for the rehab, the interlock and then other issues in and around driving habits of people so that we can improve those folks as well.

**J. MacPhail:** Will there be a list of approved rehabilitation programs? Does that list exist now, and could the minister describe it for me?

**Hon. R. Coleman:** There will be a list. Yes, that's correct — the reference list. But we already know what the rehabilitation program is going to look like. It involves screening of each individual. Then they would be identified as to whether they need to go to some sort of therapy, whether it be educational group therapy or counselling or an individual rehabilitation program.

[1130]

Right now we're working with the addiction counsellors across the province and putting this program together so it'll be done with the professionals. That assessment of the program and how it will work long term will come with them as we work through it to get it up and running across the province by the spring of next year.

I think that probably covers the rehab side, but there will be a list of other groups that are what we would identify as people qualified to do the remedial stuff and other aspects of driving — that if they went through their program, we would identify that as an acceptable program to us. But at the end of the day, it still comes back to whether on the final assessment, particularly with someone who has addiction issues, they have those in control before we would ever consider letting them get their driver's licence back. They will all still have to go through a pass process with motor vehicles to make sure that they are safe to put back on the road.

We know what the rehab program is going to look like because we have done some work on that. We do have the addiction professionals working with us on that program. We will have that up and running, and then it will be listed as to how that would work. Then we would obviously contract with those professionals to run the program.

**J. MacPhail:** Does the superintendent operate in the public interest now? Is he or she required to make decisions in the public interest? The reason I say that, because the language here says.... Let's be clear: this program isn't mandatory. It is as if the superintendent decides that the person has to go into the program. I'll get to that in a moment. In other jurisdictions mandatory rehab is mandatory rehab. This isn't mandatory.

It says: "This section applies if a person has a driving record that in the opinion of the superintendent is unsatisfactory or the superintendent considers that, with respect to the person's driving skills, fitness or ability to drive and operate a motor vehicle, it is in the public interest for the person to attend or participate in one or more of the following." Is the superintendent now required to operate in terms of denying or giving people licences in the public interest? How does that work?

**Hon. R. Coleman:** The superintendent of motor vehicles is a statutory authority. They're supposed to operate within the public interest. The courts have defined that public interest when dealing with drivers' licences as being in the public safety interest, meaning that the bad driving record has to, in the assessment of the superintendent, present enough of a public safety concern. The legislation enables that, in regulation, we will make the rehab mandatory for all people that are charged with impaired driving and convicted.

Interjection.

**Hon. R. Coleman:** In regulation it will be mandatory.

**J. MacPhail:** Well, there is a lot of stuff in this bill that says it is up to discretion. Why give the discretion to the superintendent and then say it is going to be mandatory in regulation? Put it up front. Mr. Chair, I'm going to table an amendment to that effect.

If the superintendent has to operate in the public interest now.... Sorry. Is the superintendent currently a he or she — just quickly?

**Hon. R. Coleman:** A he.

[1135]

**J. MacPhail:** He. Thank you very much.

If the superintendent has to operate in the public interest now.... I assume the superintendent has the power to suspend licences now. Am I correct on that? The Solicitor General is nodding yes. If someone's licence is suspended for speeding.... Can a licence be suspended for speeding?

**Hon. R. Coleman:** Yeah. Starting at about 12 points, the superintendent can start to suspend drivers' licences. Technically, if they had a number of speeding tickets over 12 points, yes.

**J. MacPhail:** Are there any programs in place currently for speeders that the superintendent has available to make the licensee take before he or she can have their licence reinstated?

**Hon. R. Coleman:** No, that's why we're putting this in — to give him the power to do so.

**J. MacPhail:** The legislation, both in Ontario and Manitoba, is about drunk driving. There is a three-step.... Let me just say, rehabilitation — mandatory treatment or mandatory education — is a must in Ontario. It's a three-step mandatory alcohol treatment program: assessment, education and treatment, and follow-up assessment, which drivers must complete. That's in the legislation.

In Manitoba it's mandatory as well. Mandatory assessment by the Addictions Foundation of Manitoba is required after an alcohol- or drug-related suspension. The driver may be referred to an educational workshop on top of that, a program for high-risk drivers or an Addictions Foundation of Manitoba treatment program. The driver may also lose his or her licence and be disqualified from driving a motor vehicle or off-road vehicle until the alcohol or drug use is under control. Those are additional discretionary things over the mandatory assessment in Manitoba.

Why didn't British Columbia make it mandatory? Why is it a discretionary referral?

**Hon. R. Coleman:** This gives us the authority and the latitude to send people to the right program. By doing it in regulation and, in addition to that, by policy, it will allow us to have the flexibility as different treatment programs become available that we may find could work down the road. We would be able to add those and have the flexibility to do so. That's why we're doing it this way.

**J. MacPhail:** You can actually do that by making it mandatory in the legislation — non-discretionary mandatory. Mandatory means mandatory — not discretionary, up to the superintendent. You can still keep an updated list of all the programs, etc.

Mr. Chair, I'm proposing an amendment. I'm wondering whether the Clerk could make it available to the minister.

I want to say that I'm sure it will come as a surprise to British Columbians — because this aspect of this legislation wasn't highlighted — that there are going to be discretionary rehabilitation programs for offences other than impaired driving. I'm not in any way suggesting the minister kept that a secret. I'm just saying people are expecting change around impaired driving. There is legislation across this country that specifically

requires mandatory rehab program attendance for drunk driving.

[1140]

My amendment brings British Columbia up to speed with those other provinces. I am amending section.... I am proposing, Mr. Chair, an amendment to section 25.1.

[25.1 (1) This section applies if a person has a driving record that in the opinion of the superintendent is unsatisfactory or the superintendent considers that, with respect to the person's driving skills, fitness or ability to drive and operate a motor vehicle, demonstrated by failing a roadside breath test that it is in the public interest for the person to attend or participate in one or more of the following:

- (a) a driver training course specified by the superintendent;
- (b) a remedial program or a component of it specified by the superintendent;
- (c) an ignition interlock program specified by the superintendent.]

On the amendment.

**J. MacPhail:** This brings this legislation up to the best that exists across British Columbia. I'm happy to accept an amendment from the minister that includes, in subsequent subclauses, other people who need to be captured, but this is upfront, mandatory and describes right in the legislation that if you fail a roadside breath test, you've got to go to mandatory rehab.

[1145]

Amendment negated on the following division:

YEAS — 2

MacPhail

Kwan

NAYS — 40

Falcon

Brice

Bell

Santori

van Dongen

Bray

Roddick

Wilson

Masi

Lee

Thorpe

Plant

de Jong

Christensen

Abbott

Coleman

Penner

Cobb

Jarvis

Anderson

Orr

Hogg

Nuraney

Nebbeling

Johnston

Krueger

J. Reid

McMahon

Stephens

Nijjar

Bhullar

Wong

Lekstrom

MacKay

Halsey-Brandt

K. Stewart

Suffredine

Hawes

Kerr

Nettleton

[1150]

**J. MacPhail:** Were there any recommendations from groups consulted by the minister to make such

courses and programs mandatory and automatic in the case of a person with a drunk-driving record?

**Hon. R. Coleman:** We will make it mandatory for all Criminal Code-convicted offences to have mandatory treatment in regulation. The superintendent will have the power, on people who receive a 24-hour suspension, to make the determination that they also have to go for treatment. That's not unusual in this province.

Interjection.

**Hon. R. Coleman:** Well, frankly, in the previous government as well, the superintendent of motor vehicles office operating as a statutory authority, has served this province well because of the ability to do some administrative things with regard to driving that don't require us to be in the courts all the time with charges. That's how we're going to approach it.

We will also allow for the discretion of the superintendent on alcoholics, on people who have repeat offences and difficulties with other driving habits to also be sent to.... As I said earlier, forms of ways to improve their driving.... But let's make it clear. It will be mandatory for anybody charged and convicted of impaired driving in British Columbia to take mandatory treatment prior to getting their driver's licence back.

**J. MacPhail:** No, it doesn't make it mandatory. When this government puts something in regulation as opposed to legislation, they can go into cabinet behind closed doors, and they can have a discussion. The Minister of Finance can say: "Oh, those rehab programs there are clamouring for government support because.... They need more support and more funding to provide the rehabilitation programs. We can't give them more support. We've got to cut any funding that goes to groups that are on the list. So don't make them mandatory, because those groups will just come back to us and say: 'Well, if you want it to be mandatory, you've got to pay us proper funding, give us proper resources to provide the programs.'"

Now, I know it's the drunk driver who's going to be paying for the course, but that doesn't in any way mean that those rehabilitation programs will not get into trouble in the future — doesn't mean it at all. The whole system can break down. Having it in regulation is weak and definitely weaker than other jurisdictions.

I have just one more question on this section, Mr. Chair, and then I'll note the hour. I will have more questions on this section at the next sitting.

Does this section accomplish making ignition interlocks mandatory for reinstatement of a licence upon the first impaired driving offence?

**Hon. R. Coleman:** No, it doesn't give us the authority for interlock.... Well, I guess it does on a first-time offence. It's not our intention to do that. It's on repeat offenders for interlock. It does allow us the flexibility to add it if we deem that the interlock on first-time offences would be of value as we assess the information that becomes available to us.

Noting the time, I move we rise, report progress and seek leave to sit again.

Motion approved.

The committee rose at 11:55 a.m.

The House resumed; Mr. Speaker in the chair.

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

Hon. S. Brice moved adjournment of the House.

Motion approved.

**Mr. Speaker:** The House is adjourned until 2 p.m. today.

The House adjourned at 11:57 a.m.